

Groveland Board of Selectmen  
Meeting Minutes  
January 11, 2016

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

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:32 p.m.

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

**APPROVAL OF WARRANTS:**

Selectman Wood made a motion to approve PW#16-29 in the amount of \$177,832.18; Selectman D'Amore seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-27A in the amount of \$24,649.01; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-29 in the amount of \$1,584,983.05; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS** – There were no appointments tonight.

**DISCUSSION AND POSSIBLE VOTE:**

Request to Close JB Little Road to Vehicles by the Highway Department, Police Department and State Division of Fisheries & Wildlife – Bob Arakelian (Road Commissioner) met with Deputy Chief Gillen, Fisheries & Wildlife, and the Environmental Police. There is a safety issue (and a liability to the town). The road will be closed temporarily with the possibility of closing it permanently. Mr. Arakelian said it will still remain a public way; no homeowner's land or access will be affected. Deputy Gillen said the biggest problem is dumping. The road is not safe for travel and they can't patrol it safely. Selectman Watson asked if there would be any reduction of funding in lieu of taxes. Mr. Arakelian said they will try to keep it open to the public, not vehicles, so there will be no reduction. Gates (supplied by Fisheries & Wildlife) will be put up; the Fire and Police along with the Highway Department will have keys. Ms. Dembkoski said when the state approached them, they wanted to acquire that portion of the road but we found that if they took possession, we would lose state-owned land funds; we are looking for an alternative so as not to lose funding. The Road Commissioner has the authority under the law to close any public way temporarily as an emergency condition; a permanent closure would have to come before the BOS. She contacted Kopelman & Paige because it is a state accepted roadway, as well as the MassDOT Highway Director; he is checking with their legal counsel and researching to find alternatives. Mr. Arakelian is limited on how he can repair the road because of Natural Heritage restrictions. It was the consensus of the board to support Mr. Arakelian.

Edward Cordiero of Eddie's Auto Body (929 Salem Street) regarding sale of used automobiles without a license – Ms. Dembkoski said she received complaints that cars were being sold on the property without a license. She asked the police to investigate; they found it to be true. Mr. Cordiero said he applied for a permit; Ms. Dembkoski said she never received a completed application. He said he was unaware that the property was being sold at the time he put the application in and stopped the process because he did not know if the new owners wanted him there; he will now renew it. Selectman D'Amore informed him that the landowner is required to sign off. Chair Dunn asked if he currently had any cars for sale; no. He said there are "not for sale" stickers on every vehicle. Ms. Dembkoski said a police officer called in June, spoke

with him and he said his friend Arthur was selling cars at his location. Mr. Cordiero said no, that he has a friend Arthur who sells cars. Ms. Dembkoski said the cars that were inquired about were from his location and he said his friend Arthur sells them. Again he said no, he said he does dealer work with different dealers; the cars sit there with no plates on them. He asked the dealers not to leave the “for sale” signs on them because it looks like he is selling them. Selectman Watson read the police report and felt that Mr. Cordiero was less than truthful in his answers tonight and his statements on the report. Ms. Dembkoski reminded him that the previous application was incomplete. Mr. Cordiero will meet with her to find out what is missing and complete the application.

Lower Center Street Discussion regarding Conservation Restrictions – Ms. Murphy supplied the board with detailed paperwork assembled from an in-depth conversation with Mr. Dempsey regarding the history on the Lower Center Street area. It included the Article that passed at town meeting along with the timeline of events. One of the biggest issues was transferring the land from Conservation back to the BOS. For that to take place, (1) Conservation has to vote that they do not need or want that land any longer, declare it a surplus and vote on it; (2) town meeting would have to vote to transfer that land; and (3) it would need to pass with a 2/3 vote of state legislation.

Chair Dunn said he met with the Fire Chief today regarding the grills and explained to him that the BOS has made their decision, Conservation has made their decision, and the people from the scout troop want some answers. The Fire Department has not made their final decision. The Fire Chief will meet with the Fire Permitting Officer who will have his decision within a few days. Selectman Watson asked Ms. Murphy to get paperwork on the timeline from the April 1999 vote of the town to transfer Johnson Pond parcels to Conservation (in July 1999, four parcels received Chapter 97 protection). He would like to see when it was applied for and when it was returned that they received it. Selectman D’Amore wanted it known for the record that it would not be a precedence under any reason for the BOS to take over any property or area of jurisdiction because they are in dispute with the Commissioner or board.

Discussion of Selling Town Land – Laurence Marocco (Minco Corporation) was present. He has been working on the town owned land; he cannot be the specific broker for the town because it has to go through a bidding process. The Chair wanted to know if he could be used to prepare analysis reports. Mr. Marocco was asked to explain the services the town would receive for his price of \$2,000 for analysis reports. He said the cost would include the important features of the property, i.e., land, the industrial parcels and former town yard, and a range of values per acre; the research will be broad and could be applied to any industrial parcel that the board has an interest in determining a value. Parcels valued under \$32,000 do not require a public bid process. Chair Dunn said we could use his marketing tools to market it; the board has the right to reject any and all bids. Ms. Dembkoski said the only requirement would be to use one of the state’s advertising media, e.g., the Central Register. She provided the members with Chapter 30B information regarding the selling of land to review. Selectman Watson said it is a positive because it gets the land back on the tax roll and generates money. Selectman D’Amore asked if we had a source for the fee. Ms. Dembkoski said we have a tax-owned land account that could be used. The fee would be paid when the report is provided. A packet will be prepared for Mr. Marocco. Ms. Dembkoski suggested giving him a list of properties we may want evaluated and vote an “up to” amount. Selectman MacDonald made a motion to authorize funding up to \$2,000 on analysis work relative to selling town property; Chair Dunn made a friendly amendment to include analysis and marketing; Selectman MacDonald accepted the friendly amendment; Selectman Watson seconded; voted 5-0-0.

**VOTES OF THE BOARD:**

Selectman Watson made a motion to approve the December 14, 2015 Meeting Minutes; Selectman D’Amore seconded; voted 4-0-1. Selectman MacDonald abstained.

**OLD BUSINESS (Unfinished Business):**

Selectman D'Amore requested a copy of Anita Wright's presentation regarding the Council on Aging issues; it will be copied for the board members and he hopes there will be further discussions with some actions for the Council on Aging building.

Selectman MacDonald asked the status of the Zoning Bylaw. Ms. Dembkoski said Town Counsel hopes to have it to the Planning Board tomorrow; they are finalizing the Table of Contents; they were under the 20 hour threshold. She will confirm tomorrow.

Selectman Watson asked the status of the Veto project. Ms. Dembkoski said there were some discrepancies with the documents she received. She met with the architect (who is away until the end of January). Upon his return, they will go over the specifications of the room. He also asked the status of the Shanahan Field bathrooms. Ms. Dembkoski said they are scheduled to be delivered April 1<sup>st</sup>.

Selectman Wood asked if the bathrooms at the Pines were completed; no. They are planned to be ready for the spring. The seeding has been put on hold because the fields will need to be dug up for the well and irrigation. Regarding the base for the lights, she met with Mike Houghton (Chair of Recreation); he said there will be ways around that to use the field. When they are ready to do the irrigation, it will be looked into further.

Chair Dunn talked to Bill Daley regarding the work that is being done at the Pines. The Chair, Mr. Daley, Mike Houghton and Dan Stewart will meet to discuss it. The equipment and wood chips are in at Washington Park. A grand opening will on the first day of baseball. Chair Dunn said the new police equipment is in the process of being put in; the electrical is done and the console is now being put in. Ms. Dembkoski said they are using their conference room as a temporary area while they do the renovations and wiring of dispatch center; it is an ongoing project.

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

1. Minutes from December 28, 2015
2. Letter from the Division of Fisheries & Wildlife regarding turtle nesting area on Salem Street.
3. Letter from William Daley regarding the Pines.
4. Article "Bagnall students take issue of homelessness seriously" by Selectman D'Amore.
5. Letter from a resident about a senior center survey.
6. Pentucket Arts Foundation letter.

#### **FINANCE DIRECTOR'S TIME**

Ms. Dembkoski said Town Counsel inadvertently put the wrong date on their calendar for the ongoing litigation update. It will now be Wednesday, January 20<sup>th</sup> at 6PM.

The Community Compact signing with Lieutenant Governor Polito has been rescheduled to Thursday, January 21<sup>th</sup>, 10:30AM at Newbury Town Hall.

#### **SELECTMEN'S TIME:**

Selectman D'Amore asked Selectman MacDonald if he was working on re-bonding the payments of the Center Street or any land purchases through CPA funding. Selectman MacDonald said he is still working on it, but it is not looking good. The bond is not callable for ten years. Ms. Dembkoski said one of the issues is that no one person or company purchases a municipal bond; it is split it, and because there are multiple shareholders, permission is needed from every one of them, so it was advised against. The land was purchased with tax-exempt bonds so we are limited to what we can do. Chair Dunn feels that since we

know can use CPA funds for certain aspects, should we let the committee come up with ideas. Selectman MacDonald said he was at CPC meeting last week and doesn't necessarily agree with Chair Dunn looking for instant relief; we are going to have some big ticket items in the next ten years. Chair Dunn said he was looking for instant tax relief for the homeowners. It is not clear yet if we can sell any of that land and put it in escrow. Ms. Dembkoski said you can sell, but there are limitations; in a portion of the email she sent him it said that if we do choose to sell, there is a disclosure that we have to do. The buyers have to file something, we have to file something to state that we have made money, and we have to hire an escrow agent and put that money aside; there are remediation actions we have to take, but it is doable. He feels the BOS should make the decision as to what we are going to do with the industrial portion; he does not feel the committee will make that decision. The rest could be given to them to decide what they feel it could be used for. At the next meeting, Mr. Dempsey is bringing an engineer to discuss the aquifer so we know what the limitations are on the property to be able to make an informed decision. Selectman MacDonald asked if Town Counsel came to a conclusion whether or not we can sell to a Conservation Trust or Affordable Housing Authority. Ms. Dembkoski was told that plans that call for a trust and using CPA funds for grants is not allowed; all you are doing is taking CPA funds and putting it back to general fund by calling it a grant, which cannot be done; that is specified in the CPA guidelines. CPA funds can be used for a specific purpose, but CPA funds cannot be used for the specific purpose of lowering the debt exclusion vote. Selectman MacDonald asked if CPA funds were used to develop it, could the town get back money in the general fund by a leasing strategy or user fee. She said we would be allowed to collect user fees, but it can only be for services. You can't collect user fees to cover debt service; it becomes a tax. Ms. Dembkoski will research the leasing options.

Selectman MacDonald had questions on the authority to spend \$4,888 on the Fire Department's PR person. Does that need approval? Ms. Dembkoski believes he solicited services and was not a contract; it is under the threshold to require a contract. Town meeting does not authorize individual expenditures; it is up to the department head to manage their budget. The board has control over spending; they approve the warrant and can speak with any department; for the most part it is discretionary for the department. Selectman MacDonald doesn't know of any other department that spends \$4,888 on twitter accounts, Facebook pages and public relations communication subscriptions. Chair Dunn said we can discuss it when the Fire Department budget comes before us. Selectman MacDonald said we need a more detailed budget from each department. Ms. Dembkoski said every department had a blanket expense line until last year. The expense line is now broken out; there is no more blanket expense line. Chair Dunn said the Chief felt this board was very critical of him and his work and that bothered him; he felt we didn't single out other departments. Chair Dunn said it wasn't done intentionally. Selectman MacDonald said there were two things: the grills and the fire truck; we didn't pick him apart; we didn't like the answers. The Fire Department acts differently than the other departments. Strong Chief vs. Weak Chief was discussed and will be brought up at another meeting. Ms. Dembkoski will check to see the requirements to see if a non-binding question can be put on the ballot.

Chair Dunn has been asked by residents why taxes are up. The reason is that the Center Street property is now on the tax roll and they are paying for it; it was voted on it three times and was passed by the townspeople. He believes that people go to town meeting and there are special interest groups to get things passed; it is not fair. It's not fair because the people feel intimidated; they vote and don't have enough knowledge and the consequence is now here and people are upset. People don't want to go to the Bagnall School to vote; they feel the decision is made before they vote. He thinks we should inform them more. Ms. Dembkoski said you cannot put a dollar amount on a ballot question when there is a debt exclusion; you can put it in the comments. Selectman MacDonald said he called the local services and asked if there should have been a dollar amount there and was told you can't put a finite number because it hasn't gone out to the bond bidding process. Mike Dempsey said that the idea of stacking town meeting and decisions already being made before you go in is very cynical; he doesn't see that happen. We have a democracy and he feels that a town meeting is one of the best forms of democracy because you get to stand up and say whatever you want; support what you want; personally vote for it; influence other people to vote for it. He

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further said it is unfortunate that the Selectmen chose not to use CPA funds for this particular parcel. Ms. Dembkoski will look into the requirements of mailing warrants. In the past they have not been mailed out; they are posted on the website and at the three public locations.

The next meeting will be held Monday, January 25, 2016 at 6:30 p.m.

Chair Dunn made a motion to adjourn; Selectman Watson seconded; voted 5-0-0. The meeting was adjourned at 9:04 p.m.

\*\*\* Unanimously Approved on February 18, 2016 \*\*\*