

Groveland Board of Selectmen  
Meeting Minutes  
February 18, 2016

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

Absent: Selectman Michael Wood

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

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

**RESIDENT/PUBLIC COMMENTS:**

Beth Burton (Library Trustees Chairman) informed the board that the Hamilton Wenham Library Board of Trustees unanimously voted to continue lending to Groveland residents. The Haverhill Board of Trustees is also voting to do the same. She thanked Jan Dempsey and Bette Gorski for their support. Ms. Burton reminded residents that if there is a book they can't borrow, to let them know and they will purchase it.

Kathy Kastrinelis (12 Hillview Drive) commented that she was pleased with the discussions and debates that take place during the meetings; it helps the residents become better informed. She also inquired about the Bagnall Summer Program and does not remember any reporting on the revolving account at town meeting. Ms. Dembkoski said the Director was unaware there was a requirement to report at town meeting but will do so going forward.

**APPROVAL OF WARRANTS:**

Selectman D'Amore made a motion to approve PW#16-33 in the amount of \$142,749.84; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman D'Amore made a motion to approve DW#16-31A in the amount of \$25,309.68; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman D'Amore made a motion to approve DW#16-32 in the amount of \$2,893.88; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman D'Amore made a motion to approve BW#16-33 in the amount of \$990,308.06; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS**

Selectman Watson made a motion to appoint Michael Cordaro fill the vacancy on the Open Space & Trails Committee through June 30, 2016; Selectman D'Amore seconded; voted 4-0-0.

Selectman Watson made a motion to appoint Reserve Officer Christopher Ertso to the position of full-time Police Officer effective February 12, 2016 for a one year probationary period pending successful completion of the police academy; Selectman MacDonald seconded; voted 4-0-0.

**DISCUSSION AND POSSIBLE VOTE:**

Firing Range Update – Officer Ed Fournier said they are ready to proceed. Thirty-five sites have been visited and research completed. He contacted DEP to be sure they are in compliance; they are as long as they are not shooting lead which they are not; they are using lead-free ammo. DEP had no issues with the aqueduct. That would only become an environmental issue if they were shooting lead. They reached out to the Natural Heritage Endangered Species Program and spoke to Phil Trusdell. No definitive answer was

received, but they did not see any reason not to go forward with it. The Department of Energy only has specifications, not regulations. He reached out to the Commonwealth of MA; there are no state regulations for building ranges. He talked to the MA State Police; the only regulations are for buildings, not berms. The site will consist of high three-sided berms with natural vegetation for noise control. They will not need many light poles taken down. Officer Fournier said it will be for training only; not open to the public. The back fence will be moved to encompass it. Handguns, 223 rifles and shotguns will be used on the range. It will be open Monday-Friday during the day, with special training on Saturdays; closed on Sundays. Mr. Dempsey (Conservation) thought Officer Fournier was going to give him a copy of the plan so he could submit it to the right person at NHESP. Officer Fournier said they didn't require any plans; Mr. Trusdell said they may visit the site visit, but no plans were required. Mr. Dempsey is concerned that Natural Heritage has not given their ok. Selectman D'Amore suggested Officer Fournier submit their best version of the plan to Natural Heritage and ask for approval in writing before proceeding.

Bob O'Hanley belongs to the Georgetown Fish & Game Club and is in charge of building ranges and backstops. He said the water table on the land is 6' and sand is the easiest way for any copper or lead to penetrate into the water. He noted that the policy in the Town of Groveland says that you can't have VOCs or any elements above what is already there in the site. The sun and rain is what deteriorates alloys and gets into the water table. Posting the area is needed. He also said the backstop needs to be 20' higher than the target being shot at and 10' thick. He is concerned with keeping people out of there.

Officer Fournier said they will be cutting into the hill behind the Highway Department. The site will be dropped down inside and have very high berms above it. There are no regulations on how high berms have to be. The main gate will be at the entrance and the three berms will be towards School Street. The berms are going to be high enough that there will be no errant rounds going into neighborhoods; it will be a controlled environment. DEP said they don't need eyebrows. Funding: Ms. Demboski said the prior board gave the police authorization to go forward. This board authorized funding and said the police can spend up to \$3,000 but if costs exceed that they had to come back before the board for discussion. Selectman D'Amore said we need an explicit plan and design assurance not only for Natural Heritage satisfaction, but for the neighbors and town as well. Selectman D'Amore made a motion that we ask the Police Department to submit a written plan or design in accordance with the manual and to submit that plan to Natural Heritage; motion not passed. Chair Dunn told Officer Fournier that going forward to please look at the concerns that were discussed tonight, and would like to have one more conversation with him. Officer Fournier was thanked for his efforts as well as Mr. O'Hanley for his input.

Capital Improvement Committee to discuss FY17 Capital Plan – Jeff Pappas (Capital Improvement Committee Chairman) said the capital plan for this year consists of four items: replacement of portable radios for the Fire Department, replacement of a one-ton truck for the Highway Department, a utility vehicle for the Cemetery Department, and replacement of a line cruiser for the Police Department. The total cost is approximately \$227,973. Portable Radios: Mr. Pappas said it is to replace all of the portable radios for the Fire Department which are currently failing on a regular basis; they are 10-15 years old; each repair costs \$300-\$400; new radios cost \$550; the current radios don't meet the safety grade. The original cost was \$130K, but after negotiations by the Chief is now \$82K. Highway Truck: Mr. Pappas said this is a scheduled replacement of a one-ton truck (it is a 2005). The fleet consists of 3 five-tons; 1 seven-ton, 2 one-ton trucks; all have plows. The quote is \$80K; it includes an upgrade to a stainless steel body. Selectman Watson agrees it is needed, but not with moving the body from one to another; he didn't think it was a good selling point. Ms. Demboski said she spoke with Highway Foreman, Bill Greene who is doing a lot of the assembling himself. He did get quotes and is quoting on last year's model. Cemetery Utility Vehicle: It is essentially a four-wheeler with a dump body on the back. Most of the roads are going to be closed so they can't use the pick-up truck; it would be useful in getting the work done efficiently (moving grass clippings) and will fit within the headstones. Replacement of Police Line Cruiser: This is done on an annual basis to keep the fleet up-to-date. Ms. Demboski said this car will replace the last of the Chargers which is costing them significant maintenance costs and repairs.

Strong Fire Chief vs. Weak Fire Chief Discussion – Selectman MacDonald said it started three years ago at town meeting and didn't know what the reason was to switch to a strong chief. His understanding is that when you go to a weak chief from a strong chief it has a lot to do with authority; what decisions the Fire Chief can make without any input from the Board of Selectmen. He doesn't remember any discussion on that topic. Selectman D'Amore said this board has done a good job in articulating a discomfort with the level of autonomy vested in one position. The remedy to that is to revert to a law that will give the BOS the appointing authority under M.G.L. Ch. 48, Section 42A or simply repeal it and let it revert back to the Fire Board of Engineers. Selectman MacDonald asked do we want a Fire Department that is autonomous where the BOS doesn't have a say in its management decision, or is it going to be treated like the other departments where the BOS does have a say? When you appoint someone under a strong chief law, it is pretty much an appointment for life. He said there are other towns that have switched back to weak chief because they found they lost control over the Fire Department.

He asked Mr. Ruchala in terms of control who is going to set the pay rates, the BOS or the Fire Chief; Mr. Ruchala said that is town meeting. Ms. Dembkoski said the BOS sets the salaries regardless of strong chief or weak chief; town meeting authorizes funding but this board approves all salaries. Selectman MacDonald asked if the Fire Chief should have tenure. Mr. Ruchala said he does not have tenure; you can remove him without cause. He said that's what you are trying to do, get rid of the Fire Chief because he is a strong leader. He further said they haven't had this good a leadership in the Fire Department in the past 21 years he has been a member. As far as the hibachi issue, that was delegation of authority from the State Fire Marshall, it has nothing to do with a weak chief or strong chief. He believes the reason a strong chief law would end would be political. Selectman MacDonald said it is not political; he does not like the strong chief stature. He said he is accountable to people and said if you don't like him, don't vote for him. Mr. Ruchala said that's not a good way to run a Fire Department. He is here tonight because he is passionate about the Call Fire Department in this town. The Fire Department is behind the strong chief because the strong chief looks out for us and buys us what we need to do our jobs safely and is an advocate for us. That won't happen if you start managing the department by committee. Selectman D'Amore said it is nothing personal and has nothing to do with the Chief in the position now; for him the focus is on the structure and the level of comfort. He said "cause" is one of the most difficult restrictive standards; it is very difficult for any authority to fire someone with cause. Ms. Dembkoski said our personnel policy would require the grievance process. The first step would be to grieve with their Department Head (that is the same for everybody). If they are not satisfied they go to the next step which is the BOS (the Call Fire Department falls under that).

Chair Dunn said Mr. Ruchala asked us to tell him what the problem is. Chair Dunn said there are a handful of people who don't feel under this situation we have, they have the right to come forward and grieve. He has talked to people and told them to come in and have a conversation. Where are they? They feel that with the system we have set up with the Chief they don't have any say because he is too strong powered. Mr. Ruchala said no; he said they have a say within the men and women of the fire officers, his station he has never had an issue; it is fair; the Fire Chief is looking out for their safety and the good of the department and the good of the town from the standpoint of enforcing the fire laws and also maintaining this as a Call Fire Department. Selectman Watson talked about the command vehicle. When it was purchased, it was for use by the Fire Chief; it would be left for the second in command if he was out of town. It was purchased so it would be the first vehicle on the scene in a medical emergency. Mr. Ruchala said that was not true. He said it was put under the direction and control of the Fire Chief; there is nothing in the town warrant about EMS. Selectman Watson said it was discussed beforehand and that was a reason to purchase it. He reminded Mr. Ruchala that he was on the committee that came up with a job description for the Fire Chief and one of the criteria was that the command vehicle would be responding to medical calls and it was discussed should the Fire Chief be an EMT. Selectman Watson said we don't have any say over that. Chair Dunn said the car is under the care and custody of the Selectmen, it is town owned property. Selectman MacDonald does not think it should be a career appointment; that alone is enough to go back to weak chief.

Mr. Ruchala said good training, good equipment and non-management by committee is what he is for. Selectman D'Amore said we can choose not to renew any contract with the exception of the Fire Chief. It is his recommendation that the board provide the town the opportunity to review this matter at town meeting, articulate our position, and leave the town to make a decision to repeal the current strong chief law and simultaneously implement the weak chief law, because with that law we can dismiss without cause, we can choose not to renew contracts and we would be more comfortable with that, and the Fire Chief's position would be aligned with all other employees of the town. Selectman D'Amore asked that the board consider his recommendation. Selectman MacDonald would support it; he can bring back research and examples. Selectman Watson took offense to Mr. Ruchala's comments against the former Fire Chief and thought he owed him an apology. Mr. Ruchala said he did not make any derogatory comments. Ms. Dembkoski clarified that the Chief did have a contract that recently expired. She recommended scheduling an executive session to negotiate the Chief's contract and start a dialogue. Selectman D'Amore said for him it is more about having the right structure for the town; Selectman MacDonald agreed. Selectman D'Amore does not have a specific interest with the contract negotiations. Chair Dunn said the scenario shows that members are not after the Chief, but the format on how it is set up. The next agenda will address the structure of the strong chief (repeal the strong chief law and implement either the Fire Board of Engineers or reversion of the weak chief law so the appointing authority reverts to the BOS).

Recreation Summer Program – Planning for FY17 (Summer of 2016) – Matt Castonguay said now that that they are in line with the policy and guidelines of spending, there needs to be some changes to the program. In response to a survey they sent out, approximately 2/3 said they would register their child for the 6 or 7 week program; 81% said they would not need the “by the day” option. Offering an extended day in the morning was discussed; they do offer extended day in the afternoon. Because there is a cap on spending they will be unable to take as many children as in the past. The 2016 projections were based on Groveland residents only; included was the extended day tuition. The projected enrollment income of \$139,655 is \$9,000 over the \$130,000 cap. Ms. Dembkoski clarified that the \$130,000 limit is from the tax levy (1% of the tax levy). The FY16 tax levy is \$13,087,996 which would make that limit \$130,879.96 (that is the spending limit, not the income limit); they could take in \$139,000 but can only spend \$130,879.96. That is statutory in MGL that governs revolving accounts. Reaching out to businesses to sponsor the program was discussed. Selectman MacDonald asked if they could reduce the wages, but Mr. Castonguay said that would cut the quality of the program. Ms. Dembkoski wanted to clarify that the 175 projected students are projected to be Groveland children without having to exclude anyone, and based on last year's staff that everyone that was interested in returning based on this budget will have a job this year; Mr. Castonguay said that was correct. The \$138,800 takes into consideration that some field trips have been eliminated.

Carlos DelCastillo (88 School Street) asked for payroll clarification and could the salaries be paid by a town account. Ms. Dembkoski said a revolving account has to self-sustain itself, including payroll. Selectman MacDonald asked if the 18% who may have a need certain amount of days was included in the 175. Mr. Castonguay said it was not. If you make those changes and allow that type of flexibility with a cap level, it would take away from the people who need the program full-time. Chair Dunn, Selectmen Watson and D'Amore are favorable to the proposed budget; Selectman MacDonald is not because he said there are 21 people that are excluded from the program and felt there are other ways to trim the budget. When finalized, Mr. Castonguay will provide the board with the resolution to the \$9,000 gap. Ms. Dembkoski recommended that Mr. Castonguay put together a list of employees and rates so the board can formally appoint them.

Fiscal 2017 Budget Discussion – Ms. Dembkoski said the budget discussion will be a placeholder on every agenda going forward. She explained the budget packets and what they include: statistical information, projections, revenue, budget breakdowns, each department's budget, what they look for...goals, objectives, etc., Pentucket budget (the most recent projection with their assessments). The front cover has the revenue projections, the requested budget, and where we stand currently. With the revenue estimates and requested budgets minus a few changes we will stand at a deficit of \$216,611; that does not have any new capital

included. The Finance Committee is beginning to meet. She briefly discussed some of the changes included. Chair Dunn asked about the Highway Department request. Ms. Dembkoski said Mr. Arakelian purchased a snow blower for the town hall complex and pays the custodian hours under the snow and ice budget so one of his men doesn't have to come off the street; he wants to see the custodian go full time. Also included is a town planner. The Planning Board requested a part-time planner; the Conservation Commission requested a Conservation Agent. She will provide a combined job description for the Chair.

The Pentucket Superintendent and Groveland's School Committee members are scheduled to come to the March 7<sup>th</sup> meeting to discuss Selectman MacDonald's report card scoring request and will be informed that the board wants to talk about the budget as well. Special Education costs are expensive. Three new students have moved into the Pentucket district; prior to the Special Ed cost on the initial assessment from the school the budget would have been all right. Selectman MacDonald said we are paying 38% of that. He said they are not education costs; they are skilled health related care costs and should be part of a health care package. He said it is fiscal irresponsibility on the state level and we need to talk to our reps to possibly make changes. Selectman D'Amore said how the state reimburses us should be re-examined. The cost for additional students at Essex Tech will cost approximately \$70K-\$80K per student; Whittier's numbers have increased year after year. Pentucket numbers are lower for enrollment; Whittier and Essex Tech numbers are up. We are paying more to Pentucket; we will more than likely be paying more to Essex Tech and Whittier as well. We owe Essex Tech an additional \$79K-90K we were not planning for. Selectman MacDonald said we don't seem to have any cost control mechanisms. Chair Dunn said we need to be more involved in the school budget and need better representation on the School Committee. Selectman MacDonald said we need a statute that protects our town. Ms. Dembkoski said we need to find a way to repeal that section. Last year we tried to get a meeting of the Whittier community to talk about the issues, one of which was the school choice kids that we are paying transportation for (which is illegal); we are funding a bus to go to Lawrence and other communities to pick up school choice kids. There was a meeting but no outcome. Most of the communities that were represented are outnumbered. Ms. Dembkoski said she tried to get a discussion to open the agreement with Whittier with the communities because it is so outdated; it went nowhere. Chair Dunn said we need to stand up against it; our legislators need the information. Ms. Dembkoski said we are hosting a legislative update with the MMA and the legislators who represent this region (Essex County). We need to get numbers and band together with other regional school districts. Chair Dunn said we have to have the attitude to go in and say we are not paying this bill; we want to know why we have to pay this bill. Ms. Dembkoski said there is no way we can absorb a \$510K increase when our 2½ is \$315K; we don't have expenses to cut; it is salaries; we are one person offices. The regional agreement we have with Pentucket is 2 out of the 3 communities. If 2 of the communities pass the budget, the third is in it. Chair Dunn asked if we can have the Merrimack Selectmen attend a meeting to talk to us about it. Ms. Dembkoski said the numbers in the budget are not the final numbers for Pentucket; they are working on it; they did not increase our costs this year. Selectman Watson said he was impressed with our representative (Doug Gelinas) at that meeting because he asked a lot of questions; he seemed like a good voice for us. Ms. Dembkoski told the members to look through the packets and if they have specific questions about departments, we can talk about it.

**VOTES OF THE BOARD:**

Selectman Watson made a motion to approve the January 11, 2016 Meeting Minutes as amended; Selectman D'Amore seconded; voted 4-0-0.

Selectman D'Amore made a motion to approve the January 20, 2016 Executive Session Meeting Minutes; Selectman Watson seconded; voted 3-0-1; Selectman MacDonald abstained.

Selectman D'Amore made a motion to approve and sign the Presidential Primary Election Warrant; Selectman Watson seconded; voted 4-0-0.

**OLD BUSINESS (Unfinished Business):**

Selectman D'Amore went to the Conservation Commission meeting and said they should reconsider their vote on the grills based on new information from the Fire Chief who did approve (1) a new set of rules, and (2) an application process. The Commission considered what he told them, they were receptive, but wants something in writing from the Chief on letterhead or the Chief presenting himself to them so they can formally accept his recommendation. Mike Dempsey said he will reach out to the Chief. Ms. Dembkoski will follow-up with Mr. Dempsey.

**CORRESPONDENCE TO BE REVIEWED:**

1. Minutes from January 25, 2016.
2. Executive Session Meeting Minutes from February 1, 2016.
3. E-Mail from Selectman D'Amore to Senator Tarr regarding Special Education costs.
4. Police Department statistics for 2014 and 2015.

**FINANCE DIRECTOR'S TIME** – Tabled to Monday

**SELECTMEN'S TIME** – Tabled to Monday

Selectman D'Amore made a motion that the board draft a warrant article that asks the town meeting to repeal General Law 48 Sections 42, 43 and 44 and subsequently approve General Law 48 Section 42A in order to repeal the current strong chief law and have it replaced with the weak chief law enabling the Board of Selectmen to be the appointing authority over all positions within the Fire Department. Selectman Watson said he does not think we can take it up under Selectmen's Time because of the way it is written; we need a suspension of rules to go back to that particular discussion. Selectman Watson made a motion to reopen the discussion on the strong chief vs. weak chief law; Selectman MacDonald seconded; voted 4-0-0. Selectman D'Amore once again made his motion and Selectman Watson seconded Selectman D'Amore's motion; voted 4-0-0.

The next meeting will be held Monday, February 22, 2016 at 6:30 p.m.

Selectman Watson made a motion to adjourn; Selectman MacDonald seconded; voted 4-0-0. The meeting was adjourned at 10:29 p.m.

\*\*\*\* Unanimously Approved on March 7, 2016 \*\*\*\*