

Groveland Board of Selectmen
Meeting Minutes
April 19, 2016

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 6:42 p.m.

RESIDENT/PUBLIC COMMENTS:

Rob McKean (Pentucket Babe Ruth Baseball Program) was here to ask for help (beyond what the volunteers can do) in getting the mound rebuilt and material brought in to level out the field at the Pines; the base line also needs to be re-cut. He has a quote from an outside vendor of \$4,500. Ms. Dembkoski said there is money for regular maintenance and Prescription Turf comes out regularly to fertilize and seed. She requested he send her an email with the specifics and she can reach out to Prescription Turf.

Melissa Lawless (9 Governors Road) said Governors Road is a complete disaster and asked the status. Ms. Dembkoski said the project was going to start last fall but there was an issue with a public hearing and then got into the winter months. The plan last year was not to start until June when school was out because part of the road would be closed and would impact school travel. She has not followed up with the Road Commissioner but knows he has mobilized the Water Department along with the other boards that will be involved. Ms. Lawless said it was to start in July and it is now April and nothing has been done. Ms. Dembkoski knows it is a top priority and will follow up with the Road Commissioner and get back to her.

Tracy Gilford said there are a number of people who do not have a number on their house. Any person owning property in the Town of Groveland with a building or buildings situated thereon and assigned a permanent identification number by the town shall affix said numbers in such a manner that is visible from the roadway. Numbers not visible from the roadway shall have numbers posted adjacent to the entrance of the property either by affixing it to a mailbox or other permanent fixtures. This is for everyone's safety; if the police, fire or ambulance can't find the number of your house, we can't locate you in an emergency.

Mr. Gilford said the last Saturday in April is "Rebuilding Together". Volunteers join together to help low income and the elderly get work done on their house. Groveland has had recipients in the past. Interested people can visit the website RebuildingTogetherHaverhill.org. It is a great opportunity to give back to the community.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#16-43 in the amount of \$135,308.31; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-41A in the amount of \$29,026.81; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-43 in the amount of \$1,145,445.79; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Brian Leathe as Alternate Building Inspector effective April 20, 2016; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Glenn Clohecy as secondary Alternate Building Inspector effective April 20, 2016; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion to appoint Daniel R. Richmond as Reserve Dispatch/Lock-up Keeper effective April 20, 2016 through June 30, 2016; Selectman Wood seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Chief Lay (Fire Department Monthly Report) – He provided a handout so the members could better understand how the department is run; he manages the people and they are organized in groups. They don't all report directly to him; they report to station captains and lieutenants in non-emergency situations; in emergency situations it is by chain of command. The small groups are designed to facilitate better communication and training. Selectman MacDonald asked at an earlier meeting about headcount. Chief Lay said the budgeted number is 40; July 1st that number will be decreased to be 35 or less. Chair Dunn asked if any of those leaving are in retaliation; the Chief said no. It is more driven by training and by how often they come out; some haven't come out in a year and the cost of outfitting people is expensive. He explained the call process and also the number and reasoning people go to a call and said they have a good overall program. The ultimate goal is to have the entire force certified.

Chief Lay addressed Selectman Watson's request for the number of calls they went on. Selectman Watson said building fires rose from 4 to 11 during July 1, 2014-March 31, 2015. He asked for an explanation of the EMS medical assistance designations. Chief Lay explained the reporting model (Massachusetts Fire Incident Reporting System); there are many different incident codes. Selectman MacDonald asked about EMS calls. The Chief said he has approved the EMS division to conduct a feasibility study. Training was adopted on January 18, 2015 after a year of development and having no standard. It is about firefighter safety being trained at a minimal level to do to the job.

Lieutenant Lawless (EMS) talked about the Class 5 Non-transporting ambulance. Currently the Groveland Fire Department responds as first responders; they are limited on the capabilities of what they can do for a patient; they are able to use an AED, Narcan and EpiPen. As a first responder basic they cannot operate as EMT basic. In order to operate as EMT basics in Groveland they are applying to obtain a Class 5 Non-transporting ambulance designation through the State of MA and Steward Health Care; a collaboration between both. They will be able to offer Groveland residents a better level of care; they will be able to administer NEB treatment and aspirin, and use a glucometer. The Department of Public Health will oversee them. Chair Dunn asked how long it would take; hopefully less than six months. As far as the opioid issue, they try to make sure the trucks are stocked. Chair Dunn believes an ambulance is needed here in the short-term. The Lieutenant said their wish is to transport and once they are classified and certified, they will be classified certified transporting. Selectman D'Amore commended him and said it is one of the most important strategic moves for our town. Selectman MacDonald asked if there was a higher level of service we can provide above EMS. The Lieutenant said yes, but we are on the bottom level of what EMS is. The next levels would be Emergency Medical Technician Basic, Emergency Medical Technician Advanced, Intermediate and Paramedic. We need to get to the next step. Selectman Wood asked if they will have 10 EMTs. Lieutenant Lawless said they currently have 9; one will be ready in a week, and 2 more want to take the class. The Chair thanked him for coming in and informing the public.

Chief Lay said all trucks have had their annual preventive maintenance; Engine 3 is not certified; it needs approximately \$6K of repairs before it can be certified. Air packs have been tested, repaired and certified.

Pumps have been tested. The Fire Chief credentialing information means that he and Captain Ruchala meet the criteria to be credentialed as Fire Chiefs in the state of Massachusetts by the Fire Service Commission. Chair Dunn asked the Chief if he understood what is going on with the weak/strong chief and that it has nothing to do with his tenure here; the Chief said he understands. Chair Dunn also said that the board is committed to buying the ladder truck but wanted the people to have the vote; they can choose to make a lump-sum payment (capital exclusion), or finance it (debt exclusion).

Selectman D'Amore said he drafted a position statement which deals with two issues: (1) the fire truck and the three articles, and the rationale as to why the board supports the purchase of the truck giving the people two choices to ultimately decide at the ballot. The second position is why we should revert to the Weak Chief Law. He hopes it doesn't become personalized and vindictive and hopes we can take the opportunity to show people that we can disagree and have a healthy discussion (pros and cons). He said your men need a truck, we want it and you want it; let's show the people how we can work together and convince them to do that. Chair Dunn appreciated him coming in and hopes good things will be posted on social media rather than what the Association has been saying. Chief Lay said he doesn't control social media; he created a Social Media Policy so he can control his men to a certain degree and he does that. He is not the Association, he is only a member; the majority of what you see posted by the Fire Department is positive.

Boat Ramp Fees for Upcoming Season – Because Community Preservation money is now being used on the boat ramp, it can't be restricted to Groveland residents only. Ms. Dembkoski is proposing new out-of-town fees for the upcoming season; \$50 for the boat ramp; \$150 for mooring. There will be no change to in-town fees (currently \$25 for the boat ramp and \$100 for mooring). There is no provision for a one-day fee because of the mechanics of the gate; permit owners have a key. Going forward that will change on an annual basis; permits are going down because people are keeping their keys. Because there is more involved in mooring maintenance, Selectman MacDonald made a motion to restrict the moorings to Groveland residents only; Selectman D'Amore seconded; voted 5-0-0. Selectman Wood made a motion to accept the permit fee schedule as amended for the boat ramp only; Selectman D'Amore seconded; voted 5-0-0.

Proposed Zoning Bylaw Discussion – Jim Freer (Planning Board Chair) has proofread many changes over the years. The rewrite started in 2005 and ended abruptly in 2008 with Blatman, Bobrowski and Mead; they made changes but were clarifications. A new bylaw was written in 1975; in 1988 the court said to write a new bylaw; he said the new bylaws are voluminous. The BOS wanted it to be reviewed by Town Counsel but there was no money to do that. Mr. Freer worked with Kopelman & Paige. It was determined that the bylaw that Blatman, Bobrowski and Mead wrote was what it had to be. Under Chapter 40A, the Planning Board is the owner of the Zoning Bylaw. He said we need to move forward and would like to see the board put Sam Joslin in charge to look through the bylaw. He thinks there is a problem with the Table of Uses (one issue is the P=permitted in a zone; NP=not permitted in a zone).

Chair Dunn said people are not happy with the matrix. He said in the meeting it was discussed that there would be no major changes to the bylaw; it was strictly to clean up the verbiage. In his eyes, the matrix was a major change. Selectman MacDonald said what was explained to him and what the board voted on for the warrant was that it was a formatting change only. He thinks we should table it and take it to a special town meeting in the fall. Walter Sorenson explained the process they went through. The matrix, which is called the "In Use Table", was always in the document from 2005. The document was complete, presented to the BOS but never made it to town meeting. The verbiage to be cleaned up was from the 2008 document; the chart was always in there. He said this board has to be responsible to get this document into use so we can go through it to see if there are necessary changes. Chair Dunn asked Mr. Sorenson if he was stating that the matrix is currently in one of our bylaws right now; no. Mr. Sorenson said the series of meetings held from 2005 to 2008 included the matrix. Was the chart there; yes, are those uses permitted today; yes. Chair Dunn said what you have done is take it out of the bylaw, put it into the matrix and put the matrix in. Chairman Dunn made a motion to table it; Selectman MacDonald seconded. Selectman D'Amore said the matrix is new but the content is the same. His recommendation is to communicate the changes with full

disclosure and table it to the fall; hold public hearings before then and appoint someone to review the process internally. Mr. Sorenson recommended voting on that section at a later time. Ms. Dembkoski said Town Counsel advised against that because if you take the Table of Use chart out, there will be no permitting at all; the whole article has to be tabled. Selectman D'Amore said it is the consensus of the board to ask them to consider withdrawing the article. Mr. Freer does not have a problem with that.

Selectman MacDonald said the problem with our current bylaws is that you need a special permit for everything and would like to be part of the debate to engage in regarding what is and isn't permitted by right. More discussions are needed between the Selectmen and the Planning Board. The board voted unfavorable for the article. Selectman D'Amore made a motion that the BOS engage in a very vigorous, coordinated collective effort with the town working closely with the Planning Board through a series of public hearings and other actions thereof so that the modification, finalization of an updated Zoning Bylaw is completed by the fall and throughout the process wherever it is needed and whenever it is possible to apply money as appropriated. Chair Dunn made a friendly amendment to include the ZBA. Selectman D'Amore accepted the friendly amendment. Selectman Watson made another friendly amendment to include the Building Inspector. Selectman D'Amore accepted the friendly amendment. Selectman Wood seconded; voted 5-0-0.

Sam Joslin, Building Inspector (Update on Proposed Building Department Software Solution) – Mr. Joslin addressed Selectman Watson's concern about accepting paper applications. He also wanted to let the board know that at the last meeting he misspoke; it is a 90-day cancellation, not a 90-day contract. He is looking for approval to enter into a contract with Point Software (\$10 per permit increase in the fees to cover the cost); the money goes into the General Funds. In the future Mr. Joslin will be bringing forward a proposal to waive the fees for anyone who has had a catastrophic loss or had a contractor who ripped them off and had to get another one. Chair Dunn made a motion to accept Mr. Joslin's proposal; Selectman Watson seconded; voted 5-0-0.

VOTES OF THE BOARD:

Selectman Watson made a motion to approve the proposed Harbormaster job description; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion to approve the proposed Dock Master job description; Selectman Wood seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Chair Dunn talked about the secret ballot at town meeting. Ms. Dembkoski reiterated the process; someone has to make a motion on the article you want to use it on; it has to be seconded; there will be dialogue; and it has to pass the majority of town meeting. If the vote does not pass town meeting, you do not have a secret ballot. Town meeting has to authorize each article that you would like to have a secret ballot. She and the Town Clerk will be ready with the necessary items needed. The articles the board would like to see a secret ballot on are Articles 13, 15, 24, 29, 30 & 31. The Chair wants volunteers and not have the board take part in it. Mike Dempsey thought the process would be time consuming and maybe limit the number of articles to use secret ballots on. The Chair believes the people want the process changed and will stick it out. Selectman Watson agreed and said we should look into electronic voting for the next town meeting.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from March 21, 2016
2. Minutes from March 28, 2016
3. Minutes from April 4, 2016

4. Position Statement from Selectman D'Amore regarding fire truck and strong/weak chief articles
5. Letter from Howard and Shirley Esty on behalf of Eric Harper and 441 Main Street
6. Packet from Massachusetts Office on Disability
7. Letter from Paula Delaflor regarding 299-301 Main Street, Groveland

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski said if both the capital exclusion and debt exclusion pass at town meeting and both pass the ballot, technically it comes back to this board to choose which one you want to go forward with unless the board puts something in place; she recommended that they need to formalize a mechanism. Selectman Watson made a motion to go with the most votes in the affirmative; Selectman D'Amore seconded; voted 5-0-0. Town Counsel recommended, because it will be confusing, speaking about it at candidate's night or putting out a press release about the ballot questions and why there are two on the same topic.

SELECTMEN'S TIME:

Selectman D'Amore asked to go back to his position statement regarding the fire truck and strong/weak chief articles. He suggested doing this to articulate what he thinks is the board's consent on two issues and to counteract some of the inaccurate information posted on line and told to him that people are confused on these two issues.

Fire Truck Purchase – It is the express desire of the board to purchase a brand new truck for the Fire Department. This desire has been well communicated by the Board of Selectmen members by both actions in the form of votes and open session discussion. The three articles that impact this decision are Articles 28, 29 and 30. These three articles effectively ask town meeting to rescind last year's debt authorization since there was no identifiable source of funding and was openly declared as an error made by the board at that time to implement an effective and practicable method of paying for vehicle. It is the expressed desire of the board to offer all eligible voters the option to support and pay for the truck by either a capital exclusion arrangement or debt exclusion arrangement. Both of these require the taxpayer to pay amounts in excess of current taxes. The BOS will strongly advocate for the purchase of the truck and hope town meeting will approve both articles so whichever one is successful at the ballot, we will not need to reconvene a special town meeting to ratify the vote. Article 28 is to rescind last year's debt authorization; Article 29 is capital exclusion (one-time payment; the impact is approximately 90 cents per thousand to the tax rate); and Article 30 is a debt exclusion; a 20-year borrowing, including principal and interest, to cover the purchase of the truck based on the current interest rate; the impact would be approximately 8 cents per thousand to the tax rate in the highest years.

Revision to the Weak Chief Law – By unanimous consent and vote, the BOS wishes to retain the authority to appoint all positions in the Fire Department. This authority exists with all current departments. The removal of this authority was done by town meeting vote on April 29, 2013 by Article 16, and this board perceives this as an arrangement that is detrimental to the townspeople. In no way does the board advocate for this position as a method to enforce a condition on the current chief. In fact, the board is aware that the change, if it materializes, will not apply to the current chief. Below are comments from Town Counsel concerning this (which are posted). The board has received responses from members of the Fire Department that there is concern that the Fire Chief will lose authority to set departmental pay rates. Under either the Strong or Weak Chief Law, he does not have such authority. That authority falls solely on the Board of Selectmen. In accordance with the Strong Chief statute (which is what we have), MGL Chapter 48, Section 42, "we shall fix the compensation of the permanent and call members of the Fire Department subject to the approval of the Selectmen." The board would like to start enforcing that requirement and have all pay rates, especially increases, come before the BOS for approval prior to implementation.

Selectman Watson asked if the comment “the BOS will strongly advocate for the purchase of the truck and hope town meeting will approve both articles” would sway the voters. Ms. Dembkoski said you can advocate for articles but you can’t provide written specifics when it comes to exclusion questions. . Selectman D’Amore will amend the language to state it is the consensus of the board. Selectman MacDonald would like to communicate to the people that a Strong Chief is not a democratic process. Town Counsel will assist Ms. Dembkoski in writing the impact of a Proposition 2 ½ override and the impact of a capital exclusion override; no specifics of the fire truck or the amount, only what it means if you vote yes on those articles.

Town Meeting is Monday, April 25th; Candidates Night is Wednesday, April 27th from 7PM-9PM; Elections are Monday, May 2nd; the next formal Selectmen’s meeting will be Tuesday, May 3rd to reorganize.

Selectman Wood encouraged people to come to the candidate nights. Secondly, he asked that remote participation be added to the next meeting. Lastly, he thanked Selectman D’Amore for his service on the board. Selectman D’Amore said he will continue his humanitarian projects, take a year off and all options are open next year. He thanked the members and said it was a pleasure working with all of them. Selectman Watson said the Chairman did a good job as well.

Selectman MacDonald thanked Selectman D’Amore and said he was responsible for the expansion from a three to five member board. He thanked him for his dedication to that cause and for making that happen. He also said the Little League parade is this Saturday. Chair Dunn asked to meet as a group if possible; he plans to say a few words.

Selectman MacDonald said there are alternatives to the open town meeting; there is a representative town meeting. It is not exactly what people call pure democracy, but it could potentially cure the problem we have with special interest groups showing up at town meeting, stacking the vote and walking out with the cash; food for thought. Ms. Dembkoski said Kathy Kastrinellis has expressed an interest in reviving the Government Advisory Committee after the elections.

The next regular meeting will be held Tuesday, May 3, 2016 at 6:30 p.m.

Selectman Wood made a motion to adjourn; Selectman Watson seconded; voted 5-0-0. The meeting was adjourned at 10:24 p.m.

*** Approved on a vote of 4-0-1, with Selectman O’Neil abstaining on May 16, 2016 ***