

Groveland Board of Selectmen  
Special Meeting Minutes  
April 4, 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 6:30p.m.

**RESIDENT/PUBLIC COMMENTS:**

Elizabeth Burton (Library Board of Trustees Chair) wanted to clarify some of the numbers the BOS questioned at their last meeting: (1) Salary line \$107K vs. \$103K. They gave some library assistants an additional salary increase because they are underpaid compared to other libraries; they were losing staff. (2) Interim Library Director 2% increase. She is underpaid according to the minimum Library Director salary in the Massachusetts libraries. Ms. Burton said they have decreased other lines items, e.g., technology. They are also asking for a 2.5% raise for the Youth Service Librarian. She was the only full-time staff when they didn't have a Library Director; she trained staff, keeping the library open. Chair Dunn wants to keep all town employees at a 2% raise to keep it fair. She wanted to make the board aware that if the staff turns over, this is the reason why.

**APPROVAL OF WARRANTS:**

Selectman Wood made a motion to approve PW#16-41 in the amount of \$162,711.53; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-39A in the amount of \$23,332.67; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-41 in the amount of \$168,835.77; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS:**

Selectman Watson made a motion to appoint Cassandra Murphy to the position of Treasury/Collections Clerk in conjunction with her Administrative Assistant position, working 30 hours/week effective April 5<sup>th</sup>; Selectman Wood seconded; voted 4-0-0. Ms. Dembkoski thanked Emily Boutin and thanked the board for their support of this appointment.

Selectman Wood made a motion to appoint Linda Friel to the Historical Commission through June 30, 2017; Selectman Watson seconded; voted 4-0-0

**DISCUSSION AND POSSIBLE VOTE:**

Chief Kirmelewicz (Memorandum of Agreement to his Employment Contract) – Chair Dunn said they appreciate the work he has done for the town; he has brought a lot of experience and expertise. Selectman D'Amore appreciates his help with transitioning to a new chief. Selectman Wood made a motion to accept the Memorandum of Agreement for Chief Kirmelewicz's retirement plan; Selectman D'Amore seconded; voted 4-0-0

Selectman MacDonald arrived at 6:48 P.M.

Sam Joslin, Building Inspector (to present Building Department software solution) – Mr. Joslin is looking to upgrade the department to accommodate homeowners, contractors and realtors by getting as much information on line as possible. Point Software has a program called “Permit Link”. Typically you pay a lump sum fee to purchase the software, do the data conversion, and obtain agreements and licenses. They charge a user fee per permit, eliminating all upfront costs to the town; it is a 90 day contract; there is no obligation to continue. Some benefits include better customer service, the turnaround time is much quicker, electronic document storage, more accurate data for the assessors, open permit tracking, infield verification of permits, and infield availability of plans. Those who don’t want to use it don’t have to. It is essential that the town start moving in this direction and is a cost effective way to do it (\$10 per permit). Chair Dunn felt we could use it and bring the department up to where it should be. Selectman D’Amore said it is a benefit to the homeowner and the contractor; 24 hour access; not having to track him down. It is compliant with Mass General Law for e-signatures. Selectman D’Amore questioned the fee for extracting documents. Ms. Demboski said the contract states it is only in the event that we terminate our agreement with them that they would agree to provide us with all the data; it is a fee of \$100 per permit capped at \$1,500 per extraction occurrence. Selectman Watson is not prepared to vote tonight; he would like to see the negative comments from homeowners and contractors. Mr. Joslin will provide that information. Selectman Watson is a firm believer that if it is not written down, it never happened. Mr. Joslin said this process will have better documentation because it will be entered and signed, but anyone who wants to come in and apply by paper format can do so. Selectman Watson wants to see it written that it can be done both ways, not by electronic submission only. Selectman D’Amore made a motion for the adoption of the Point Software permit link web based permitting program for the Building Department contingent on (1) that it is a 90 day trial; (2) the start date is set by the Building Inspection at his discretion; and (3) upon implementation, even during the trial phase, the standard operating procedure of the Building Department be posted on the website as to the two pathways that one can engage to secure permitting either by electronic format or paper format; Selectman Wood seconded. Selectman Watson said he was not prepared to vote tonight, wants to review it, and wants some negative comments from the other towns that use it, and will not support the motion. Selectman Wood would be good with that philosophy if it was costing the town money but it is not. Mr. Joslin said there is truly no cost. Selectman MacDonald suggested tabling it for a month to satisfy Selectman Watson’s concern for more information. Chair Dunn said there is a motion on the floor. Selectman Wood said from what he read it is not a huge learning curve; it is simply an application that you use. It is not a huge database or expense; there is nothing wrong with using technology; we are not cutting anything off. Chair Dunn said he would make a friendly amendment that Mr. Joslin return in two weeks to answer the questions brought up by the board. Selectman D’Amore withdrew his motion. Mr. Joslin will return later this month.

Bob Arakelian, Road Commissioner (to discuss the MassDOT Complete Streets initiative) – Mr. Arakelian said the program is put out by MassDOT to all cities and towns in the state to enhance pedestrian and bicycle traffic and keep the streets safe. Every city and town is eligible for \$400K and \$50K for technical assistance. He would like the Selectmen to adopt the policy which has to be done in order to qualify for the funds; a prioritization plan will need to be adopted next. It is 100% reimbursable. Ms. Demboski said the difference between this policy and Chapter 90 funds is that with Chapter 90 funds we receive approximately \$239K; this is \$400K for every community to be eligible for. Selectman D’Amore made a motion to adopt the Complete Streets Policy as written by the Road Commissioner; Selectman Wood seconded; voted 5-0-0

The Chair asked for a brief update on the Route 97 project. Mr. Arakelian said it will start in a few weeks. There is a utility meeting on Wednesday. It will go from the Georgetown line to Parker Road and includes new drainage, sidewalk widening, handicap access ramps, and new pavement (\$5,300,000).

Discussion and Vote to Approve Town Meeting Warrant – Members were given the revised warrant showing how the board voted. There were a few changes; the Chapter 90 number in Article 2 is \$600 more than last year; Article 16 (Whittier School District Stabilization Fund)-Ms. Demboski met and asked about

the stabilization account. The answer was that barring any unforeseen emergencies, they do not see having the town's assessment increase to fund their stabilization account. Selectman D'Amore made a motion to adopt Article 16 as written; Selectman Wood seconded; voted 5-0-0

Article 17 Johnson's Pond – Mike Dempsey sent revised numbers to clear only a portion of the water lilies and not the whole area. Chair Dunn is not in favor of taking out lilies and feels they will grow back. Selectman MacDonald does not think we need to spend the money to remove them; it is the habitat for fish; water lilies are a modern invasive species and unless you change the depth of the pond, those weeds are going to grow back. Selectman D'Amore said the process could potentially increase water lily growth. Ms. Dembkowski said of the budget that Mr. Dempsey submitted (\$41,850), \$8,700 is for the removal and composting of the water lilies; the remainder is for other things (one to create a picnic area; one to rehab the picnic area). Selectman MacDonald would like some assurances in writing that it is not a replacement of the lower Center Street picnic area and public use area. Mr. Dempsey said the proposal will enable them to file the permits; it doesn't say specifically what they are doing; primarily the CPA funds will be used for planning and permitting. Selectman MacDonald asked if there are any plans to prohibit boat access on Johnson Pond; Mr. Dempsey said no. Selectman Watson asked if they will be putting the grills back in at lower Center Street. Mr. Dempsey said they still looking at it and Selectman Watson asked if they could specifically address that in the Article. Chair Dunn thought the article was to do renovations to be a picnic area and after discussions feels it is for the shoreline erosion problem; he doesn't think it is worded specifically enough for him to vote on it. Mr. Dempsey said it was purposely not specific; he was trying to keep it broad enough for the Commission to be able to address what they want to do because they haven't made a decision. Chair Dunn wants it more specific. Selectman MacDonald said it is vague; the Conservation Commission does have jurisdiction over it, but if the people are going to vote an appropriation, they want assurances as to what are they going to get for their money; he doesn't feel comfortable voting on it. Selectman Watson agrees with the Chair that we don't have enough information. Mr. Dempsey withdrew the article without prejudice and will present it at another time.

Article 31 – The board wanted to review the language in the Strong Chief Law. Selectman D'Amore read the law. The BOS would like to repeal the current Fire Chief Law and convert to the Weak Chief Law which is more of a managerial arrangement between the Fire Chief and the BOS; the BOS would retain appointing authority. Selectman Watson doesn't think you can go back; he thinks the present Chief will retain his position until such time as he retires. Ms. Dembkowski will check the legalities. She said if the board wants it for the future, they can vote on it now and it will be for the Chief's successor. Selectman MacDonald said it is important to know that unless we have appointing authority, it is one person that does the appointing; nowhere else in town does that occur. The Weak Chief Law will allow for a more democratic process in the future; it would not be political appointees. People need to understand what the board is trying to accomplish. Selectman D'Amore said this has absolutely nothing to do with who the Fire Chief is; it only has to do with reversing a significant historic error that this town has made in implementing a set of laws that concentrates a level of power and authority in a position that is unacceptable to many people in this town. We need to present it to the town and defend our position; we want to give back to the BOS the ability to appoint and it does not affect this Chief in any way, nor does it force him to negotiate. Selectman MacDonald said he will stand up and talk at town meeting. Selectman D'Amore made a motion to adopt Article 33; Selectman MacDonald seconded; voted 5-0-0.

Ms. Dembkowski included an explanation for the exclusions (capital and debt) Articles 29 & 30 and also included an approximated amount for each taxpayer.

Article 32 (Zoning Bylaw) – The Attorney General is reviewing the language. Because of its complexity, town counsel wanted to have the Attorney General review it so if town meeting passes it, it would pass at their level as well.

Selectman MacDonald questioned Article 13 because he was told by someone that the Water & Sewer Department had a million dollars in free cash and why not spend it on road improvements. Jim Sheehan said that was totally incorrect. Ms. Dembkoski said Tom Cusik (Water Superintendent) provided a response in an email to the board. Mr. Sheehan said they are very transparent; they have approximately \$296K in free cash, \$1.5 million on a construction project, water rates are based on how much water they pump which changes year-to-year; they reinvest that money.

The Selectmen signed the warrant.

**VOTES OF THE BOARD:**

Selectman D'Amore made a motion to approve the March 2, 2016 Meeting Minutes; Selectman Watson seconded; voted 5-0-1. Selectman Wood abstained

Selectman D'Amore made a motion to approve the March 7, 2016 Meeting Minutes; Selectman Watson seconded; voted 4-0-1. Selectman MacDonald abstained

Selectman D'Amore made a motion to approve the March 2, 2016 Executive Session Meeting Minutes; Selectman Watson seconded; voted 4-0-1. Selectman Wood abstained

**OLD BUSINESS (Unfinished Business):**

Selectman D'Amore thinks we should table the use of secret balloting and electronic devices at town meeting this year because we don't have a bylaw that allows it; the only default position we have is the town meeting rule book. We need a petition and proposed bylaw so that by town meeting next year, the town can vote to implement a bylaw to allow secret balloting with electronic devices. Selectman MacDonald agreed with Selectman D'Amore that we need more time on it, but there is another way to go, using a ballot counter machine. Ms. Dembkoski said you could do a secret ballot which would be handing out pieces of paper with the article number, people can check one, and then they are physically counted. Town Counsel said if we were going to try electronic devices to see if it works, it would not have to be every article; someone would make a motion at the start of town meeting, it would have to be seconded and passed in order to use the electronic devices the entire night. However, if it fails we would have wasted the \$8,500 on one night. If you are looking for long term, the plan would be to get a proposal on what a long-term contract for the devices cost, put together a bylaw change and go to town meeting with that before you agree to a contract. To use a secret ballot, someone has to make a motion and it has to be seconded and accepted by town meeting. If that is the case, we need to be prepared with preprinted slips and figure out the setup so you would physically see that each person is dropping only one piece of paper, and then they would be counted. Each ballot has to be counted before going on to the next article. Ms. Dembkoski will be prepared for several articles. She will send the moderator the final warrant.

**CORRESPONDENCE TO BE REVIEWED:**

1. Proposed job description for Harbormaster.
2. Proposed job description for Dock Master.

**FINANCE DIRECTOR'S TIME:**

Ms. Dembkoski had a conversation with the interim Essex Tech Superintendent. She expressed her frustration that we don't receive any communication, numbers or feedback until we get a bill in November. The Superintendent said they provide a significant amount of information to the school districts; we have not received anything; Merrimack and West Newbury have not received any information either. Essex Tech will add us for direct communication. There are 6 Freshmen; 2 Sophomores; 1 Junior; 0 Seniors; we are not losing anybody. Five students have applied; the cost per pupil is \$16,464. The Superintendent does not believe all five will be accepted because of the nonmember communities; there are approximately 83

spots and there are approximately 34 nonmember communities. \$80K was added to the budget (which would be about 3 new students). She will be informed the first week of June how many were accepted, but that may change over the summer.

The Groveland Baseball League invited the board to the opening day celebrations on Saturday, April 23<sup>rd</sup>. Chair Dunn plans to attend as well as members who are available that day.

**SELECTMEN'S TIME:**

Chair Dunn said there is an opening on the Housing Authority Board due to the passing of Tom Sayer. There is one year left on the appointment; reappointment is in 2018. The Chair thanked Tom's family for the work he has done and extended their condolences. He also said Bob O'Hanley is in the hospital and sends best wishes for a speedy recovery.

Selectman Watson expressed the need to fill board vacancies. If anyone is looking to help the town, please contact Ms. Dembkoski or Ms. Murphy.

Selectman Watson said we should thank the teachers at the Bagnall School for the revolving artwork being displayed by the Treasurer's Office. Ms. Dembkoski said she was speaking to the Principal and he told her he was displaying art work at the schools, and she said she'd love to display some at Town Hall.

The next regular meeting will be held Tuesday, April 19, 2016 at 6:30 p.m.

Selectman D'Amore made a motion to adjourn; Selectman Wood seconded; voted 5-0-0. The meeting was adjourned at 9:38 p.m.

**\*\* Approved on Tuesday, May 3, 2016 with a vote of 4-0-1 with Selectman O'Neil abstaining. \*\*\***