

Groveland Board of Selectmen
Meeting Minutes
May 31, 2016

Present: Chair William Dunn, Selectman Daniel MacDonald, Selectman Ed Watson, Selectman Michael Wood, Selectman William O'Neil

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 7:00p.m.

RESIDENT/PUBLIC COMMENTS: None

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#16-49 in the amount of \$152,863.16; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-47A in the amount of \$23,360.77; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-49 in the amount of \$427,039.68; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Elaine Davey to fill the Groveland Housing Authority vacancy effective June 1, 2016; Selectman Wood seconded; voted 4-0-0. Appointment is made until the next annual election.

Selectman Watson made a motion to appoint Josh Croteau to the position of temporary, seasonal Cemetery Groundskeeper effective June 1, 2016; Selectman Wood seconded; voted 4-0-0.

DISCUSSION AND POSSIBLE VOTE:

(Selectmen MacDonald arrived at 7:10p.m.)

Firing Range Update – Deputy Gillen, Officer Ed Fournier, and Chief Kirmelewicz were present to request final approval of their plan. Deputy Gillen credited Officer Fournier for the countless hours spent on the project. They will lose the \$3,000 if the project is not started within the next month. A short video of the finished project was shown. Case law, liability and the need for the range was previously discussed. Selectman Wood asked the hours; Officer Fournier said primarily Monday-Friday during normal business hours with an occasional Saturday and weekend as needed. Ms. Dembkoski clarified that it is going to be used 12-15 times/year; not Monday-Friday every week. Selectman Wood said people were concerned with noise and safety issues. Would they make an announcement when it will be open so the residents will know? Officer Fournier said he can put that on the website. He said the misconception is that when they train people think it is continuous gunfire; it is not. Chair Dunn said people are also concerned it will spray, but after seeing the site does not believe that will happen. He does not think it will bring an increase of traffic, and it will save the town money. Selectman Watson feels it will be a safe area and not used often. Selectman O'Neil asked what weapons will be used; it will be limited to their duty weapons, patrol rifles and shotguns. Selectman O'Neil asked the savings not having to go for offsite training; Officer Fournier said the range fee for one day of training is \$1,000 not including overtime, reserve pay, lead free ammo, and having to split the department in half to do it; a minimum of \$3,000/day just for range fees. Selectman O'Neil asked if we could hold classes and charge a fee. He said they will

have the ability to host classes occasionally to bring in fees. Selectman MacDonald asked the cost to build it; approximately \$5,000. Selectman MacDonald had concerns about what will happen to that property in the future. It was suggested that developers could be required to put up sound barrier walls and include the firing range in the deeds.

Mike Dempsey (Conservation Commission) asked if they received a MESA Permit from Natural Heritage. Officer Fournier said he spoke with the contact person; the maps and drawings are done; all that is left is for the town to fill out the contact information. Mr. Dempsey explained that Natural Heritage visited the site in March. He read their response of March 31st. In part it read “in this case because the town appears to be in the very early stages of planning for the property as a whole, we are comfortable allowing this phase of the project to proceed in advance of permitting the larger development plans being contemplated for the property. As we discussed, it may be possible to redesign or reconfigure the larger project to avoid a take of state listed turtle species. If it is not possible to avoid a take, we look forward to working with you to minimize the impact as much as possible to ensure the proposed net benefit mitigation plan meets the performance standards for Conservation and management permit.” Mr. Dempsey said they definitely want us to file for a permit. Officer Fournier called the contact person and was told that submitting a plan of what the range was, a Google map outlining where the range is going to go behind the present highway, and the completed contact information should work. Mr. Dempsey said that needs to be done, and until it is, doesn’t see how it can move forward. Chair Dunn said it is a small parcel of land (10,000 square feet). Selectman Watson suggested approval contingent upon the acceptance of the paperwork. Selectman Watson made a motion to approve the gun range pending receipt of a permit from Natural Heritage; Selectman MacDonald seconded; voted 5-0-0. Officer Fournier will hand deliver the paperwork. Selectman Watson asked Officer Fournier to inform the board when he receives the paperwork or comments.

Discussion on the Pines Recreation Area and Boat Ramp and Grass Cutting – The Road Commissioner was asked to attend; he was unable but sent a response. His May 31st letter said he will be able to attend a meeting on or after the second week in July at which time implementing user fees from all recreational departments should be discussed to cover the cost of the Highway Department mowing of the fields. It also talked about his position being appointed rather than elected.

Bill Daley (7 Hemlock Lane) said there were misconceptions about the projects in town. He submitted documentation to the board. He said the Pines was not built to the design. Parking, parking lots, walkways, traffic islands, and landscape trees are missing. He discussed the ledger he submitted. He was told the bathrooms would be completed shortly but does not think the money is realistic. Selectman MacDonald asked if East Coast Excavating was put out to bid; why did we spend that kind of money and thinks we should know the answer. Chair Dunn said any work \$10K and under does not need to go out to bid. Ms. Dembkoski said it depends on what it is. It does not need to go out to bid, but you still need signed contracts. Some need written responses; some need sealed bids; it depends on what Chapter and verse it falls under. If it is more than \$10K in aggregate, bids are needed. Chair Dunn wants to move forward tonight. Selectman MacDonald wants to know what transpired down there; if it was done properly there will be records; we should follow up to see if there were bids. Selectman MacDonald asked for the top five contractors and bids to look at; he wants to get the facts. Ms. Dembkoski said GZA does have a contract; she wrote one in 2014. She does not have the others; she is trying to get them.

Mr. Daley said to move the mower back to the Pines, hire someone to mow and back-charge the approved budget. Selectman MacDonald asked what our options in terms of funding and appropriations are to get the mowing done; does it all have to be done through the Highway Department? Ms. Dembkoski said it could be done through an outside contractor which is what occurred last week. She called a contractor to cut it at a cost of approximately \$50 which was paid out of the Pines account. Chair Dunn was frustrated and said we try to do the right thing for the town and it doesn’t get done. He said the Road Commissioner

is an elected position and we can't order him to do it. Selectman O'Neil said he answers to the voters; if it was an appointed position, the board would have some say.

Mr. Daley asked for an update on the Pines. Chair Dunn said they were spreading loam. Ms. Dembkoski is finalizing the bathroom plumbing bid; it should be advertised on June 8th. The well is being advertised tomorrow. She has not received plans from the Recreation Committee as far as the irrigation or the fields. Hydroseeding will take place tomorrow. Selectman MacDonald asked former Selectman Don Greaney asked what the options are for getting the grass cut without making a political issue out of it; what can we do to resolve it. Mr. Greaney said first of all you shouldn't have groups come in talking to you about things that they should be talking to someone else about, the elected official handles it; they shouldn't be here. Mr. Greaney said the Highway Department continually takes on other projects around town and when that happens other things don't get done right away. A budget and users fees are needed. Chair Dunn said a letter will be written to the Road Commissioner telling him we want the two parks mowed. In the interim, we will pay to have it mowed; Ms. Dembkoski will get an estimate. There needs to be a committee to discuss what they want done there and to oversee the project; there needs to be checks and balances. Erin Merrill and Bethany Silva (Groveland Recreation Department) asked why put together a committee when you have people you already appointed. Chair Dunn said to put the Recreation Department on the next agenda. Ms. Silva asked wants answers because the Highway Department is still responsible for the future work. Chair Dunn said we can't give her answers, she should have asked those questions of the Highway Department. She asked how does she make him answer. Selectman Watson suggested putting the questions in writing and we can forward it to the Road Commissioner for action. Ms. Dembkoski said the project that Community Preservation allocated money to is being overseen by the Recreation Committee; not the Highway Department. The only thing the Highway Department is handling at the Pines is the finishing of the bathrooms and the boat ramp; everything else is now falling under Recreation. She does not have plans from Recreation for the CPA money that they submitted for the bathrooms; she is waiting for that. Bill Darke (Town Moderator) said the Highway Department has never been in charge; all the money comes from the Pines Recreation Development Committee. There is nothing that says he is in charge; the BOS is in charge. Chair Dunn said people think the money was not spent in the right places. Mr. Darke said it should not be said that money was spent poorly unless it is known for sure. If they don't like where it was spent, that's another matter.

Discussion regarding 299-301 Main Street – Greg Stark (306 Main Street and 1 Off King Way) was present in regard to the gas station property. He told the property owner that if she was ever going to sell that property she should give the town first refusal. She told him she sent a letter to the BOS but never heard anything. He came tonight to show that the town does have passion for this situation and there is a lot of history; he asked former selectmen, Senator Tarr and the Community Preservation Committee to attend. Chair Dunn said it was discussed but doesn't know where we can find the money. Mr. Stark said the town in the past had a plan made and engineered. He feels it should be looked at to see what monies need to be acquired, what needs to happen to it. The town made an offer of \$450K a few years ago; the price now is \$550K. Selectman Wood said unless you can get a bond or grant, we don't have \$600K to purchase the property. Selectman MacDonald said in the last decade the town bought approximately \$67 million dollars worth of property and wants to stop the spending spree; the burden ends up on the taxpayers. Selectman Watson said had questions on the design. The Chair agreed it is an eyesore; we do need parking; the plan can be changed, but we need funding to do it.

Senator Tarr said the money is earmarked in a bond bill. They saw it as part compensatory and part as expanding a development. In 2014, the legislature approved a bond bill for various purposes and he earmarked \$600K for acquisition, planning, designing, and construction of exactly what they are talking about. He explained the ramifications; it is not an appropriation; it is an earmark which means that all of the things in the general target area across the state that the state could spend money on, this project is specifically earmarked in the universe, so the government and administration could choose to release this money pursuant to the authorization of the legislature for this purpose. The government and

administration could also choose to do nothing or choose to do a lesser amount. With regard to debt, this is a bond bill issued by the Commonwealth of Massachusetts; the debt service is paid for by the Commonwealth. The Commonwealth lives within a statutory bond cap to ensure we don't borrow more than we can afford to pay. In order for this money to be released it would have to be included in a Capital Spending Plan. Unfortunately, the Capital Spending Plan was just released for this year and this project is not included in it. However, he thinks we could try to get it released in the immediate future or the not so distant future. He pointed out that many of them worked very hard in the legislature to increase funding in the Senate budget to 80% for regional school transportation which is something that is very important for the Pentucket Regional School district. They also worked hard to make sure they got full funding for circuit breaker for special education and worked hard to try to get at least \$50 minimum per pupil spending for districts like Pentucket that often times wind up on the short end of the stick of an educational funding formula in Chapter 70; he personally, along with many others, have been trying to change that for the past several years because it is inequitable to our part of the state. He said to give a group the opportunity to look and see if there is a way to pay for it; he suggested some possibilities: people are not aware that through the Community Preservation Act you can issue a bond and back that bond with a percentage of the receipts from the Community Preservation Act; the downside is you are committed to the CPA for the duration of the bond; there a PARC grant for things of this nature; there is also the possibility of getting organizations that have an interest in preserving open space and access to it that might be interested in contributing. It might be worth approaching trustees of reservations, the Audubon Society, the Essex County Greenbelt and others. Selectman Wood said it still comes down to that it may cover the cost of buying the land, but we still have to come up with the rest of it, and that's still taxpayer's money any way you look at it. He said to see what the interest level is; see how much money we can get and go from there. Selectman MacDonald read Article 21 that was tabled less than two years ago; the town wouldn't approve \$21K for plans. He said we start many projects and never finish what we started. Bette Gorski spoke of Elm Park and the million dollar grant received; she thinks there are people in Boston that can help. Selectman Watson said the first step would be to get an appraisal on the property. Ms. Dembkoski said we would have to find money to do that since the last appraisal cost \$2,000. Bob Guptill said an appraisal was done in 2008. He said there is an administrative account in the Community Preservation Act for purposes like this. The Chair told him to look into it and get back to us with the cost. Selectman Wood said we are conservative; we don't want to spend money we don't have or spend money we think we may have. Selectman O'Neil asked what would be necessary to get the \$600K released tomorrow. Senator Tarr said the only people that can release the money is the administration. The way it works is the Secretary of Administration and Finance and the Secretary of Environmental Affairs would make a recommendation to the Governor that this be included in a Capital Spending Plan; that's a problem because of the timing. They would have to seek to amend it or include it in next year's Capital Spending Plan; reasonably we should not expect it until next year. If the town wants to pursue looking at this project, it would make sense to have a group look at the financial options to see if it would be feasible. Chair Dunn said the starting point is to see what it is worth. Selectman Watson suggested responding to the letter the board received to ask if the property owner is willing to wait for possibly a year.

Harbormaster Update – Ms. Dembkoski said the Dock Master position was posted. The two she spoke with expressed interest in sharing the role; she told them she would ask the board if that is something they would support. If the board supports it, she will forward their names to the Police Chief for his recommendation; he can speak with them and forward their names back for appointment. One applicant said he is there every weekend; the other said he goes down during the week. After a brief discussion, the board supported the idea of two Dock Masters. Ms. Dembkoski will forward the names to the Police Chief.

Chair Dunn mentioned the concrete planks that are being stored. Derek Binding (Berrywood Lane) said he questioned the lack of progress and wanted to know why the planks are sitting there. Ms. Dembkoski said the planks were ordered right away after the Special Town Meeting in October; they were advertised,

posted, a contract was awarded, and the planks were ordered. The problem was that the Army Corps of Engineers required a specific stainless steel rod to be in the cement planks; the company making them had trouble acquiring it. Mr. Binding said the Special Town Meeting wasn't for the remaining funds to complete the boat ramp; that money was already available. She told him no; they approved \$143K for the boat ramp at the Special Town Meeting. There is \$35K in the Pines Revolving Account; we went to Special Town Meeting looking for money to complete the boat ramp; that was \$143K that Community Preservation authorized; it was a combined project with the ball fields. The money in the Pines Revolving account is for maintenance. Mr. Binding was further informed that the BOS has nothing to do with the storage of the planks, that is the Road Commissioner, and being an elected official, he is responsible to answer to the townspeople. The board can ask (not order him) to make it safe and fence it in.

Veto Renovations Update – Daniel Briscoe and Tracy Gilford were present on behalf of the Groveland Firefighters Association. They brought forward a project to the Community Preservation Committee approximately three years ago to refurbish and make improvements to the area out front that houses the artifacts of this town. Mr. Briscoe talked to the Building Inspector and said he is okay with the project. Ms. Dembkoski said her issues are that she can't get a meeting with Doug Mund; there are questions on the drawings; items need to be removed before it goes out to bid; \$34K is not enough to get everything done. She has asked him to separate some of the items out so we can put it out to bid to get the construction done first. Every time she has a meeting scheduled, he emails saying he is delayed another two or three weeks. She will re-follow up with the Building Inspector because he did have issues with the sprinkler system; the plans called for a sprinkler system being installed and the building doesn't have one; he was also going to meet with Mr. Mund. Mr. Gilford asked if some of the problems could be handled by email or phone calls so it can be put out to bid. Chair Dunn thinks it is time to find another architect if we want to get this moving. Selectman Watson agreed with the Chair and said it is time to cut ties with Mr. Mund; he has moved out of state, three years is too long and it is becoming embarrassing. Mr. Gilford said it is not Mr. Mund's fault completely; the Finance Director was leaving, the new Finance Director came in and there was no time to discuss it when Mr. Mund was available. Selectman Watson said it has been brought up 3-4 times since he has been on the board and time to find someone else to head up the project. Ms. Dembkoski said a priority list is needed for what they need with a cost associated with it; she will put together her questions on the spec that she has.

VOTES OF THE BOARD:

Selectman Watson made a motion to approve the May 3, 2016 Minutes; Selectman O'Neil seconded; voted 5-0-0.

Selectman Watson made a motion to approve the One-Day Liquor License for a graduation party at Veasey Park, June 4, 2016 between the hours of 1PM and 5PM requiring a Detail Officer on the premises; Selectman Wood seconded; voted 5-0-0.

Selectman Wood made a motion to authorize the relocation of the poles from the May 16th public hearing; Selectman O'Neil seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Melissa Lawless (9 Governors Road) asked the status on the road. Ms. Dembkoski said she does not have any new update. She is not involved with that; it is the Water and Highway Departments' project.

Chair Dunn said the well for the Bagnall School went out to bid. A contract was awarded but there is no word from awarding party whether they accepted our contract and terms of the proposal.

The Chair had a conversation with Steve Merrill about the Shanahan bathroom and was informed they are being unlocked and used every weekend. Regarding the plumbing problem, \$1,000 will be paid by the builder and possibly \$1,000 from a committee. Ms. Dembkoski said we do not support use of the bathrooms because they are not permitted. The Plumbing Inspector and Building Inspector have been in there and made a list; they don't expect significant changes. Mike Dempsey scheduled a CPC meeting to request more funds but needs a number and information to bring before them. Steve Merrill said enough is enough. It was the Building Inspectors mistake; both Building Inspectors had the plans. The minor work to be done is to make it code compliant. On a weekly basis, he and Ms. Dembkoski asked for a detailed list and not received it to date. The Building Inspector needs to finalize the number. Ms. Dembkoski said last week Mr. Joslin went in with the Plumbing Inspector; the Electrical Inspector is expected to go in there today to see what, if anything, he needs. Mr. Joslin is waiting for the Electrical Inspectors list. Mr. Merrill said it was always planned to be a permanent structure. Ms. Dembkoski said because of the size of the tank, DEP considers it a portable facility. Some of it is because it is portable and some of it is because we connected it to the water line; there is a gray area as to which code covers is.

The Chair asked if anything had been done on the land sales. Ms. Dembkoski said she is continuing to chip away at all the procurements. Ms. Murphy can't help because she does not know procurement laws.

Debra Stewart (9 Rollins Street) said residents were disappointed that there was no board representation at the Memorial Day Ceremony and asked for a little more support. She was told that the members have full time jobs, families and other commitments. Chair Dunn apologized and said in the future will make sure there is representation. Ms. Stewart thanked the board for the apology.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from May 16, 2016.
2. ISO Report on Building Code Effectiveness Grading Schedule Survey Results.
3. Annual Appointment Letter.
4. Letter(s) from E.P. Management Corp. regarding the Groveland Housing Authority.
5. Letter from the Board of Health regarding a grant used to purchase an Automated External Defibrillator (AED) for the Town Hall.

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski said some communities have reached out and want to start looking into regional contracts; some neighboring communities want to look at trash. Our contract doesn't expire until June 30, 2018. We are looking to get into a multi-town trash contract to see if we can get a better price.

The cemetery arch structural repair went out to bid last Wednesday; bids are due June 15th.

126 real estate demand bills and 19 personal property demand bills were mailed today with a due date of June 15th for a total of \$226K in back taxes for this fiscal year.

SELECTMEN'S TIME:

Selectman MacDonald gave a shout-out to the guys at GBL; great job for winning the game tonight. Selectman O'Neil gave a shout-out to those who did a tremendous job at Washington Park before the ITBL All Star game this past weekend; the fields looked awesome; he thanked them for volunteering time, effort,

and money to that event. In GBL's second year in the league, the 11 and 12 year old boys captured the All Star trophy; they beat every other town in the district; tremendous accomplishment!

Groveland Board of Selectmen Meeting – May 31, 2016

The next regular meeting will be held Monday, June 13, 2016 at 6:30 p.m.

Selectman Watson made a motion to adjourn; Selectman O'Neil seconded; voted 5-0-0. The meeting was adjourned at 10:48 p.m.

***** UNANIMOUSLY APPROVED ON JUNE 27, 2016 *****