

Groveland Board of Selectmen
Meeting Minutes
September 6, 2016

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

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

The meeting was called to order at 6:34 p.m.

RESIDENT/PUBLIC COMMENTS:

Mitchell Kroner (3 Cannon Hill Road Extension) thanked Ms. Dembkoski for getting a new trash vendor. He is not going to file a formal complaint based on the prior meeting; he felt there was a good discussion. People assumed Mr. Dempsey ran the meeting and took a vote, but that was not the case. Mr. Dempsey ran the meeting, heard from the public and made it clear that no vote was going to be taken. He thinks there should be handbook for the proposed Board of Selectmen Policy on Appointments, not just single out the appointment situation and thought the board should take the time to look at long-term appointments that could be lost. Selectman MacDonald said we can continue to look at who is qualified, not qualified, or who wants to be on a board; all appointments are made on a per-case-basis. Selectman Watson said it was initiated by some of the townspeople whose argument was that if we have a person in an elected position they can be replaced at the ballot box; but not so with appointments. Mr. Kroner asked if the complainers were stepping forward. Selectman Watson said some of the people are afraid of retaliation if they come publicly and have asked the board to help them out; that's why we are here. Mr. Kroner has a hard time believing that any of the boards would be retaliatory and felt it was shadow government. Selectman MacDonald said some people want to talk to him in confidence, not come forward. He said we have to bring people into a meeting, otherwise it could be perceived as the board doing something behind the scenes; we try to get it on camera and then we are faulted for "you blindsided us". We are not trying to do that; we want to make sure everything is transparent. Regarding the quorum issue, Mr. Kroner thinks Town Counsel should write a letter to the boards explaining how he wants quorums handled; he was upset with the litigation fees. Chair Dunn said these cases are not easy to resolve, sometimes they have to go to court. Selectman MacDonald said you have to apply the laws equally.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#17-09 in the amount of \$158,747.42; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#17-07A in the amount of \$28,042.40; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-09 in the amount of \$1,118,723.21; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Rob Baldini, of 16 Pandora Drive to fill a Water & Sewer Commissioner vacancy effective September 6, 2016 until the next annual election; Selectman Wood seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Housing Authority’s request for MVRTA Bus Service (follow-up) – Joe Costanzo from MVRTA sent a letter which said it will take time to review because it involves service, design, buses available, cost, and review and approval by the BOS. The cost would come off the local aid. The Council on Aging sent a letter again reiterating their standpoint from the last meeting. Selectman Watson said some residents at the River Pines have an issue with Ring & Ride because it has to be scheduled the day before and it might be easier to have bus transportation for same day appointments; he doesn’t see why we can’t have both. Ms. Dembkoski said Mr. Costanzo told Ms. Murphy that if they did have a bus route, it would be a fixed route; it will not take them where they want to go. Selectman Watson said we should get the cost analysis and options and have Mr. Costanzo present it to the board.

Fire Chief Monthly Update with EMS Presentation – Presenting for the EMS were Taylor Balletto, Richard York and Brian Belfiore. Also present was Jonathan Brickett from NorthEast EMS, Executive Director of Region 3. Balletto gave a PowerPoint presentation for clarification on how they run the EMS with the Fire and Police Departments. The objectives: (1) why does the Fire Department respond to so many calls, (2) why so many firefighters, (3) what is the difference between EMT’s and First Responders, and (4) what is medical direction? Currently if they go to a medical call they operate as First Responders which means they are limited to basic first aid, Narcan, EpiPens and O2 (regardless if they are EMT or First Responders). They are under the Steward Healthcare System and work with Dr. Cindy Spear who is the Medical Director; in the field they practice under her license at a minimal level within the state protocols. They currently go to all acute medical emergencies; the Police go as well. Both stations are called during the daytime; response times depend upon the location. Initial EMT training is 150+ hours; First Responders 24 hours; Continuing Education EMT 50 hours/annually; First Responders 30 hours/annually.

Selectman Watson asked how long before the second station is alerted at night and was told possibly 6-7 minutes. Selectman MacDonald asked how the Steward Healthcare System critiques the treatment provided; what is the protocol. Balletto said they have a vested interest in making sure the care is provided in the appropriate manner. At the end of the month Captain York and himself review the PCRs (Patient Care Reports). If info missing, the EMT is notified and it is corrected. If it became a regular occurrence, the hospital policy is for immediate training. Selectman O’Neil asked if the services are graded/ranked; Balletto will look into it and report back. Selectman MacDonald said being a call fire department you’re not always sure who is going to respond. How do you ensure you’ll get the same level of care? Balletto said you can’t control who shows up with a call fire department; we don’t have dedicated staff, but we make sure everyone is trained and up to speed. A certain skill level is required by the Medical Director because they practice using her license. The National Curriculum accounts for the level of efficiency you want; they instill the level of confidence.

Captain York discussed planned improvements for the Fire Department. Class V certification will allow the EMTs to actively practice and use their higher skills to help the townspeople. They have a Service Zone Plan developed in conjunction with the Department of Public Health. Upon becoming a Class V non-transporting ambulance service, the PCRs will have to be on electronic format with a one-time set up cost of approximately \$1,200 and an additional cost of \$1,000 per year. Chair Dunn asked if they had to get the approval of the Selectmen to get certified. Jon Brickett said there is an approval process and it is based on the way the Service Zone Plan was developed and endorsed by the Selectmen and DPH. Whatever your process is within the community between the department heads and the approval process it would be whatever rules you have. Selectman Watson said read from the DPH paperwork which says approval is needed by the BOS because the license will be held by the town, not the Fire Department. Chair Dunn said we need to work closely moving forward. He said we are here for a reason because there is a lot of talk going on; are the police and fire getting the calls out, is everything moving smoothly back and forth. He heard there are too many people in a house. Is there protocol to address that? He also asked about site calls. Is there protocol in place for that? Balletto said they met with the Police Department over the

concerns; things have been worked out. Selectman Watson corrected a statement that the only expense would be an approximate \$1,200 set up cost and \$1,000/year; that did not include the personnel. The DPH information says there is no current law in the Commonwealth that requires a town to provide its own ambulance service. There are also no guidelines that require town Fire Departments to respond to every medical call since the Police Department is considered First Responders unless the Fire Department becomes a Class V ambulance service. It would be an added expense personnel wise. Selectman Wood asked Captain York what was included in the \$1,200. Balletto said Trinity agreed to donate five Toughbook computers; he doesn't know the added expense for personnel but doesn't think it will be drastic.

Chief Lay said long term options would be staffing. The goal was to become a classified non-transport; that's the same license required to transport, but we don't have an ambulance or the staff. Chair Dunn said it will cost us money to get an ambulance and staff. Are we ready for it? Chief Lay said if we improve the level of care, we can put a plan together to see how much it would cost for a used ambulance; but we should concentrate on getting Class V non-transport right now. Selectman O'Neil asked how many of the calls actually end up getting transported; 80%. Chief Lay said other future items are ALS (advance life support). Long range, the EMTs would have to become paramedics. There is a path, but we need to stay focused on Class V right now which sets the stage for tomorrow; we are behind today where we should be for a town this size. He had to put a limit on how many can become EMT certified to 2/year because it cost \$1,300 each; he has 10 to go; it will take five years to get there. Selectman Watson asked if they could work on a stipulation that when you send a firefighter out for training and they become certified they have to stay on in Groveland for a minimum amount of time so we get something for our investment. He doesn't want to see Groveland become a training ground. Chief Lay said hire them right, train them right, and they will stay.

Budget Update: The Chief said he is on budget. Permit Roster Update: He was budgeted at 40; committed to go to 35; today he is at 32. Calls Update: 65; not medical, busy on the fire side. Chair Dunn asked how do you judge how much mutual aid from Haverhill you want? Chief Lay we need them more than they need us. The Haverhill Fire Chief is committed to reciprocating in the right manner. Selectman Wood asked how the current truck situation affects the mutual aid. Sending our only resource to mutual aid at times leaves Groveland potentially unprotected. The Chief has strengthened his agreement with Georgetown, Boxford and West Newbury. Chair Dunn asked why not leave our main truck in town; the Chief said he can do that. Selectman O'Neil asked what is the priority...mutual aid or the welfare of the Groveland residents; Groveland residents first. Selectman O'Neil asked if he could explain how they left a Groveland call to go to mutual aid. The Chief was not aware of that situation. Police Sergeant Dwight McDonald clarified that the call was not abandoned, the call was left when Trinity arrived. Selectman O'Neil said he misunderstood the letter. The Chief said it would be against their license to abandon a patient; they could not leave. Chief Lay said he will call District 15 tonight and make us unavailable for mutual aid; we won't go out of town until Engine 2 comes back. That is permitted within the agreement. Truck Repair: Engine 2 is out being repaired; the price is approximately \$8,200. Chair Dunn asked if the Chief would be willing to let the town mechanic look at it to get a second opinion. Chief Lay said he is the Fire Chief, he met with the mechanic after diagnostics were done, he was shown the video and it was explained to him what was going on. Selectman Watson said it doesn't take a professional to replace a battery, remove tires, etc.; we could use the town mechanic to do that rather than pay the additional expense. Chair Dunn's point was that one day there were two broken trucks with a cost to repair of \$5K for one and \$8K for the other; a day later the ladder truck was down. He thought the town mechanic should look at one of them to get it fixed. The Chief said it makes no sense to fix the ladder, in 60 days it's gone; he is getting ladder coverage from Georgetown. Engine 3, the truck runs but he can't get it certified because it won't draft, it leaks air when you try to suck water out of a river. The quote is for fixing all the things that will allow it to pass certification. The truck is 30 years old; at the end of its life. Selectman Watson said didn't he think it was prudent to let the Selectmen know that the truck failed inspection and it was going to need some work; yes. Selectman MacDonald asked what the timeline on replacements for Capital Improvements. Chief Lay said they don't buy a new pump until 2021. He said he had too many trucks.

One is too big; one is too old. It is not aligned with the size of the community. He would get a financial view and see if it is in our best interest to get rid of the two trucks and buy a new pump now. He said given the choice between the two trucks, invest in Engine 2 (worth \$75K). Capital Planning: Unchanged. The ladder truck will come off the top and he will add something for 2026. Memorial Services in Haverhill on 9/11: They have been invited to attend and will. Selectman Watson said we are planning something and believes his first duty is to the town and should be here. Chief Lay said his first duty is to the fire service with all due respect. This is also the first he has heard of it; he will try to make it if possible. Captain York asked why do you hold the Fire Department to a standard, you need to know everything ahead of time, and all of sudden you're throwing this at us last minute? Don't you think that 9/11 is a big deal and should have planned ahead, checked with the different departments and make sure we are available, and thought Selectman Watson was out of line. Selectman Watson said for the last few years they had something at the Central station, every city and town does something. Captain York said he holds him to the same standard that Selectman Watson holds him to in this town, communication. Selectman Watson said he was out of line. Captain York said he should learn to communicate with the people of this town. He said he was one of the ones who elected him, and he doesn't serve him. Chief Lay asked that the details of 9/11 be sent to him and he will send it to the department.

Press release on Child Passenger Safety Technician Training: They now inspect car seats in automobiles and believe it is important to offer. Two men went to the training on their own dime. Steve Merrill is working on a safe program (Fire Prevention Education). There will receive grant money and formalize the program against the schools, etc. Selectman O'Neil said he saw the Fire Department in action. He questioned that the trucks were not only good for transport because he saw every piece of equipment out there that night. The Chief said Engine 3 was transport, not part of the fire attack. Selectman O'Neil questioned the number of transport people that would be lost with only one truck. The Chief said there are no issues getting people to a fire. What apparatus would be sent to a fire was discussed. The Chief said it is all about people and training. Two stations, the right number of trucks, perfect for a long time.

Chair and Treasurer of the Board of Library Trustees (to discuss separate bank account) – Beth Burton, Board of Trustees Chair and Barbara Gauvin, Treasurer were present. Burton said the issue came to her attention because they paid a bill from the account in question. She said as long as she has been here, they have always written checks from that account. Gauvin said they are able to have their own account as long as it meets the criteria. She cited case law and said the Mass Supreme Court said yes. Selectman MacDonald asked if it is a public charitable trust; yes. Was there a trust instrument under a Will? Ms. Gauvin said she is able to show that but said she went back forty years in minutes and notes between town hall and the library to try to find the actual Wills to show they were bequeathed and could not find them, but she has paperwork that explains the name of the trust and its purpose. The newest trust was opened in 2009, she was the Chair at the time; she can show the board that as well. Selectman MacDonald said the issue here is that in terms of the audit report we can't have any unaccounted accounts. Can you prove that it was bequeath under a Will and do you have a trust instrument that says it meets the exceptions under the statue? Absent that, he thinks it is fair to say what's up with this account. The board was given a list of the accounts and the summary. Burton said they are very specific. She said in the past they have always written checks without a bond, they were told they were covered under the town bond; but since Ms. Dembkoski told them that was not the case; if the Selectmen agree, then they are prepared to buy a bond. Gauvin said generally checks are written at the end of the fiscal year in order buy materials so they meet their material spending minimum in order to get their state aid grant. Burton and Gauvin said Ms. Dembkoski has always known these account existed; Ms. Dembkoski stated that was not true, there was an account, but not as a checking account, and the money was in the Institute for Savings. Gauvin said part of their fiduciary responsibility is to try to grow this money. At the time, Institute for Savings had a good savings account rate so they took \$75K and used it there; they made close to \$900. In the past, she has taken money out and it went to Pentucket for a short-term CD. Chair Dunn said that is all good but we need to make sure is what we are doing is the right thing. Ms. Dembkoski said it has to go through the warrant process; no money can come out of the town without the warrant. Selectman MacDonald said what they gave him was a sum certain to

be used for general purposes for the library, it doesn't stipulate that it was to be held in trust with the principle. It could have gone into the general fund and it should be accounted through all the mechanisms. Gauvin said the checks are made out to the Langley Adams Library. There is \$120K in the account in question. They can't find all the trust instruments for all the accounts. They can only find one. Selectman MacDonald asked if they file reports with the Division of Public Charities; no. Ms. Burton thinks the solution to be covered under audit is to bond the treasurer. Ms. Dembkoski said the Board of Trustees Chapter 78 law requires the bond. Gauvin spoke with the former Finance Director who said in 2005 he made the library trustees fund a line item in the budget just for a place to keep track of it; he filled out the warrant paperwork and made it all even; he also did the paperwork for the interest so it would all balance. Ms. Dembkoski said it needs to be approved by their board and signed by the BOS; the prior Finance Director should not have done that. Burton said Ms. Dembkoski needs to share the account number; she has no problem with that, but she still disagrees that they can write checks out of the bank accounts. She thinks they have the right to invest and make decisions but still doesn't think they should be physically taking money out of the bank accounts. She was on the Institute for Savings bank account as the treasurer; she is on every other bank account in town; she is not listed on the Citizens bank account that they are withdrawing funds from and has a problem with that. She thinks legally they shouldn't be withdrawing without authority of the town. Burton said Town Counsel has already established that they can do that; Ms. Dembkoski doesn't have those decisions. Had they responded in July that Town Counsel had already reviewed this and provided a response, it would have been researched; no one ever said Town Counsel had given them an opinion. Gauvin said they really want to write their own checks because they were given the funds. Burton doesn't agree with redoing what has been working well and worked well for 15-20 years. She said it meets the law and the reason the trustees got it back was because the town wasn't using the funds correctly; it took a long time to get them under the trustees where they belong. Selectman MacDonald said there still is an accountability; there has to be some recorded document. He understands that it can be time consuming and inconvenient, but we want to know what went on and why; we are trying to make things compliant. He would like to look at the minutes of meetings they voted on or something from town counsel. Selectman O'Neil said just because it was always done this way is not really a good excuse for not being in compliance. There are 17 trusts listed with documentation for only one. The warrant process needs to be complied with (documentation). If you have something from Town Counsel saying you have the right to write checks, then proof of every check, an invoice, and a copy of the cancelled check all have to come over on a warrant. Chair Dunn asked what the purpose of them having control is. Gauvin said because the past town treasurers have not done a good job with the money. Ms. Dembkoski said she has no problem with them investing it however they want. Her issue is not what they are spending it on, it's the fact that the check was written and she knew nothing about it. A bank statement showed up saying that \$76K was transferred without her knowledge and a \$5,300 check was written without her knowledge. She called the bank and asked who wrote a check from the bank account and who moved \$76K without the town treasurer's authorization. She is trying to get to the bottom of it, why the money was moved, who took the money out and what the legal authorization was. She put together all the required Mass General Laws that outline spending funds in the town. Burton said the simple fix is to have Town Counsel reiterate what they said in 1998, which is that they can write their checks, and they will bond their treasurer. Selectman MacDonald said to also ask Town Counsel if they are required to file with the Division of Public Charities.

Discussion of Board and Committee Vacancies (ZBA, Planning, Board of Health, Water & Sewer Committee, School Committee, Finance Board, etc.) – The ZBA Chair has four members but would like one more person for tomorrow's meeting. Zoning and Planning both operate under the same type of general guidelines; developers and petitioners have specific rights of approval without a full board. Selectman MacDonald made a motion to appoint Selectman Wood to the ZBA for tomorrow night's meeting in the interest of public service; Selectman Watson seconded; voted 4-0-1. Selectman Watson read the list of board and committee vacancies: critical need-ZBA regular member, Planning Board, BOH, School Committee. Other vacancies-Affordable Housing Committee, Board of Registrars, Cable TV Advisory Board, Conservation Commission, Finance Board (2); 3 Recreation Auxiliary members, 2

Stormwater Management Committee, 3 alternate members to the ZBA. Selectman Watson suggested posting the list outside town hall and the library. We need people to participate to serve the community.

VOTES OF THE BOARD:

1. Selectman Watson made a motion to approve the August 8, 2016 Meeting Minutes; Selectman MacDonald seconded; voted 5-0-0.
2. Selectman Watson made a motion to approve the August 15, 2016 Special Selectmen's Meeting Minutes; Selectman O'Neil seconded; voted 4-0-1. Selectman MacDonald abstained.
3. Selectman Watson made a motion to approve the August 15, 2016 Executive Session Meeting Minutes; Selectman Wood seconded; voted 5-0-0.
4. Selectman MacDonald made a motion to approve the Board of Selectmen Policy on Appointments; Selectman Wood seconded; voted 5-0-0. It will be retroactive to July 1st.
5. Selectman Watson made a motion to approve a One Day Liquor License for Groveland Day at the Pines on September 17, 2016 between the hours of 5:30PM and 9:30PM, Detail Officer required on premises; Selectman Wood seconded; voted 5-0-0.
6. Selectman Wood made a motion to approve a One Day Liquor License for a family reunion at Veasey Park on September 11, 2016 between the hours of 12:00PM and 5:00PM, Detail Officer required on premises; Selectman Watson seconded; voted 5-0-0.
7. Selectman Watson made a motion to approve a One Day Liquor License for a wedding at Veasey Park on October 8, 2016 between the hours of 2:30PM and 6:30PM, Detail Officer required on premises; Selectman MacDonald seconded; voted 5-0-0.
8. One Day Liquor License for the Wine & Art fundraiser at Veasey Park on November 5, 2016 between the hours of 6:00PM and 9:00PM, Detail Officer required on premises; Selectman Watson made an amendment to waive the Detail Officer; Selectman Wood seconded; voted 4-0-1. Selectman O'Neil abstained on the amendment vote. Selectman Watson then made motion to approve the license as amended; Selectman Wood seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Selectman MacDonald asked for information on the mosquitoes. Ms. Dembkoski said there is limited information that the state will tell us; she does not know why. She was told that the Department of Public Health and Northeast Mosquito Control have a close watch on it. She was assured that if anything needs to be done, they will take swift action up to and including cancelling sporting events and spraying the town. We have had mosquitos test positive in the past that have never produced anything more. They are testing other areas in town more regularly, but as of now, there are no additional positive tests.

Selectman MacDonald asked about the Bagnall School; the temporary fence is up; the well and pump are in; the bid went out for the sprinkler; bids will be opened next week. Hopefully by mid/end-September the grass will be put in. The Veto is out to bid, as of now, no one has taken bid documents; they are due next week. The irrigation, the second well at the Pines, and water main pipes for Governors Road are all out being bid. Veasey: the project is underway. The garage doors are done, the radios for the department have been ordered, and the ladder truck contract has not included certain items to comply with 30B requirements. There will be an executive session in the future about the parcels of land we want to sell off of Salem Street.

The first one did not receive any bidders. There are questions/discussion items needed on the second one. Shanahan is all set.

Selectman Watson remarked on Selectman MacDonald's comment about starting school before Labor Day. He thinks we should follow it up with the School Committee and, if they are not behind us, go to the state legislature and get a bill passed that they can't start school before Labor Day; it can be done.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from August 22, 2016.
2. Nomination for Volunteer Recognition program.
3. Resignation of Richard Danforth as an elected Water & Sewer Commissioner.
4. Resignation of Jack Willet as an elected Water & Sewer Commissioner.
5. Resignation of Jack Willet as an elected School Committee representative.
6. Resignation of Robert O'Hanley as an elected Board of Health member and an elected Planning Board member.

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski said Waste Management has been selected as the new trash vendor. Through the month of September they will continue to pick up trash and recycling as scheduled. On October 1st we will be changing to a five-day trash pickup and will do weekly recycling. We are the only community out of the Hiltz group that is seeing a positive benefit. Some of the communities are grouping together and putting a joint lawsuit, we don't meet the criteria because we are not losing money as the other towns are. She did send a letter stating that she feels they are in breach of contract and we want to maintain our rights under the liquidated damages section. She is working with the Highway Department and Merrimack Valley Planning to define the routes; they hope to divide the town into 5 sections with 450-500 households in each.

SELECTMEN'S TIME:

The Pumpkin Fest is in the works; the dates to drop off pumpkins are October 19-26 to correspond with the library's Halloween party on October 26th. Ms. Dembkoski suggested an earlier time (5PM-7PM tentatively).

Selectman O'Neil said with the construction going on out front of Bagnall, the first day of school went flawless and he wanted to give a shout out to the Chief of Police and Deputy for their hard work; they did an outstanding job getting all the traffic moving, no complaints. Thank you.

The next regular meeting will be held Monday, September 19, 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 10:17 p.m.

*** Unanimously Approved on October 3, 2016 ***