

Groveland Board of Selectmen
Meeting Minutes
November 28, 2016

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

Absent: None

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

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

RESIDENT/PUBLIC COMMENTS: None tonight.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#17-21 in the amount of \$159,212.81; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#17-19A in the amount of \$30,906.39; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-21 in the amount of \$738,383.61; Selectman Watson seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Chair Dunn made a motion to appoint Susan Yaskell to the position of temporary Water & Sewer Office Clerk effective November 29, 2016 and will continue for approximately 6-8 weeks; Selectman Watson seconded; voted 5-0-0.

PUBLIC HEARING:

7:00 PM: FY2017 Tax Classification Hearing – Selectman Wood read the notice into record. Roll call was taken as follows: MacDonald present; Watson present; Dunn present; Wood present; O'Neil present.

Debbie Webster, Office Manager for the Board of Assessors, said the hearing is to decide whether the town will stay with a single tax rate or split the rate. They stay fairly consistent (under 8% of the commercial classes). The assessor's do not vote and are not recommending a split tax rate; that is the board's decision. Generally towns don't split the rate, because in order to see any benefit on the residential side, it costs the commercial taxpayers more. If the board adopted a split, it could be anything up to 150%. If the tax rate stays as single tax rate, everyone would have the same tax rate-\$14.68 (for all classes). Larger communities do the shift because they have the commercial basis to absorb it. The total taxable value for the town is \$922,750,769. Not included in the total is the exempt parcel count, \$8,706,700 (comprised of 123 properties). This year the average single family home value is \$387,400. If the tax rate holds, that would be an average tax bill of \$5,687; up \$233 from last year. Last year the average tax bill went up \$298. Ms. Webster said that the value of the town and the value of your home increasing does not increase taxes. What increases the taxes is what is voted on at town meeting and the total value of the town. New growth helps (new construction, additions). The board entertained public comment. Mr. Scanlon suggested lowering the commercial rates; it may encourage businesses to come into the town. Ms. Webster said until the business base grows, it doesn't make any sense to do. Selectman Watson made a motion to keep the tax rate the same as it is for residential and commercial property; Selectman Wood seconded; roll call vote: O'Neil yes; Wood yes; Dunn yes; Watson yes; MacDonald yes. The Chair made a motion to close the

Public Hearing at 7:38 p.m.; Selectman Wood seconded; roll call vote: O’Neil yes; Wood yes; Dunn yes; Watson yes; MacDonald yes.

Chair Dunn briefly mentioned land that could be sold. He feels that if some money was brought in, we would be doing better than what we have now. He asked Ms. Webster if she had any value on the land. She said land is still depressed; it hasn’t recouped. The highest buildable lot sale with sewer and water in the last two years was \$125K. A raw land five-lot subdivision sold for \$260K. She encouraged the board not to sell the land until the economy is better.

DISCUSSION AND POSSIBLE VOTE:

Finance Committee (to provide update on their reorganization) – Kathleen Kastrinelis, Chair, introduced the board: James Scanlon, Vice Chair; Ruth Rivard, Secretary; and Emily Dwyer. They plan to start reviewing small budgets in January, looking for feedback. They will be checking the background in each line item for justification. They will have to wait for the revenue forecast before giving recommendations. The goal is to finish the budgets and prepare a recommendation booklet in time for town meeting. Chair Dunn said sometimes it can be frustrating because the finance committee does not get the revenue forecast before the board needs it. Last year free cash was in March, and we didn’t know the governor’s budget until the beginning of April. Chair Dunn said another issue is Capital Improvements. The board does not always know how it’s going to be financed. That’s where he would like to see more communication with the Finance Committee. Ms. Kastrinelis believes they are to make recommendations based on available funds before they are approved. Mr. Scanlon (Capital Improvements Committee member), said he has not been given an amount they can spend; they have history on what is spent on capital, and the trend is to stay as close to what was previously spent. Chair Dunn said when they make a determination, he would like to know that the funds are there to be appropriated to that purchase. Mr. Scanlon said the Chairman is supposed to come before board the second meeting in January to present what the capital plan is, even if preliminary. Selectman MacDonald said things are not being budgeted. The biggest oversight was the fire truck; there was no financing mechanism in place. We need to know the big-ticket items, what they cost, and how we can get them in a budget without going over Proposition 2 ½. He does not think we should be relying on free cash for capital expenditures. Mr. Kastrinelis said she was surprised that the tax rate is set before knowing the excess or deficiency from the prior year. Ms. Dembkoski said the tax rate must be set by a specific time; it is not uncommon. The figures are based on the prior year’s numbers. Ms. Dembkoski said debt is behind a year as well. Discussions ended at this point to open the 7PM hearing and resumed briefly after.

Ms. Kastrinelis explained how the finance committee had the assessment for Pentucket lowered by a million dollars due to an error in the calculation; things happen at the state level and you should be asking to see the calculations. Mike Dempsey on behalf of the Community Preservation Committee said they haven’t had a representative from the finance board for the last year and hopes the finance committee will appoint someone to serve. He asked that they consider it at their next meeting.

Joint Session with Groveland School Committee Members to Interview Candidates for the Vacant School Committee Seat – This is a joint appointment with Lisa O’Connor, the remaining School Committee Member. Because it is a joint appointment, the candidates will be interviewed and the appointment will be made by a roll call vote. Ms. O’Connor is also the School Committee Chair and asked if there was protocol to notify the Chair about resignations. Ms. Dembkoski said the Town Clerk receives the resignations. Selectman Watson thanked Doug Gelinis for serving. He has been a great asset; he has done a great job of keeping us informed; the board agreed. Ms. O’Connor thanked him as well.

Candidate Emily Dwyer would like to serve on the Committee for several reasons. First, because it is an important job. Second, she has a child in first grade and one in pre-school so she has a long-term investment

in the school system. She also teaches in a high-performing regional school district and feels she has some good experience.

Candidate Parker Moody would like to serve because since going into Northern Essex Community College (and starting at Pentucket High School), he always been involved in student clubs, student activities and student government. He was always the one to go to among the students when they needed to know what was going on. He has run multiple clubs in the past at Northern Essex; he was president of the GSA as well as treasurer. He led meetings that dealt with current events and hot button issues, He would organize the discussions, made sure everyone stayed on point, and made sure everyone walked away from the meeting with everything they could. He served on the student senate at Northern Essex for his first two semesters, and he helped work on the budget. He feels he could bring an interesting viewpoint to the Committee.

Candidate Dick Hodges said he taught for 27 years, was an assistant principal for 6 and retired as principal after 7 years. He is currently an adjunct professor. He has had 45 years in education. He said if both positions are not filled he is more than happy to fill one until May. He is not looking to run for School Committee, but he does not think we should be understaffed because this is a critical time budget-wise for the school. If there is no representation or very little representation from Groveland, then we are handicapping ourselves. Chair Dunn asked about the Whitter position. Ms. Demboski said it is not this board, the School Committee appoints one of the representatives (currently Ms. O'Connor). Ms. O'Connor said there are other positions that are open are the sub-committees; MSBA (a Groveland resident is needed to serve on it), finance committee, communications and human resources.

Ms. O'Connor would like to see someone who can commit to attending meetings. Selectman MacDonald asked the candidates what their perception was of the academic achievement level at Bagnall and what can they do to improve it? Candidate Dwyer feels curriculum review is a big problem; there is not consistency with the grade levels, and professional development is sporadic. If we expect stellar results from the teachers, we need to train them and provide them with the materials needed to provide the best services. Candidate Moody agreed and said there is always room from improvement. Drawing on his own experiences, he learned better in a one-on-one situation; he said that needs to be addressed as well as starting with the teachers to see what they see needs to be improved. Candidate Hodges talked about math and said we need to let teachers teach math. Selectman MacDonald feels Groveland should not be average in anything; curriculum evaluation is key and is needed. Ms. Connor said they no longer take the PARCC testing, the state has mandated that they will be taking the MCAS 2.0 from this point. Massachusetts has curriculum framework that all school districts must follow for each grade level. The Teaching and Learning Disability Subcommittee has an evaluation cycling process that was recently put in place within the last six months. They are going through all the cycles and looking at all the curriculum. Selectman O'Neil doesn't see the children getting a well-rounded education today. He asked the candidates what their thoughts were on "tweeners"; those not going to go to Duke or Harvard and will not be plumbers or electricians. There are vast number of children given no way to make a living. Candidate Moody said teachers thought they needed to learn how to take the test; there is not enough focus on the skills and how to think. Doug Gelinis said it was upsetting to see how many school choice kids were coming into the district and how many kids in the community were not getting their opportunity to go to school. Whittier was founded on the belief that the kids that weren't going to college were going to be taught a trade so, at the very least, they would not be a burden on society. Then came the MCAS. There is no more school choice at Whittier. He asked that the next School Committee protect that. That is the opportunity for the child that is not going to college to learn an education and trade sustain themselves. Selectman Watson asked what their opinion is on school choice. Candidate Hodges said if you are talking about the inner city and have a child in the worst school system possible, he would be in favor of school choice. We are living in a suburban area that is known for its educational progress, so it's a yes/no answer for him. Candidate Dwyer said she would need more information before saying yes or no. Candidate Moody agreed that he would like more information but does believe a parent should have the choice where to send their child to school. Selectman Watson asked about their experience with special needs. Candidate Moody said he went through the IEP program and

received special attention because he has ADHD and had trouble focusing. The teachers sat with him and made sure he got the full educational potential he could; it is absolutely necessary. Candidate Hodges said three of his sons required Special Ed services. He believes one of the trademarks of his administration was that he knew exactly when they (Special Ed parents) smiled and when they cried. That's where his heart has been for a long time. Candidate Dwyer has a lot of experience with special education as an educator. She is very proud to make a difference for the kids. Selectman Watson asked if two candidates are appointed to the School Committee, would they spearhead the efforts to start school after Labor Day as it should be? Ms. O'Connor didn't that was a fair question because a lot of that is teacher negotiations and there is a reasoning behind it. Selectman Wood made a motion to appoint Dick Hodges to the School Committee until the next election; Selectman O'Neil seconded; roll call vote: MacDonald yes; Watson yes; Dunn yes; Wood yes; O'Neil yes; O'Connor no. Selectman Watson made a motion to appoint Emily Dwyer to the School Committee until the next election; Selectman MacDonald seconded; roll call vote: O'Neil yes; Wood yes; Dunn yes; Watson yes; MacDonald yes; O'Connor yes.

Chair Dunn applauded Parker Moody for coming in and doing what he did, and not to let the decision deter him. He hopes to see him run for the full seat in May. He is very smart and has a lot to add to the Committee. Ms. O'Connor said subcommittee meetings are open to the public and he would have a voice if he attended. Selectman O'Neil reminded him that there are other committee vacancies he could serve on. Selectman Wood also said not to be discouraged. He told him to use his experience to help them out in their shortfalls, but to come back in May and run for the full seat; helping them now will be experience.

Selectman Watson asked Mr. Gelinas his opinion of whether the town should have an independent representative at Whittier or should it be a member of the School Committee. Mr. Gelinas thinks there is a lot of insight for the person working on the Pentucket School Board. They understand what is needed at that level and can bring it over to Whittier. He believes they should keep the assigned position from a seated committee member from Pentucket.

Historical Commission (to discuss the renewal of Washington Hall Lease) – Claire Walsh represented the Historical Society and the Commission. She thanked the Historical Society and the town to allow them the privilege of restoring Washington Hall. This is the first year running programs; it is a trial for them. She recapped the programs that were run. They started a raffle after incurring a \$2K plumbing bill. It covered the cost of the bill, taxes and advertising. They've had a total of 165 people in the programs to date; 218 people have visited Washington Hall. They plan to open in May with house tours.

One of their winter projects will be to cross-reference the Langley Adams Library, the Groveland Historical Society, and the Special Collections Department at Haverhill Public Library, but, in order to do that, they need an internet connection. The town has a contract with Comcast; the pole where Comcast cable comes in is outside the hall on the corner; it would have to be connected to the front corner. Comcast requires BOS approval in a letter. Ms. Dembkoski said we pay for internet service for every building under the town's account; you cannot have that on our account where it is a municipally owned building; they cannot be billing us for that service. If we own that building, how are they going to bill us if they are using the municipal accounts to access that building. Her concern is that if we allow one facility that we are leasing, (and the town does lease and own several other buildings) that they may call and say they want a connection for free because they are technically a municipal structure. We own the building (the physical structure); the Historical Society owns the contents of the building; they are responsible for everything within the walls of the building. Ms. Walsh was reminded that we do not have a copy of the insurance policy which is part of the lease; she will provide one. Chair Dunn said if it is a letter from the board for a free connection, that's ok, but if they are going to charge us a monthly fee for people to go on line and use it, it is a gray area. Selectman Wood said an alternative to getting the internet connection is to use a smart phone, connect to the Wi-Fi, and use a laptop. Ms. Walsh will follow up.

Chair Dunn thanked Ms. Walsh, their board and all those who helped restore the building; multiple hours were spent and it looks great; it's a part of history. Chair Dunn asked if the building was self-sustaining; Ms. Walsh said yes. The term of the lease (10 years) was discussed. Selectman MacDonald made a motion to limit the term of the Washington Hall lease to three years; no second. Chair Dunn made a motion to limit the term of the Washington Hall lease to five years and to provide an annual progress update; Selectman MacDonald seconded; voted 5-0-0.

VOTES OF THE BOARD:

1. Selectman Watson made a motion to approve the November 1, 2016 Meeting Minutes; Selectman Wood seconded; voted 5-0-0.
2. Selectman Wood made a motion to accept the resignation of Katherine Shaw, COA Outreach Worker effective November 17, 2016; Selectman O'Neil seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Selectman O'Neil asked if the library came back with a general assessment of where they are with the trusts. Ms. Dembkoski said no. The Chair of the Library Trustees sent an email today saying their November meeting was cancelled due to a lack of quorum and the next meeting is December 7, they have no further update. Ms. Dembkoski said she has had a conversation with the auditors and they are concerned about it as well because they were here when the account was discovered. She does not know the next step; we have a Town Counsel opinion saying they are illegally being held by the library. Mass General Laws are not being followed. They don't need a meeting to give the board an update of where they are. Chair Dunn said at the last meeting that he would give them one more week; he now wants an answer within five days. Selectman MacDonald made a motion to transfer funds immediately to the custody of the town treasurer in accordance with the 1989 Town Counsel letter unless they have a legal rebuttal not to. Selectman Wood seconded the motion. Currently they are in defiance of Town Counsel's legal opinion. Selectman Watson said not much can be done in five days and to wait until the next meeting so they can discuss it at their meeting. Selectman O'Neil has notes from May and June; it's not five days anymore, its five months. Ms. Dembkoski said the funds will still remain in the trust; it still remains that the library trustees can make decisions on the investments of those funds, but as the town treasurer, she is the legal custodian of funds; her name needs to be on every bank account with the town's tax ID that is legally obligated to be. She is not a signer on that account, she is not on that account at all. It is a huge liability to the town that the town treasurer is not the custodian of that. Disbursements will go through the formal warrant process and the board votes them at a meeting; they get disbursed through the general ledger process; that is what did not happen. Ms. Dembkoski commented that the last statement showed 87 cents interest on the trust fund. They are not even being invested in a proper account that they could maximize the investment on this money. That is something they don't have the expertise in, whereas her training as town treasurer is to prudently invest the funds to get the maximum returns. We are making hundreds of dollars a month on similar size accounts in other banks that are invested better. Ms. Dembkoski said she would not even have known that the 1989 Town Counsel letter existed until they came before us and said that is what they wanted to stand by. Chair Dunn said we have waited long enough, we need to bring it into compliance. Selectman Watson wants to wait until their next meeting as a courtesy and take action after that. Currently on the account are the treasurer and two former trustees. The letter will be directed to Barbara Gauvin. Ms. Dembkoski said she does not think it will happen before their next meeting. Chair Dunn said the drop dead date for an answer is December 7th. The transfer of funds must be done by December 8th unless they provide a rebuttal. Voted 4-1-0.

Selectman O'Neil asked about Recreation. Ms. Dembkoski said they can't physically turn over the money to put on our general ledger because we have no spending mechanism until it goes to town meeting; however, after speaking with the auditors, she should be the custodian and the signer; they should have her

on the account and they should not be able to withdraw or write checks without her authority. Selectman O'Neil asked if we could request bank statements from them, and how long have they been in control. Ms. Dembkoski said Recreation used to be on the ledger and the prior administration had them take their funds. They are an appointed board so it falls under the criteria as being town money. Chair Dunn made a motion that Ms. Dembkoski be added as a signer to the Recreation account and no more funds are to be spent until it has been changed; Selectman O'Neil seconded. Selectman MacDonald said as long as it is the recommendation of the auditors, he will go along with it. Voted 5-0-0.

Chair Dunn talked to the Highway Commissioner today about the boat ramp. The concrete piers have been put in place; the in-water work is done; shore work will be finished, paving will be done the spring. It will be left clean and neat for the winter.

Governor Road Update – The Water Department voted to extend the water pipe from Governors Road to Seven Star Road. It is anticipated that part will be completed in a few weeks. Chair Dunn asked about the paving. The Road Commissioner said he will patch the road for the winter.

Bagnall School Update – The sprinkler system has been installed and running. The extra zones needed will be installed tomorrow. In the spring it will be raked and hydroseeded, and by the middle of June it will be ready for use.

Tom Cusick (Water Department) would like to come before the board to talk about the building that is currently being occupied by the Light Department but will be vacated by the end of January. He would also like to discuss the need for additional office personnel (part-time).

Selectman MacDonald asked for the status of the Zoning Bylaw revisions. Ms. Dembkoski said they have met. She believes they have gone through the matrix and agreed to the changes they both proposed. Selectman MacDonald asked if we could get a draft in advance to review it. Ms. Dembkoski will ask the Planning Board Chair for a copy of the draft as it stands right now.

CORRESPONDENCE:

1. Letter from the Attorney General's Office regarding the Jill Peabody Open Meeting Complaint.
2. Press Release from the Massachusetts Collectors and Treasurers Association regarding Denise Dembkoski's certification renewal.
3. Photo of COA Director Lynne Stanton accepting a check from the Breakfast Exchange Club of Greater Haverhill to help feed elders in need.

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski waived her time this evening.

SELECTMEN'S TIME:

Selectman MacDonald said Massachusetts voted to legalize marijuana; he found in his research that under the Federal Law Controlled Substance Act it is prohibited. He would like guidance from our Town Counsel. Being a member of the ZBA he would like to know how he can vote in favor of issuing a permit with something that violates federal law. Chair Dunn was told by the person who came to him that this board must approve it. Ms. Dembkoski said her understanding is that it must come before this board for approval before going to any other board. How can the BOS approve it if it prohibited by federal law? Ms. Dembkoski said there are communities in the state that have done that. She will ask Town Counsel for guidance.

Groveland Board of Selectmen Meeting – November 28, 2016

The next regular meeting will be held Monday, December 12, 2016 at 6:30 p.m.

Selectman Watson made a motion to adjourn; Selectman Wood seconded; voted 5-0-0. The meeting was adjourned at 10:06 p.m.

*** Unanimously Approved on January 9, 2017 ***