

Groveland Board of Selectmen
Meeting Minutes
March 21, 2016

Present: Selectman Daniel MacDonald, Selectman Joe D'Amore, Selectman Ed Watson,
Selectman Michael Wood

Absent: Chair William Dunn

Others Present: Denise Dembkoski (Finance Director)

Recorder: Melanie Rich

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

RESIDENT/PUBLIC COMMENTS:

Tracy Gilford encouraged residents to check and change the batteries in smoke detectors and consider having them hard-wired; many fires that occur with fatalities had smoke detectors that were not operating.

Veto Update – Mr. Gilford read for the audience the email he received from Doug Mund. Mr. Mund separated the two projects, developed new drawings, provided them to Ms. Dembkoski and suggested bidding the exhibit portion of the project. Mr. Gilford apologized to Mr. Mund and does not want to discredit his work, but they want to see a timeline to get the project done. There is also a concern about the CPA money that was approved; labor costs rise on a yearly basis as well as the cost of materials. Ms. Dembkoski does not believe there will be enough money to bid the exhibits with the cost of construction that is required. Because of conflicting information with the specifications, she wanted Mr. Mund to come here and look at the room to say why those specifications were in there; she does not see how they can bid some of those things within the scope of the project. The main priority was construction of the room, not the exhibits. Mr. Gilford said the goal is to save the Veto and we should proceed with the bidding of the Veto space; they can work on the exhibits at a later time. Ms. Dembkoski agreed but said she has questions about the construction and specifications. The Building Inspector also has questions on why certain things are required and she doesn't know the answers. Mr. Gilford asked if those questions can be sent to Mr. Mund by email with photos. Selectman Watson said it would be better if he could come here and view it. Mr. Guilford will send him an email and see when he will be in the area.

Bill Daly (7 Hemlock Lane) asked for an update on the Pines and the boat ramp. He thought the boat ramp was going to be done for \$140K. Ms. Dembkoski said the CPA project was for \$173K. It cannot be started until November 1st because we exceeded the Army Corp of Engineering Permit deadline; in-water work can only be done November 1st through March 1st. No work has been done on the bathrooms during the winter months.

APPROVAL OF WARRANTS:

Selectman Wood made a motion to approve PW#16-39 in the amount of \$131,663.97; Selectman MacDonald seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#16-37A in the amount of \$24,527.74; Selectman MacDonald seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#16-39 in the amount of \$576,758.40; Selectman MacDonald seconded; all voted in favor; warrant approved.

APPOINTMENTS:

Selectman Wood made a motion to appoint Nathaniel Peabody to the position of Animal Control Officer effective March 21, 2016; Selectman D'Amore seconded; voted 4-0-0.

DISCUSSION AND POSSIBLE VOTE:

Discuss & Sign the Conservation Restrictions for the former Mattingly and Angelini Properties – Mr. Dempsey said they are putting Conservation Restrictions (CR) on the two properties to meet the requirements of the Community Preservation Act; when CPA funds are used to purchase land, a CR has to be put on them. The land was purchased to protect the aquifer, provide sites for two future wells, and to provide an open space habitat protection area for passive recreation for the citizens. Chris LaPointe (Essex County Greenbelt Association Director of Land Conservation) said the CR is designed to protect the conservation values of the property and was drafted to allow flexibility to explore and develop wells in the future. It has been drafted and reviewed at the local and state level and now ready to be signed by the board and recorded. Prior to being recorded at the registry, it must be signed by Greenbelt, Division of Fisheries & Wildlife, and the Secretary of Energy and Environmental Affairs. Greenbelt's role in the future is agreeing to make sure that the Town of Groveland always follows the restriction; staff from Greenbelt will annually monitor the property.

Selectman MacDonald understood that the land was purchased for Community Preservation Act funds which are restricted for specific uses. Does the statute require the deeds to have restrictions on them and if so what are the parameters?; who formulated the restrictions? Mr. LaPointe said that by purchasing the land with Community Preservation Act funds, per the purpose of Open Space you are required by the statute to convey a permanent CR to a qualifying non-profit land trust which is Greenbelt; they are the land trust of Essex County. In addition to CPA funds, the town received federal funding through the federal Land and Water Conservation Fund. Mr. LaPointe said there are certain things in the CR that you are able to do by right without having any conversation with anyone such as maintaining the existing trails. If you wanted to move the existing trails to another location, contact Greenbelt and we can give you approval to do that. The reason is to protect certain resources where specifies habitat. As part of the solar project, there was a Habitat Management Permit issued that applies to these properties. Selectman MacDonald asked why we couldn't use our local Conservation Commission to manage that. Mr. LaPointe said the CR has to legally be held by another party.

Selectman Watson asked for an explanation of the Essex County Greenbelt Association (a non-profit group) and where they get their funding. Mr. LaPointe said they receive their funding from private donations, individuals, and foundations that have supported them from their founding to today. Selectman Watson asked for a rundown of how they work. Mr. LaPointe said they are a non-profit land trust; they work across Essex County, and were founded in the 60s to protect the landscape of Essex County; protect farmland, scenic resources and wildlife habitat. In that time they have helped to protect more than 16,000 acres across the county. They own outright about 5,000 acres of land that they manage, make available for public access for free, and have protected about another 6,000 acres with CRs (some privately owned; some owned by cities and towns) that they hold CRs on and are responsible to make sure that land is protected permanently. They have a staff of about 15 that work on land acquisition; have a land stewardship department that manages the land they own that work with landowners that they hold CRs on; have a very active membership; have programs of hikes and educational activities; a very active member in the Essex County community. Selectman Watson asked if there are any sports organizations involved, hunters, fishermen. Mr. LaPointe said they have a very robust program of allowing hunters access to their properties; it is by written permission only; they have properties all over the county, some which are heavily used by the public and less compatible with hunting, but they manage hunting access all over the county. They lease their land to farmers to cut hay and grow crops; they are an environmental organization, but want people to use their property. Selectman Watson asked if this property would be open to hunters; Mr. LaPointe said that is up to the local Conservation Commission. Selectman Watson said he would like the board to review the restrictions they were given tonight. Mr. LaPointe apologized and thought the board had been given copies before the meeting. Selectman MacDonald questioned the prohibited use of temporary buildings, etc.; can you put something as simple as a porta-potty there? Mr. LaPointe said as it is drafted now, no, but he encouraged the members to read the restrictions. The way a CR is drafted is that the first section is

prohibited activities; everything is prohibited. In the next section there are allowed activities which gives you those rights back. Mr. LaPointe said a lot of the restrictions come from the fact that the town voted to spend CPA Open Space money to buy this land. The Water Department wants it largely to develop drinking water sources; you accepted money from the federal government in the form of Land and Water Conservation Funds, and that there is a habitat management plan applied to portions of the property by virtue of the adjacent solar farm. He said when the members are reading it, he would encourage them to keep this in mind and we can talk about questions you have. Greenbelt is trying to create a document that encapsulates all of those preexisting conditions on this property. Selectman D'Amore said we can review as a board and can send questions to Ms. Dembkoski until March 29th; she can send them to Mr. LaPointe, and hopefully he will have answers by April 1st. We can vote on April 4th if satisfied.

Selectman Watson said trucks are allowed, why not snowmobiles. Mr. Dempsey said the trucks are a temporary measure; that process is being done so the property was able to be purchased. Gravel has been removed under a strict schedule and strict conditions; those conditions will evaporate once the process is done; trucks will not be able to drive there and it will be reclaimed.

Electronic Town Meeting Voting Devices – Ms. Dembkoski provided sample documents; she reached out to MMA and sent a survey to cities and town asking who uses them and if so what company. She received feedback from 15 towns; they all use Option Technologies from Florida. Option Technologies offers several different solutions. They proposed renting the equipment the first year to see if it something we want to continue with. We could then put out a RFP to ether purchase them or enter into a long-term contract to obtain the devices for every town meeting for three years. Because we don't need many individual check-in stations, the estimated cost based on 200 devices for a one-day town meeting would be between \$8,300 and \$10,000. It includes several site visits to the location, cable work, and the moderator having a display stand that gives real-time results of how the votes are taking place; the voting itself is confidential. Someone will be onsite to go through some sample questions to make sure people understand how to use the devices; it will light up and tell them when to vote. He said it works quite well; communities have raved about it and said it was the best decision they made. Our bylaws do not specify verbal or hand voting at town meeting; we could implement it without any impact to the bylaws. There was concern because of timing; we are about a month away from town meeting. Selectman D'Amore said we have to be careful with time constraints and have to consider three levels of authority: bylaws, priority listing, and town meeting times to see if there are any procedures the town adopted on how to manage a meeting as to whether we can have secret balloting. Selectman Watson wanted to know does it have to be voted on each warrant article or could it be done at the beginning of the meeting to apply to all of the articles; Ms. Dembkoski will find out. Selectman D'Amore made a motion to engage Option Technologies to explore the proposal as presented with guidance by town counsel that the BOS is duly authorized to make a decision under an authority of either MGL, the bylaws or town meeting times; Selectman MacDonald seconded; voted 4-0-0. Selectman Wood mentioned the board's previous discussion to limit town counsel billing and asked if Ms. Dembkoski could find the answer in the bylaws; is it clear enough or would you rather use town counsel. Ms. Dembkoski said she can ask the other communities if they had town counsel authorize it, but to protect this board from making a decision that they may not have the proper authority solely to make, she thinks it would be a quick answer. She said if we do go ahead she would suggest requesting a Reserve Fund transfer from the Finance Committee. We don't have the \$8,300; it would be an unforeseen expense that the board could ask to be transferred from the \$20K they have for unforeseen expenses. No Massachusetts community bought the system outright because of the cost; everyone that uses it rents it; this company offers discounts if you go with a three-year contract.

Close the Town Meeting Warrant – Ms. Dembkoski will have a draft of the articles by Monday; Town Counsel is reviewing a small number of articles. Selectman Watson made a motion to close the Town Meeting Warrant; Selectman D'Amore seconded; voted 4-0-0.

FY17 Budget Discussion – Ms. Dembkoski provided spreadsheets with revised numbers. The first was based on discussions from a few weeks ago with Ms. Murphy moving over to cover two roles (Treasury/Collector Clerk and Administrative Assistant). The only other change is the street lighting; the Light Department's number is \$38,500 vs. the \$40,000 they were expecting. With those changes, the deficit is \$117,016. In discussions with the Finance Committee, it is the consensus (they have not voted yet) to redline every new requested position; they were not supportive of new positions or increases of positions. Selectman MacDonald said we should add the \$85K for the OPEB, get a real number, and work down from that number; we should make a decision of are we going to pay or cut. Ms. Dembkoski said the deficit does not include the capital projects. Selectman MacDonald would like to see an assessment on the requested Planning Board's new position; how will it be paid; he won't support it without further information. Ms. Dembkoski said last year they took in approximately \$7K in Planning Board fees for the General Funds and the position would cover many different departments. Bob Arakelian said it is an administrative job as well; there are many grants that are coming available. Selectman MacDonald said it is an expansion in payroll and why couldn't we hire someone on a contract basis to review documents. Selectman D'Amore said the Planning Board would pay for it, but it benefits other boards and commissions; we need the expertise. We need to sponsor an environment and have it properly funded to be good municipal managers. Conservation wants 15-20 hours/week; they committed to spending \$24K of their own funds towards it and asked for another \$6K (roughly \$30K) to cover half of the position. Selectman D'Amore showed the audience the Town of Groveland Development Permitting Guide which he said is another part in advancing the town; we need to plan properly for the future of the town. Selectman MacDonald wants to hear from people in trades and in the business and whether or not they believe it will be a good thing. He doesn't have enough information to draw a conclusion. Mr. Arakelian said with the stormwater grants and the complete streets policy from the MassDOT, a Planner is needed. In order to get the grants you need to be proactive; there are too many coming down the road that require a lot of paperwork and have to be done well. Selectman D'Amore defaulted to his colleagues who have the expertise and work with this material every day; they are telling us they need it; he is not going to go against it. The Planner would be used for projects as well as grants and for zoning changes. For example, the Route 97 project is very time consuming; dealing with Federal and State grants there are meetings and paperwork and town counsel; the MS4 permit will have many layers. Ms. Dembkoski doesn't know if there is enough capacity in the Highway Department to get some of the larger projects done without additional help and thinks a Planner would help. Selectman Watson and Selectman MacDonald thought we should be looking for a specific person to write grants.

Selectman Watson discussed the custodian/facilities person going from a part-time position to a full-time benefitted position (salary increase of \$17K). He would like to hold off for another year and see if we are in a better financial position. Mr. Arakelian thinks we need a full-time maintenance/custodial person in town. Ms. Dembkoski said we have a lot of property and buildings in town. Tokala Sage does maintenance work as well as the janitorial work. Selectman MacDonald said the issue is that we are trying to stay with the prop 2½; the budget should not grow more than 2½% every year. Ms. Dembkoski said he is doing things we would have to hire contractors to do at a much higher rate. There are more projects than he has time to do with 18 hours. Selectman Watson said he does a good job but we can't afford it at this time.

Selectman Watson had an issue with the Water & Sewer Superintendent's 3.8% increase; he thinks it is wrong when we are looking at a 2% for the non-union workers. His increase last year was more than what he should have because it was raised on the town meeting floor and we get the information now that it should not have been. He thinks that 3.8% raise is not justified; the board agreed. Selectman D'Amore said the position does deserve an increase but it should be aligned with the customary increase of 2% on both sides.

The Finance Committee will vote on a budget after the BOS votes. The Finance Committee should be taking the board's recommendations into consideration before they make their final recommendation and then they will vote on April 4th. Selectman Watson said the Fire Chief's request for \$50,315 for a part-time

position being made to a full-time benefitted position is an 82% increase and we need to look seriously at that. Ms. Dembkoski said the BOS needs to negotiate that because he does have an expired contract. Changes in hours or salary should be negotiated; it shouldn't be an automatic increase in the warrant. Selectman D'Amore said it should not be converted to a full-time or benefitted position. To be discussed further at the budget meeting on Monday.

VOTES OF THE BOARD:

Selectman D'Amore made a motion to approve the February 22, 2016 Meeting Minutes; Selectman Wood seconded; voted 4-0-0.

Selectman Wood made a motion to approve the February 22, 2016 Executive Session Meeting Minutes; Selectman MacDonald seconded; voted 3-0-1.

Selectman D'Amore voted to accept the resignation of Jeffrey Aalto from the Conservation Commission effective March 31, 2016; Selectman Wood seconded; voted 4-0-0.

Email from Steve Merrill asking the board to consider adding Resident Recognition time to Town Meeting
– It is standard with most town meetings that the town moderator would pick one person to recognize for volunteerism, etc. Selectman D'Amore said we would want to make sure we can implement it. The board feels Selectman's Time would be the place to recognize individuals. Selectman Wood made a motion to recognize individuals under "Selectmen's Time" for special recognition; Selectman D'Amore seconded; voted 4-0-0. Ms. Dembkoski will put information on the website.

OLD BUSINESS (Unfinished Business):

Selectman Watson was asked to give an update on the rear fields at the Bagnall Schools. He wanted to address the comments about money being missing, etc. The \$98K is not missing. It will be used to repair the rear fields. At the Special Town Meeting on October 26th, \$98K was transferred from the Bagnall Summer Revolving Account to the Bagnall Landscaping and Grounds Account. The \$98K along with \$75,981.82 that was remaining in the Bagnall School Building Fund was transferred also. It is going to be used to repair the rear fields; the Chairman is working on a time table; the well is scheduled to be done first. The Chairman will coordinate with the Director of the Summer Program, the Superintendent of Schools and School Principal so there will not be any impact on the Summer Program or the Bagnall School. The Director of the Summer Program last year spent \$78K more than what he was allowed by law to spend; we had to get it into compliance with the law. He said he did not realize he was limited to 1% of the tax levy. The Director of the Summer Program will be before the board again (and possibly the Finance Committee) to go over his proposed budget, set salaries and appoint the staff. Selectman D'Amore said we acted as a board to bring that program into compliance with Massachusetts law. Despite concerns that were expressed to him, the back property of Bagnall School is not being shut down. He gave credit to Bill Dunn and the Superintendent for taking personal responsibility to make sure the Summer Program is going to have a workable plan so the development of the back of the Bagnall School will be done in such a way as to not impact the Summer Program but will still be developed. He thanked Selectman Watson for bringing this out and for quelling a lot of misinformation. Selectman MacDonald said there has been some criticism with the BOS involvement in the Summer Program, but bear in mind, our job is to do things according to the law. The Summer Program is operating under a revolving account which does have some limitations. Selectman D'Amore said the revolving funds cannot be used by the BOS to dip into as a slush fund. Ms. Dembkoski was able to set a meeting with Chair Dunn, herself and the parties mentioned for the first week of April. By mid-April the BOS should have an update on the project, when it is going out to bid, and the timeline. Selectman Watson said Chair Dunn deserves a lot of praise for moving it forward as quickly as he has.

CORRESPONDENCE TO BE REVIEWED:

1. Minutes from March 2, 2016.
2. Executive Session Meeting Minutes from March 2, 2016.
3. Minutes from March 7, 2016.
4. Letter to Richard Greenwood regarding Class II License.
5. Letter to Eric Harper, Trustee, regarding unregistered vehicles at 441 Main Street.
6. Letter from Board of Health with regards to the proposed Firing Range.
7. Resignation of Richard L. Lombard from the Board of Health – Ms. Dembkoski said it is a three member board with only one person remaining after May 2nd. If anyone is interested, please send a letter to her so the BOS can appoint them in the interim. The BOH cannot operate on a board of one.
8. Correspondence from the Police Department; Rebuttal to the Board of Health regarding the proposed Firing Range.

FINANCE DIRECTOR'S TIME:

Ms. Dembkoski showed the members the tax bill insert for town meeting and the town election dates. She also gave them a copy of the proposed Zoning Bylaw changes; the Public Hearing is March 22nd; the bylaws are on the website and posted in the lobby of town hall. There will be copies available at town meeting.

Officer Fournier wanted the board to have information on the firing range (training liability and the use of deadly force pamphlets) to understand some of the liabilities that come down to Police Departments with regards to firearms training. They will have come to the board to ask for funding because they don't have enough money budgeted to train going forward.

Ms. Dembkoski took a minute to acknowledge Chairman Dunn and Assessing Manager, Debby Webster who spearheaded the Town of Groveland Permitting Guide. They worked closely together with Merrimack Valley Planning and our boards and committees to put it together; it is now on the website. At some point the board will have to decide if they want to charge a minimum fee for a hard copy because we have to pay to have it reproduced.

A reminder from the Cemetery Commission to remove decorations by April 1st.

There was an email from Mike Davis (Open Space and Trails Committee) that MassDOT evaluated the Trails project and determined it is eligible for federal aid which provides a clear means to securing 100% of the construction funding.

Selectman D'Amore talked about the information given to the board by Officer Fournier. He said we do need the firing range but we also have a budget issue with the police department because it is extremely expensive to have the officers go out of town to get the necessary updated versions of training which includes active shooting. He said frangible bullets are compacted with powdered copper and tin; when they hit a target they disintegrate; the tin and copper goes into the ground (the sandy soil behind the Highway Department), and 6' under is the water; he does not want the water poisoned. He wants to see a proposal that says how we are going to mitigate the potential for contamination of our water. For Officer Fournier to argue the point that we have some liabilities or big budget issues if we don't do it is not enough. Selectman D'Amore wants in writing from everyone in authority who said it was ok be put in writing. He wants the Chair to reach out to them or have the board write a letter to tell them to complete the proposal. If Officer Fournier or no one in the police department is willing or able to write that proposal, Selectman D'Amore is volunteering to do it. He said what was received tonight is insufficient but a good start. Selectman Watson will take Selectman D'Amore concerns/information back to the Chair.

SELECTMEN'S TIME:

Selectman Wood had some concerns: (1) he noticed there is a lot of trash around town and does not know if it is coming from people putting their trash out or throwing it out. Is there a process to getting it picked up? Selectman D'Amore suggested asking volunteers. Selectman MacDonald said the board could send notice to the schools for those who need community service credits to contact the BOS for more information. (2) People need to be responsible about picking up after their dogs at Shanahan Field as well as at the Pines. (3) There is a motor safety issue by the Bagnall School where the speed limit changes to 20 mph in the morning and afternoon; people are driving at an excessive amount of speed. He asked that people please be aware of the crosswalk and the children.

Selectman Watson mentioned the vacancies on the boards and commissions. If anyone is interested, contact the Finance Board or Ms. Murphy. Selectman D'Amore said he will send a letter to the board to ask if they will consider him for an appointed position on the Board of Health.

The next regular meeting will be held Monday, April 4, 2016 at 6:30 p.m.

Selectman D'Amore made a motion to adjourn; Selectman Wood seconded; voted 4-0-0. The meeting was adjourned at 9:16 p.m.

*** Minutes approved on Tuesday, May 3, 2016 with a vote of 3-0-2, with Chair Dunn and Selectman O'Neil abstaining. ***