

Groveland Board of Selectmen  
Meeting Minutes  
April 3, 2017

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

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

Because of rumors in town, the Chair asked Ms. Dembkoski for clarification on the amounts in the Stabilization Funds. He thought there was \$1 million in the Stabilization Account and \$75,000 in the Capital Stabilization Account. Ms. Dembkoski said that was correct. As of FY17 there is a projected fund balance of \$1,045,000; looking to have \$1.2 million after this upcoming budget year. Since she has been at Town Hall, no money has been withdrawn from Stabilization; deposits continue to be made. It was also heard that the bond rating was in jeopardy because of the low stabilization balance. Ms. Dembkoski said that is untrue and Groveland's bond rating was upgraded last year due to our strong financials; we are one notch below the highest rating possible in a bond rating.

**APPROVAL OF WARRANTS:**

Selectman Wood made a motion to approve PW#17-39 in the amount of \$157,306.63; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#17-37A in the amount of \$25,900.39; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-39 in the amount of \$1,390,903.64; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS:**

Selectman Wood made a motion to appoint Steve Brown to fill a vacancy on the Finance Board through June 30, 2017; Selectman O'Neil seconded. Discussion: the board has not seen any paperwork listing Mr. Brown's qualifications; tabled pending receipt of more information.

**DISCUSSION AND POSSIBLE VOTE:**

Water & Sewer Department to discuss Budget and School Street Building – Jim Sheehan presented a letter to discuss the reuse of the Electric Light building as the new Operations Facility for the Water & Sewer Department. One of the benefits to the town would be the consolidation of the staff and equipment in one location. They would invest capital for mechanical and cosmetic upgrades; there would be no cost to the town; they will also plow the parking area. They will pay the yearly tax of \$5,400. Ms. Dembkoski said they met and reviewed the fees that the town could charge the Enterprise as well as the fees the Enterprise could charge the town; it's a wash. Chair Dunn asked about billing. Mr. Sheehan said people can pay at the office and there will be a lockbox. Selectman Watson asked about the Washington Street building. Ms. Dembkoski talked to Kevin Snow (Light Dept. Manager) who said they plan to declare it surplus next week and turn it over to the town. Selectman Watson asked if the rates would be increased because of the move; no. Will there be a room for the meetings to be televised; more discussion is needed. Selectman Wood

made a motion to grant the Water Department the 23 School Street building pending the Light Commissioner's declaring the building surplus, with the Water & Sewer Department paying the annual taxes in a PILOT agreement; Selectman Watson seconded. Discussion: Selectman MacDonald asked if a lease is needed; no, it is a town-owned building. Voted 5-0-0.

Because the warrant had already closed, Mr. Sheehan asked the board to include the following article: to see if the town will vote to transfer the sum of \$50K from FY16 Enterprise Fund retained earnings to offset long-term debt and interest or take any action thereof. He said they may be short in the Sewer; they are trying to be proactive. Selectman Watson made a motion to add the Article presented by the Water Commissioners to the Special Town Meeting Warrant; Selectman O'Neil seconded; voted 5-0-0.

Presentation of Zoning Bylaw Article for Town Meeting – Sam Joslin is asking the board for support of the Article so it can be presented as a unified body at town meeting. Minor improvements have been made; mostly for clarification. He stressed that it is not a finished document; that was not the intent. It is a foundation to start the process of getting the zoning fixed which is severely broken. It needs to be reorganized; legal portions put in place; illegal portions removed. There were court orders to put some pieces in which has been done. Once passed by town meeting, the committee can start fixing the broken parts and get the bylaw to a position where the townspeople can read and understand it. Ms. Dembkoski said Town Counsel has reviewed it; it is exactly what they are looking for in the first "clean-up" version and fully support it going forward. Selectman MacDonald gave examples of defects he found. Mr. Joslin said errata will be found and cleaned up. Selectman MacDonald asked why not put in on a Special Town Meeting in the fall. Mr. Joslin said it will not pass; if you change the entire document, you will not get 2/3 of the town to vote for it. The methodology recommended for the best success is to work on small pieces at a time. Mr. Joslin said the committee has committed to continue monthly meetings to move it forward at every town meeting; it's a living document. Chair Dunn said we had meetings and no one bothered to come. Ms. Dembkoski does not think we could get 100 people to a Special Town Meeting for just Zoning. Mr. Joslin said he understands the concerns; he is here to ask to give them the foundation to work with; without the base, there is no fixing. Selectman Wood said we refer to his expertise and recommendations as we do with the Police and Fire Chief. If he feels this is the best way forward and other towns have done this and have seen progress, let's do it. Selectman Watson said people he spoke with were frustrated at the first hearing because they didn't understand it. Who is going to stand up at town meeting and tell the people that they are voting on a defected document that is going to be changed and convince them to vote for it. Mr. Joslin said people will vote for it; he has been there and done it. If we don't get the 2/3 vote, the committee is dissolved and we go back to the horrendous zoning we've had for the past 20-30 years and he starts enforcing it. Chair Dunn said where is the starting point. Mr. Joslin said in its current state it is defective, it is too extensive to change all at once and have everyone agree on it. To not bring it forward would be an error on the town's part. Mr. Joslin said he is tasked with enforcing it and it is close to unenforceable. If he does enforce it the way it is written, the townspeople will be very unhappy. Chair Dunn asked will someone stand up and explain it at town meeting. Mr. Joslin would be willing to do that but he does not live in town; if the board would entertain him, he would be glad to. Ms. Dembkoski said the Moderator's approval is needed to speak at Town Meeting. Selectman MacDonald said it irritates him to send it to the people knowing it has defects; why not work the bugs out and do it right the first time. After much contention by Selectman MacDonald, the Chair said that was enough discussion. Selectman MacDonald said he would not stand in the way of letting it go to the townspeople. He would like Mr. Joslin to be there, tell the people what he told the board tonight, and if he can compel them to vote for it, fine. Selectman O'Neil asked about receiving public opinion/feedback to make it a better document. Mr. Joslin said there is an online site people have been feeding into and they have been responding to emails. As they move through the next phase, they will inform people through the Town Clerk, tax bills, etc. Selectman O'Neil commented on what Mr. Joslin said about the committee disbanding if it does not pass. Mr. Joslin said he over spoke and should have said the committee would disband and regroup depending on what the feedback is. If the feedback is that the people don't want it, the committee will not beat their heads against the wall. Chair Dunn wants a commitment made to townspeople so they don't think they are going to be

stuck with what we have now. Mr. Joslin said he will try to move it forward; the reality is that his job is very difficult with this bylaw; this is a first step. Kacy Bailey prepared a section by section brief description of what changed, if anything, or if it was just a reorganization. The plan and goal is once they go through the summary sheet, have a quick Q&A so the people understand what the ZBA is trying to do and what route they trying to take. Selectman Watson made a motion to pass the ZBA Bylaw Article on to Town Meeting; Selectman Wood seconded; voted 5-0-0.

Balch Ave Land Donation Discussion – It is a half-acre property with wetlands on it and adjoins three other Conservation properties. By taking this property, it makes all the properties more useful. The impact of the property tax is minimal (\$44/annually). Mr. Dempsey is asking the board's approval for the Conservation Commission to take the donation. Chair Dunn asked if the neighbors were notified about the parking. Mr. Dempsey said after looking at all parcels throughout the town and bringing the four properties together, they will then get the neighbors involved. Selectman Watson made a motion to accept parcel 19 7-5 on Balch Avenue for a Conservation Commission donation; Selectman Wood seconded; voted 5-0-0.

Town Forest Land Exchange – There is a developer who would like to make a trade. They have a piece of land on Wood Street they could potentially build 4 houses on. By them getting 150' of frontage, instead of putting in a road, they would build only 2 houses. For the town, it is a better financial situation. In exchange for the 9,000 square feet, they will donate 12 acres to the town; it will come off the corner of Town Forest in the passive recreation and habitat area. There was concern about the impact of the loss of the 9,000 square feet on the triangle because there is an easement through Town Forest given to the Water Department that they use to get to the water tank. The Water Department does not have any concerns as long as their easement is kept in place and the maintenance part of the agreement that is set up with the Water Department is put into a Conservation Restriction. The Warrant Article takes care of that. Because it is a town forest, it has to go to state legislature before removing any land or changing the purpose of the land. Chair Dunn asked if there were taxes on the donated parcel; \$3,115. The offset comes that only two houses will be built and will be taxed. Chair Dunn does not feel comfortable doing this kind of deal; if you set precedence for one person, others can come in and do the same thing. He said at the end of the day it will cost the town money because of kids in school, plowing. Mr. Dempsey said the developer will move forward and will try to get 3-4 houses; this way they are only getting two houses so we are better off. He does not believe we are setting a precedence because we are not giving them anything other than a 9,000-square foot property in exchange for a much larger piece of property. We are not guaranteeing anything; we are not guaranteeing they can build those two houses; we are not giving them any permits to build those two houses, they will have to meet Planning, Zoning and Conservation requirements. Selectman MacDonald said they should pay additional taxes on the acquired property. The developer is willing to pay all the legal costs which include the closing, closing documents, taking it to the state for removal from Chapter 97 protection, reviewing the Warrant Article, etc. They are also willing to pay for a survey if necessary. They talked to a resident today who would be most impacted (33 Wood Street). He had no problem with it. Chair Dunn said based on two homes, the net average to the town is \$5,042. Selectman MacDonald made a motion to accept Mike Dempsey's recommendation to move the Transfer and Exchange of Town Property Article on to Town Meeting; Selectman Wood seconded; voted 5-0-0.

Follow-Up on Land Issues with Conservation Commission – Three parcels on Meadow Pond Reservation are not covered by the Department of Fisheries & Wildlife CR; two require a CR because they were purchased with CPA funds. DFW will take it on; all we have to do is pass the Warrant Article at Town Meeting; it will not cost the town anything; it will save \$16K by not having to pay for an endowment on the CPA two parcels. It will also solve the problem of the requirement of CPA to put a CR on the two parcels. He explained the difference between Chapter 97 protection and a Conservation Restriction which is an extra layer of protection. Selectman MacDonald made a motion to accept Mike Dempsey's recommendation to move the Required Protection of Conservation Land at Meadow Pond Article on to Town Meeting; Selectman Wood seconded; voted 5-0-0.

Meet with Finance Board Chair to discuss the FY18 Budget and Town Meeting Warrant Articles – Kathy Kastrinelis would like to have the person recommended for appointment be appointed; she understands he is highly credentialed and has a good finance background. Selectman Wood said we would like to appoint him but have nothing on him or anyone who knew him.

Ms. Kastrinelis said they met with town departments and have voted the Omnibus Budget. They reviewed the Capital requests and Community Preservation. The Veto CPA Article is tabled pending information from the Historical Society. She said they are feeling optimistic that they have a balanced budget. Compared to other towns, Groveland does very well; we get a lot of service for very little money, but we spend just about everything we have. She said when putting money into the retirement liability and into the stabilization, try to think that it is somewhat of a prosperity for Groveland. We are bringing in new growth and additional receipts and can afford most of the budgets so it's a good time to set aside money, not spend it all. We need to build up the reserves. Except for decreasing Zoning and increasing the library pages as well as the lower end full time library staff, they have stayed within the recommended budget. She said the board emptied more than half of the reserve fund. Ms. Dembkoski said each year the town appropriates \$20K into a Reserve Fund that only the Finance Board can spend. The board voted some transfers for the fire department truck; they supported those transfers; that was \$13K of the \$20K, leaving only 6K. Ms. Kastrinelis said we might want to look at that next year and increase the reserve amount. She said they are supposed to be used for unexpected contingencies and not for inadequate budgeting or management not keeping track of things. Ms. Dembkoski feels we shouldn't have any issues if we need to close those gaps. Accounts that have been static need to be reviewed and possibly increased incrementally. Chair Dunn said the snow and ice needs to be budgeted more and the Highway Department budget needs to be reviewed. Ms. Dembkoski said the benchmark for a strong financial community is 10%; we are at about 8%. It was this board's commitment to continue putting in and we haven't spent any money (which was not the practice in the past). We created the Capital Stabilization for capital items separately and leave the Stabilization for the bigger expenditures; that's what it is there for. Ms. Kastrinelis was thanked for coming in and the hard work the Committee does.

The budget was briefly discussed and will be voted on tomorrow. For the Zoning Article, nothing can be in the warrant other than the Article; maps and summaries can be distributed. The 171-page Article has to appear in the warrant; money has to be found to pay for it; Planning Board has no money to pay for it.

**VOTES OF THE BOARD:**

Selectman Watson made a motion to approve the March 6, 2017 Meeting Minutes; Selectman MacDonald seconded; voted 5-0-0.

Selectman Watson made a motion to approve the March 6, 2017 Executive Session Meeting Minutes; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion to ratify the Collective Bargaining Agreement between the Town of Groveland and the New England Police Benevolent Association, Local #113 – Groveland Fire and Police Signal Operators' Association (Dispatchers) effective July 1, 2017 through June 30, 2020; Selectman O'Neil seconded; voted 5-0-0.

Selectman Watson made a motion to approve the Road Commissioner's request to deficit spend the FY17 Snow & Ice line item by an additional \$30,000; Selectman O'Neil seconded; voted 5-0-0.

**OLD BUSINESS (Unfinished Business):**

Selectman Wood said a long time ago we bought a firetruck; where is it. Chair Dunn spoke with the Fire Chief today. The truck is in Attleboro MA at the factory. While being cleaned and prepped, the roof leaked. It had to come off, be primed and painted again. He is waiting on thermal cameras and axes. The vehicle will come here to be lettered. He will contact the president of the company it was purchased from to find out the date of delivery. The first delivery date was to be in September/October. The Chief said the delivery date is out of his hands. Do we want the truck anymore? What are our options? Selectman Wood would like a timeline of when we bought the truck and the issues we have had since buying it so we can get a picture-view of what we had to go through so we can make an accurate decision of what we want to do. Selectman O'Neil would like to see a rebate for the loss of time. Ms. Dembkoski said the Chief has been calling and the president of the New England company has not been the most responsive; she has also reached out to him; he doesn't get back to us. Selectman MacDonald asked if there was a cancellation clause and if so, what is the date of cancellation. She said there was no delivery date in the contract because we didn't have any idea when it would be delivered, but we can cancel with 30 days written notice. Selectman MacDonald asked if we could get a professional decision from the Fire Chief as to whether or not we should do that. The truck is not only a demo, but a prototype, and this company has no history of making midmount platform ladders. We are in mutual aid agreement mode right now. Ms. Dembkoski said we are buying the truck through the Houston-Galveston Area Council Buy Group. She has informed them of the issues we are having. Part of the complication is that Rosenbauer of New England is not on the Houston-Galveston Buy because they do not normally make these trucks so we are buying it through the South Dakota branch. The Chief was going to call South Dakota directly and find out if it is the New England group that is giving us the runaround, if they are in control of it, if there really are issues with the truck. New England is now in the mix as the middle man; technically we are not dealing with him, but they are the owners of the truck. She will follow-up with the Chief. They have not been paid yet; a decision would have to be acted on before the end of the fiscal year to either roll it over for another year or permanently finance it. Selectman MacDonald asked if we could have the Fire Chief come in. Chair Dunn said the Fire Chief is frustrated; he would like to write a demanding letter on behalf of the BOS to help him; Ms. Dembkoski will call first. Is the Chief comfortable taking the truck with all the problems it has had? Selectman Watson said we need a list of all the problems (in writing) and get an opinion from the Fire Chief as to whether we should cancel this order and look for another truck. The board will support his decision.

**CORRESPONDENCE:**

1. March 8, 2017 Executive Session Meeting Minutes.
2. March 20, 2017 Meeting Minutes.
3. March 30, 2017 Executive Session Meeting Minutes.
4. Letter to 800 Salem Street regarding unregistered vehicles violation.
5. Letter to the Clean River Project to offer support for their efforts.

**FINANCE DIRECTOR'S TIME:**

The written proposals for the well at the Pines were due this morning; one was received from a company we have done prior business with.

There was a system issue with the excise bills. Demand notices were sent to people who already paid. She asked that those residents please be patient while the software company is researching why it happened and how to fix it.

Two weeks ago she sent the board the list of tax title properties for advertising. They have until the end of April to pay the bills before they are taken. The 4<sup>th</sup> quarter real estate bills were mailed Friday.

**SELECTMEN’S TIME:**

Selectman MacDonald questioned his real estate tax bill increase of 5%. It was more than likely due to his assessment which can go up over the 2.5% levy cap.

Selectman MacDonald asked about the legality of Selectman Wood’s referendum question regarding the marijuana and whether it could be procedurally brought up under “Old Business”. Ms. Dembkoski reached out to Town Counsel, sent them the facts of what happened and told them where it was on the video so that could watch that portion of the meeting. The response back was that procedurally the Attorney General’s Office frowns upon motions and votes being taken under Old Business; however, it is not against the regulations. It is acceptable if you choose to make a motion, second and vote on it. Their caution is that the public could not anticipate that subject would come up and a motion would take place. The vote was time sensitive, the board did second it, the motion passed, and Town Counsel said it could proceed legally onto the ballot.

Chair Dunn said they are working on the Bagnall School project with potential power raking, seeding and final work being done to the fields as soon as the weather breaks. The sprinkler company will turn on the sprinklers; they will also seed and prep the ball fields. He wants to work on the Pines project to get the fields done; the well issue is moving forward; next would be the sprinklers, grading and seeding. The land sales bids are due April 21<sup>st</sup>; to date not a lot of interest. The town-owned land and the Bagnall School building improvements are on the Special Town Meeting Warrant.

Groveland Baseball’s opening day is Saturday, April 22<sup>nd</sup>; the board is invited to attend if they can make it. The Council on Aging’s Volunteer Appreciation Day is April 13<sup>th</sup> at 10:00 a.m.

The next regular meeting will be held **Tuesday, April 18, 2017** at 6:30 p.m.

Selectman Wood made a motion to adjourn; Selectman Watson seconded; voted 5-0-0. The meeting was adjourned at 9:35 p.m.

\*\*\* Approved on May 2, 2017 with a vote of 4-0-1, with Selectwoman Dube-Carpenter abstaining \*\*\*