

*Approved Minutes
BOS meeting 8.2.2021
Unanimous Vote*

BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
Friday, May 7, 2021
Groveland Town Hall Meeting Room
183 Main St, Groveland, MA 01834

TOWN OF GROVELAND

2021 AUG -4 PM 12:13

TOWN CLERK
RECEIVED/POSTED

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place. This meeting of the Board of Selectmen will take place without any public present, but we will make every effort to ensure the public can adequately access the proceedings in real time.

This meeting will be broadcast live on Groveland Public Access, Channel 9, as well as through Zoom. To join the Zoom Meeting, visit: <https://us02web.zoom.us/j/9231328711>

Members of the public were asked to send written comments to kworden@grovelandma.com or submit questions through the Zoom chat window.

PRESENT: Bill O'Neil, Jason Naves, Kathleen Kastrinelis, Ed Watson, Daniel MacDonald

ALSO PRESENT: Katheryn Worden, Administrative Coordinator, Ruth Rivard, Finance Committee

CALL MEETING TO ORDER: Acting Chair, Bill O'Neil called the meeting to order at 4:41 pm.

VOTES OF THE BOARD:

- Finalize Warrant Articles

Acting Chair O'Neil thanked everyone for coming and noted that he and former Selectman Mike Wood had a brief conversation with Town Counsel on Sunday, and they had made a few suggestions that would be relevant and necessary, and the changes will be reviewed tonight.

Attorney Lauren Goldberg, KP Law joined the meeting via Zoom and explained that she had reviewed the proposed bylaw for the Town Administrator (TA) position and explained the hierarchy of laws in government and noted that a Special Act has the same weight even more so than the general laws when it comes to the form of town governance; Groveland has an existing Special Act that sets forth the powers and duties of the Finance Director and in order to create a Town Administrator position that has any of those authorities two things have to be done; 1. Rescind the act and 2. Get Special Legislation that allows some of those authorities to the Town Administrator position. Under MGL Ch. 41 Sec. 23a, a TA acts by and through the BOS and has no independent authority; town meeting can adopt a bylaw that states something like "as authorized by the Board" because the Board does not have to cede any of its authority to the TA appointed under this statute. Atty. Goldberg further explained that the "new" type of Town Administrator has some sovereign authority in the Town actually ceded to that person and in order to have that possible this would have to be done through a Special Act; she took the Government Study Committee's bylaw and converted it to a Special Act and removed things that could be done by bylaw because they don't need to be in the Special Act but also included things that the study group recommended; a bylaw could still be done in the future to expand the role of the TA.

Attorney Goldberg stated it was not clear from the Government Study who has appointing authority in the town; she stated it seems that halfway through the document that the TA does, but it does not specify for which positions and Atty. Goldberg would like to see this clarified. Attorney Goldberg reviewed each section of the Special Act to show what it would look like. The document references Select Board, but this can remain BOS if that is what the Board would like. There is a section at the end of the Special Act to rescind the Finance Director position.

Attorney Bill Hewig was present and took over the discussion because Attorney Goldberg had to leave the meeting. The recommendation is that articles 4 and 5 be taken up together and be presented to Town Meeting as a Special Act as described by Attorney Goldberg. The Warrant does not need to be reposted because in his opinion this is adequate; if asked the Moderator will have to advise that this is within the scope of the Article 4 and 5 and in his opinion Attorney Hewig stated that this is within the scope. This would be a simple majority vote and is amendable on Town Meeting floor. Attorney Hewig was of the opinion that sufficient notice had been given to the residents of Groveland that there would be a vote regarding a Town Administrator position; the Warrant which notifies the residents of the Town Meeting Articles was properly posted 3 or 4 weeks ago. Selectman MacDonald disagreed with the opinion because he did not feel there was sufficient notification; he felt this should go on a ballot and not a Town Meeting. Attorney Hewig noted that this would be posted for the residents to review and it would be up to them to show up to discuss this and vote on it. Selectman MacDonald wanted to know what the urgency was. Selectman Kastrinelis explained that this has been going on for more than a year; the SB first worked on his but then tasked the Government Study to review this; the group met, televised their meetings, kept minutes and submitted their recommendation to the BOS; this is the next step in the process, this Special Act provides a better explanation, and the articles are already on the warrants. Selectman MacDonald was concerned that voter participation was so low at the town election and felt voters would not show up at Town Meeting due to the pandemic. Selectman Kastrinelis wanted to hear from town meeting to see where it goes. Selectman Watson agreed that this should be put off for further discussion and not enough work has not been done to educate the public and does not feel Town Meeting is the place for people to go for answers. Selectman O'Neil reported that there was a survey done that showed that over 60% of the respondents were in favor of having a TA form of government. On another note, Selectman Kastrinelis explained that due to some deficits in the budget this year; there is money left in the two school assessments for Essex Tech and Whittier Tech and in order to use that excess money this will have to be voted on at a STM before the ATM and that warrant has to be posted no later than Monday to hold this on the same night as the currently scheduled meeting; the Board needs to vote this tonight.

A motion was moved by Selectman Kastrinelis and seconded by Selectman Naves to post a Special Town Meeting Warrant for Monday, May 24, 2021 at 6:30 pm at the Dr. Elmer S. Bagnall School. Voted: 5-0-0.

A motion was moved by Selectman Kastrinelis and seconded by Selectman Naves for Article One on the Special Town Meeting Warrant to transfer from the Essex Technical School Budget Account as noted on the Accountant's worksheet the sum of \$45,000 to Fire Fighter call wages. Voted: 5-0-0.

A motion was moved by Selectman Kastrinelis and seconded by Selectman Naves for Article Two on the Special Town Meeting Warrant to transfer \$10,000 out of the Whittier Vocational Tech Assessment as noted on the Accountant's worksheet and transfer to Employee Group Health Insurance. Voted: 5-0-0.

Selectman Kastrinelis will work on writing this up and the Town Accountant will review the line items numbers to verify accuracy of the account numbers that will be on the Warrant and this will be sent to the Town Clerk to be posted on Monday morning.

Ms. Rivard, Finance Committee noted that there are errors on the warrant that need to be modified; Selectman Kastrinelis made notes on these and will work on writing something up.

ADJOURNMENT:

A motion was moved by Selectman Kastrinelis and seconded by Selectman Naves to adjourn the meeting at 5:52 pm. Voted: 5-0-0.

The next regularly scheduled meeting of the Board of Selectmen will be Monday, May 10, 2021.

Respectfully submitted,

