

Groveland Board of Selectmen  
Meeting Minutes  
May 15, 2017

Present: Chair Michael Wood, Vice-Chair Lisa Dube-Carpenter, Selectman Bill Dunn, Selectman Ed Watson, and Selectman Bill 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 tonight.

**APPROVAL OF WARRANTS:**

Selectwoman Carpenter made a motion to approve PW#17-45 in the amount of \$154,425.46; Selectman Watson seconded; voted 4-0-0; warrant approved.

Selectwoman Carpenter made a motion to approve DW#17-43A in the amount of \$30,705.66; Selectman Dunn seconded; voted 4-0-0; warrant approved.

Selectwoman Carpenter made a motion to approve BW#17-45 in the amount of \$742,885.27; Selectman Dunn seconded; all voted in favor; warrant approved.

**APPOINTMENTS:**

Selectman Watson made a motion to appoint Patrick Jensen to the position of temporary seasonal Cemetery Grounds Keeper effective May 16, 2017 at an hourly rate of \$11/hour at a maximum of 25 hours per week for a maximum of 25 weeks; Selectwoman Carpenter seconded; voted 4-0-0.

**DISCUSSION AND POSSIBLE VOTE:**

Anne Brodie, Town Clerk (to discuss a contingency plan for the Clerk's Office in Mrs. Brodie's absence)  
– Postponed until the next meeting.

Rob Eckholt (2 Ashcroft Circle) to follow-up on the discussion of a drainage easement in relation to his property and renovations – Mr. Eckholt did not show. It was unsure if he needed to come before the board. Ms. Dembkoski spoke with him. He did not receive authority from all parties to use their portion of the easement. Mike Dempsey said it is still a town easement and this board should give its approval. When Mr. Eckholt contacted Verizon he was told that people are now building houses on the old Haverhill easements and they haven't cared about it, so he was ready to proceed with this board's blessing. Selectman Dunn asked how do we give it our blessing if it is not our land? It is still an easement with the Town of Groveland subsidiaries of the Light Department and the others. There are several entities that have rights to that easement should they want to do something on it in the future; Mr. Eckholt knows that if he proceeds, it is at his own risk.

Discussion of a potential Open Meeting Law Violation of the Community Preservation Committee regarding a non-posted meeting with a quorum of members on April 19, 2017 – Chair Wood wanted to discuss if a meeting was actually posted, what took place during the meeting, who was at the meeting, and what the outcome was because he doesn't believe it was posted in accordance with the Open Meeting Law and didn't see an invite to that meeting. Mike Dempsey (representing CPC) explained what occurred. He planned on doing some Conservation work. He was told that Representative Mirra was there and Senator

Tarr was coming and they wanted to talk about Groveland Square. A group of citizens and Lenny Mirra were in the room. Mr. Dempsey didn't know anything about the meeting going on that day. Senator Tarr came in and they started talking about the square and about state funding and what he could do to proceed to help us come up with some money that the town might be able to acquire the property or somehow work on proceeding along the lines that had been discussed with the BOS. Someone else came in and then former Selectman MacDonald (CPC member at the time). Former Selectman MacDonald listened to the end of the conversation and then he brought up with Representative Mirra the Center Street Home Rule petition they had submitted to them. Senator Tarr asked for documentation. Mr. Dempsey gave it to him and the meeting was over.

Chair Wood asked who from the CPC was in the room talking about downtown. Mr. Dempsey said himself, Bob Guptill, Claire Walsh, Kathy Prunier, and at the end, former Selectman MacDonald. Selectwoman Carpenter said she was at that meeting as well. Her understanding was that it was an informal meeting, there was no deliberation, and there was no intention to be deliberation; it was to be a brainstorming session that was prompted by the May 31<sup>st</sup> meeting in which Senator Tarr came before the BOS to discuss the property (Main Street). Chair Wood asked if there were any deliberations to use CPC funds for any type of assessment of the gas station, post office downtown, on any kind of architectural designs, any evaluations on projects that may happen in the future, anything to do with CPC money at all, because business can't be discussed unless it is posted in accordance with the Open Meeting Law. We need to be careful that we are not presumed to be doing back door deals. Chair Wood wanted to make sure we did not violate the Open Meeting Law, he was not accusing anyone; he only wanted to make sure that nothing happened that we will be held responsible for. Selectwoman Carpenter said there was no reference to the use of CPC funds; her recollection is that the focus was on outside entities that might provide a source of funding which was prompted by the BOS May 31<sup>st</sup> meeting in which the suggestion was that the town didn't have the money. Chair Wood said the reason he is asking is because there are conflicting statements as to what transpired that day. Selectwoman Carpenter said while she was at the meeting there was no reference; she can't speak to the 5-10 minutes she was not there. Selectman Watson said the people met with Senator Tarr following the Selectmen's advice at the May 31<sup>st</sup> meeting. Chair Wood said if you are involved in a meeting and you are aware that a quorum is taking place in a non-posted meeting, you should disregard the continued conversation and post the meeting that you are going to have a discussion of a quorum of a committee. Selectwoman Carpenter said the Open Meeting Law says that "unless there is a deliberation of a public body with respect to any matter within the body's jurisdiction"...she did not think it met this definition and does not think there was an intent to have a quorum. Bette Gorski said the group is just an interested group that cares about the community; no voting took place, there were no deliberations; it was just sharing information. When she was a member of the 3-member board, they all went to meetings where no votes were taken and there were no deliberations; nobody made an issue about it. Selectwoman Carpenter said to avoid this happening again in the future, the board may want to formally appoint a committee so there would be better communication. Chair Wood wants to make sure we are careful about the Open Meeting Law and careful how we conduct business and the perception it may have in town. Selectwoman Carpenter made a motion that we as a board take a vote as to whether we want to form such a committee and if so take a formal vote and solicit volunteers to be part of that committee and, then as such, any meetings that take place are subject to the Open Meeting Law and would have to be posted formally and would have to be open to the public; Selectman Dunn seconded; voted 5-0-0. Chair Wood wanted it on record that he is not opposed to idea sharing or brainstorming; he wants to make sure everything is out in the open.

### **VOTES OF THE BOARD:**

Selectman Watson made a motion to approve the April 18, 2017 Meeting Minutes; Selectman O'Neil seconded; voted 4-0-1 with Selectwoman Dube-Carpenter abstaining.

Selectman O'Neil made a motion to approve the April 24, 2017 Special Meeting Minutes; Selectman Watson seconded; voted 4-0-1 with Selectwoman Dube-Carpenter abstaining.

Selectwoman Carpenter made a motion to approve the Fire Department's request dated May 10, 2017 to install HeartSafe logo signs around town and place fliers and business cards advertising Groveland as a HeartSafe Community and their sponsored CPR classes; Selectman Watson seconded; voted 5-0-0. Selectman O'Neil asked if they still had the window stickers used to inform firefighters there were children in the house in the event of a fire. Selectman Watson said they did away with those because anyone would know there were children in the house.

Selectwoman Carpenter made a motion to accept the resignation of Elizabeth Jones, Library Page, effective May 6, 2017; Selectman Watson seconded; voted 5-0-0.

**OLD BUSINESS (Unfinished Business):**

Selectman O'Neil asked about the Town Clerk's Office. Ms. Demboski said last week she was back to her normal hours.

Selectwoman Carpenter wanted to discuss the management letter and the materials that were referenced in the Fiscal 2016 Audit Report and hear what the point of action was. Ms. Demboski said once the board has reviewed it she will have the auditors come before the board to discuss it more depth, but personnel matters are protected by executive session.

**CORRESPONDENCE:**

1. May 2, 2017 Meeting Minutes.
2. HeartSafe Update – Year 1.
3. Invitation to the May 25, 2017 Memorial Day services.
4. Town Planner Job Description.
5. Fiscal 2016 Audit Reports.
6. Volunteer of the Month Nominations: Kathy Prunier, Che Condon & Lisa Soep.

**FINANCE DIRECTOR'S TIME:**

Ms. Demboski had a conversation with a member of the dog park community who said they don't need volunteers; they don't need anything. The people that use the dog park clean up after themselves, bring their own bags, and don't need the surface changed; it is not their dogs running loose. The only suggestion was to see if they could get running water. Ms. Demboski said while we are putting in a well, we could see about putting in a spigot. She has spoken with the Police and Road Commissioner about the need for increased signage.

Ms. Demboski said before the Pines was renovated a few years ago there were signs to the affect that kids we not allowed unsupervised after dark; those signs have been removed but the Police still enforce it. She has a meeting with the Police and Road Commissioner to figure out if it's a problem. The Police recently ushered out some kids and a mother complained that there were no signs.

Dan McDonald was the representative on the Community Preservation Committee; when appointments come up, someone from this board will have to fill that slot.

On January 9<sup>th</sup>, the board discussed annual appointments and the policy the board put in place. There was some confusion as to when it would begin; it was never rectified. At the time, Selectman Watson wanted to see everybody reapply for their positions for boards and committees but that wasn't finalized. We are now getting close to reappointment time and Ms. Demboski needs to know how to proceed. Selectman Watson said they should be asked if they want to continue, he doesn't think it should be automatic

appointments. Selectman Dunn would like it to pertain to the Chair and Vice Chair as it was originally intended. Selectwoman Carpenter said we don't have a lot of applicants to fill the positions; membership should not be restricted. The policy will be discussed at the next meeting. Ms. Dembkoski will reach out to all appointments to see if they want to continue.

Mike Davis (MassDOT) in collaboration with the Community Trail project is holding a public hearing in this room on Thursday, May 18<sup>th</sup> at 7PM for the 25% design phase of the Community Trail project.

**SELECTMEN'S TIME:**

Selectwoman Carpenter would like to have the Recreation Committee as an agenda item to talk about what's been going on. She would like an agenda item to discuss the protocol on town department reporting.

Selectman Dunn talked about the Pines; the balance of the maintenance account keeps going down. Ms. Dembkoski said the account being used is called Town Development; it is not a dedicated Pines account. It should be a revolving account where money comes and spent on the Pines itself when the Development fund is gone, but to do that you need to generate revenue.

The town pays for everything (utilities, cost for night games, the freezer for snacks, etc.). Town-affiliated groups use it; no outside groups. Selectman O'Neil said they are not exclusive town groups. He doesn't think it's fair that other communities use it; there needs to be a discussion about user-fees; it's only fair. GBL has a snack shack and other fund drives; the other sports should do that. Naming rights for signs was discussed. Selectwoman Carpenter said it should not be solely on the Recreation Committee; it needs to be a collaborative effort with the town and not have one entity take it on; we all as community members benefit from it. Selectman Dunn agreed and said we need a management team; currently there is no one in control. Selectman O'Neil asked besides the Pines, what does the Rec Committee do. They oversee softball and a basketball program. Ms. Dembkoski does not think their original charge was the Pines, it morphed into that. Selectman Watson said they seem to be the proper organization to take that on. We need a discussion of what are they willing to do and how we come up with a strategy.

Bob Guptill said the way the Pines recreation has taken off, there are so many activities, so many sports, so many directions, it is the responsibility of a Parks & Recreation Commission. There is a chapter in Mass General Laws that the town has never adopted for a Parks & Recreation Commission. They are elected and the task is on that Commission. In lieu of a Parks & Recreation Commission, it is the BOS who has responsibility for the care, custody and control of the parks in this town. If the town adopted the law, a commission would be established which would be given full responsibility for doing all the things that the board is trying to manage right now. He thinks the board is overwhelmed by the magnitude of it and all the different parts to it. Mr. Guptill said we need a commission to oversee the whole program. Chair Wood agreed and said we need to consider it. Selectwoman Carpenter will do the research.

Selectman Watson would like an agenda item to discuss the work to be done on Johnson's Pond.

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

Selectman Dunn made a motion to adjourn; Selectwoman Carpenter seconded; voted 5-0-0. The meeting was adjourned at 7:57 p.m.

\*\*\* Unanimously Approved on June 12, 2017 \*\*\*