

Groveland Board of Selectmen
Meeting Minutes
August 21, 2017

Present: Chair Michael Wood, Selectman Ed Watson, Selectman Bill Dunn, Selectwoman Lisa Dube-Carpenter, 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:

Chair Wood made a motion to approve PW#18-07 in the amount of \$162,661.27; Selectman Dunn seconded; voted 5-0-0; warrant approved.

Chair Wood made a motion to approve BW#18-07 in the amount of \$730,255.23; Selectman Watson seconded; voted 5-0-0; warrant approved.

APPOINTMENTS:

Selectman Watson made a motion to appoint Robert Polizzotti to the position of temporary seasonal Cemetery Grounds Keeper effective August 22, 2017 at a rate of \$11/hour at a maximum of 19.5 hours/week for a maximum of 15 weeks; Selectwoman Carpenter seconded; voted 5-0-0.

Selectman Dunn made a motion to appoint Bob Danforth to fill a vacancy on the Planning Board until May 7, 2018; Selectman Watson seconded; voted 5-0-0.

Selectwoman Carpenter made a motion to appoint Cameron Santos to the part-time position of Library Page up to 11 hours/week at a rate of \$11/hour and subject to a successful CORI; Selectman Watson seconded; voted 5-0-0.

DISCUSSION AND POSSIBLE VOTE:

Meeting with Water/Sewer Commissioners (to discuss departmental matters) – Jim Sheehan and Tom Cusick were before the board to discuss the Personnel Bylaw (flaws and issues) as well as discussing elected officials. The Personnel Bylaw needs to be evaluated and updated. Selectman Dunn asked how it affected the Water Department. Mr. Sheehan feels that part of the department will go union because of it. He said they know what goes on and what needs to be done in their department, but don't have final decisions on money or raises; the Selectmen do. He personally doesn't think that it's fair to give everyone a 2% increase; everyone needs to be evaluated. Ms. Dembkoski said because the Personnel Bylaw is outdated in general, you can't pick and choose a section to update; an entire new bylaw needs to be drafted. It will take significant time with Town Counsel and the BOS; the board will have to make some decisions such as salaries, classification, vacations, benefits, bereavement leave, etc. Selectwoman Carpenter suggested instead of the board focusing on it, have members of the community who have expertise in this area, and then have Town Counsel review it.

Mr. Sheehan said the DPW Superintendent position is an employee-at-will (no contract). Selectman Watson asked if he would advocate to get rid of the Water & Sewer Commissioners and put it under one person such as a Department of Public Works. Mr. Sheehan does not know how the structure would work. He thinks the two departments are isolated and it would make more sense for them to work as a team, sharing equipment and doing the same thing; it would be more effective, but there needs to be a structure and evaluation for personnel. Mr. Cusick has not compared other towns but believes it's the best way to start. Selectwoman Carpenter feels a committee should work on it and not have the Finance Director do it. Ms. Dembkoski told her that she is the Personnel Director and needs to be involved. She has many structures and outlines of bylaws; it is the details the board will have to make. Once you have the format, it will come back to this board regardless to decide what benefits you want to give employees. She will provide templates at the next meeting. Chair Wood said we will move forward with the process; at least we have a dialogue. Selectman Watson said a member of the Finance Board should be on the committee since it involves wages. Selectman O'Neil said it doesn't have to be an expense if you can offset it with greater efficiency. Ms. Dembkoski said you would have an additional salary by having a person above the superintendent, but the benefits you would see are that you would not have the same equipment in two different departments, backhoes won't have to be replaced in both the Highway Department and Water Departments; you reallocate your resources, etc. You would still have enterprise funds and budget separately, but you would have someone in control all the resources to be able to move them around as needed; the efficiencies would definitely come. Selectman O'Neil said this board has little to no authority over elected boards. The town should be educated on the benefits and accountability of changing an elected position to an appointed position. The board will move forward with the process of reviewing/changing the Personnel Bylaw.

Role of Selectmen Discussion (Follow Up on Article from MassDOR – Selectwoman Carpenter said as a board we need to look at the Open Meeting Law component of our roles. She said recently there was an email exchange and there was a deliberation; it was a violation of the Open Meeting Law. Chair Wood said it wasn't a conversation among board members, it was a conversation to Ms. Dembkoski about a topic. She said it's still a deliberation. Chair Wood said the topic was a time sensitive topic to a business at hand. If we determined not to do anything, then that business would have suffered which would have been more detrimental than not making a decision. Selectwoman Carpenter said we would have had an emergency meeting. She talked to the AG's office about it and they said it was clearly a violation of the Open Meeting Law; that's what the rules say. Chair Wood understands the rules and understands that she wants to follow the letter of the rules, but sometimes you have to make decisions based on the situation. He said the situation called for a decision to help a business in town that was given wrong information by someone on the board; they had 2-3 days to decide whether or not to move forward with their event. Selectwoman Carpenter said there was time for an emergency meeting; he disagreed. There was not enough time to coordinate with everyone on the board so talks went through Ms. Dembkoski in order to make a decision. Selectwoman Carpenter's response was that it was not appropriate to engage in the deliberation. She said she is going to file a formal complaint with the AG's Office because this is not productive. The Chair agreed that it is not productive and said Selectwoman Carpenter throws darts at people every meeting about things she wants to complain about. Chair Wood is not having random meetings or making unilateral decisions in the field. He comes to the board, tells everyone who he is talking to and what he is talking about and reports back on everything he is doing. He thinks she is picking who she wants to go after and takes offense to that because he knows he is not doing anything wrong. This job is about talking to people and meeting with people and voicing their concerns and bringing it back to the board about who and what you are talking about.

Selectman O'Neil asked to discuss the root cause of the email. Selectwoman Carpenter said Ms. Dembkoski had the information and why wasn't it disclosed at the meeting so it could be discussed rather than waiting to the next day when it couldn't be acted on and was viewed as an emergency vote via email. Selectman O'Neil again asked for the root cause and why the email string was necessary to begin with. Ms. Dembkoski explained that Monday before the meeting she was presented with information about an event that was occurring in town. She had no other information except that it was presented to her. She did not bring it up because she did not have all the facts. She came in Tuesday morning, researched the law, identified the

issues, drafted a letter to the business owner, sent it to his email, at which point he called her and that is what facilitated the email to the board. The business owner said he had invested a significant amount of money, has been doing it for years, there hasn't been any complaints and didn't understand now why it is a problem and why can't he have this event. Ms. Dembkoski told him it was not her decision, she couldn't allow him to bypass the law. In her opinion, it was an enforcement matter and these things are not permitted under our bylaws or Mass General Laws. Selectwoman Carpenter said Ms. Dembkoski sent out a letter but the board wasn't part of the decision; if the board had weighed in on it prior to the letter being sent, we may not have been in that position.

Selectman O'Neil asked how did the business owner get the impression that he had permission to hold the event. Ms. Dembkoski was told he has been doing it for years since he been in town. He said he spoke to Selectman Watson who told him he didn't think it would be a problem. Selectman O'Neil said that's the root cause of the emergency. In order to mitigate this person's financial investment, we allowed it to continue. Chair Wood said to continue with the understanding that next year he must go through the appropriate permitting applications with the bylaws and zoning to make sure he is in compliance with everything that the town requires going forward which had not been enforced in the past. Selectwoman Carpenter asked who is the enforcing authority when a business is not complying. Ms. Dembkoski said there are several. He was violation of his common victualer license (falls under BOS), zoning and the entertainment portion (falls under BOS). Selectman Watson said there was plenty of time to post a meeting and take the vote the way it should have been rather than done over polling through an email. Selectman O'Neil agreed and asked when did this person get the impression from Selectman Watson that he had permission; Selectman Watson had no idea. He said he was unaware of it until he mentioned it to Ms. Dembkoski. Selectman O'Neil said you had no prior conversations, this man just pulled it out of thin air? Selectman Watson said when he spoke with him last week, he said he thought he mentioned to him. Ms. Dembkoski said the urgency was on his part, he said he was going to lose a significant amount of money if he needed to cancel.

Selectman Dunn said the bottom line is that the person did it for the last four years and would hope as a board that we would help our business people in this town; we are trying to keep business and be friendly with businesses, so whatever it took to fix the error so it could take place, that we make it right. He said if he was the Chairman, he would have done the same thing and polled the board. He read the emails and thought it was resolved, not turn into this. People should not watch us talk about shutting down businesses and not letting them have events and having these long discussions about it. Maybe we are getting away from the role of selectmen. Chair Wood agreed. His thought was how do we limit the exposure for this individual who owned the business, understanding how much investment he has and the number of people expected at this event, while him understanding that next year this all has to change to be compliant. It wasn't about being dishonest or unilaterally making decisions; it was about how do we get the most impact and get him what he needs short-term in order to fix it long-term; that was the only thing. Selectman O'Neil said also with the understanding that he had it in his mind that he had already been given permission verbally or otherwise. He said we don't want to hurt our fellow citizens or the businesses in town; that's not what we are about. Selectwoman Carpenter said these all make sense but she doesn't think we get to pick and choose when we comply with the Open Meeting Law. Chair Wood told her if she wants to file a complaint, file a complaint. He was just trying to do what is best, or what's possible, to try to help someone out without having them be raked across the coals for putting out money when they thought they were in compliance and finding out in the 11th hour they were not. Selectman O'Neil reminded those in the audience and listening tonight that if they think they have permission to hold an after-hours event, and they haven't gotten permission through the town, they don't have permission regardless of what anybody told them. No member can give permission independently.

Lee Thomas (Chair of Library Trustees) – Chair Wood read the email from Mr. Thomas stating that he could not attend the meeting because no topic was listed and felt it was too vague. In part, it stated that if the Chair or any other member of the board has questions, they should attend one of their meetings with the

next one being scheduled for September 13th. Mr. Thomas was present and said the other members of the board would have input on any of the topics the Chair specified (finances, member on the board who no longer lives in town, and the request for the sign). Selectman Dunn said better dialogue was needed; Mr. Thomas agreed. Selectman O'Neil thanked him for coming in and feels we will have the dialogue that is well overdue.

VOTES OF THE BOARD:

Selectman Watson made a motion to approve the July 24, 2017 Meeting Minutes; Selectman Dunn seconded; voted 4-0-1 (O'Neil abstained).

Selectman Watson made a motion to issue a Certificate of Achievement to Jeremy Frederick for attaining the rank of Eagle Scout; Selectman O'Neil seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Selectman O'Neil asked for an update on the bathroom situation at the Pines and when they will be open for public use. Ms. Dembkoski has not received an update recently; she will follow up.

Selectwoman Carpenter gave an update on the Elm Park/Square Committee; she has received responses and would like it on the agenda for the next meeting.

Selectman Dunn asked for an update on the land sales. Ms. Dembkoski said the old highway garage is still out to bid; bids are due August 30th. An executive session needs to be scheduled for Salem Street. The well has been drilled; a bid needs to go out for the pump. Selectman Dunn asked for an update on the finished hot top on Rollins Street; Ms. Dembkoski will follow up for the next meeting. Selectman Dunn said volunteers will help spread the woodchips he is donating at the Bagnall School on August 26th. He asked when the fence will be coming down. Ms. Dembkoski said August 25th; she will see if they can move it sooner for better access for Selectman Dunn to deliver the woodchips. The new fence is scheduled for August 28th.

Selectman Watson asked for an update on the Town Planner. Ms. Dembkoski said she was contacted this morning and Ms. Day declined the offer; she has accepted another offer. The Board expressed their desire to repost the position. After a brief discussion, there was a unanimous sense of the board to reopen the search.

CORRESPONDENCE:

1. August 7, 2017 Meeting Minutes.
2. Quote for price of new Langley Adams Library lawn sign.

FINANCE DIRECTOR'S TIME:

On Thursday, August 31st, from 1PM-6PM (in this room) we are sponsoring the Red Cross Blood Drive.

An email was received today from KP Law regarding the Guide to Revised Law Legalizing Recreational Use of Marijuana; she will forward it to the members. With recreational marijuana going into effect in 2018, it talks about moratoriums and local regulations. This board has discussed previously that it may not be in the best interest to allow recreational use. With the new revised law, because our municipality voted in favor of Question 4 on the November 8, 2016 ballot (2,089 yes; 1,971 no), anything that is done will also require a ballot vote. If the board decides to limit or not allow recreational sales in town, it would require

a ballot question as well as a town meeting vote. The law also requires that recreational use and medical marijuana treatment centers have a Host Agreement.

The Planner position will be reopened and posted on the MMA website.

SELECTMEN'S TIME:

Selectman Watson said if we intend to have a 911 memorial service, discussion is needed soon and asked that it be an agenda item for the next meeting. Ms. Dembkoski will reach out to the Fire and Police Departments to see if they have something planned.

Selectman Watson has had several complaints about the sound/audio for meetings held in this room. He said there is something not right with the microphones. He suggested two mics per person or mics that are wired. Ms. Dembkoski will follow up.

Selectman Dunn asked about the status on the repair of the pavilion. Ms. Dembkoski will follow up. He asked about the Fire Department fence; it is missing a panel since an accident last winter. Ms. Dembkoski said it is pending due to finances.

Selectman O'Neil said Dave Evans, Assistant Principal at the high school for many years, has decided to move on; he was thanked and wished the best. He also thanked the police for setting his son straight on being where he should not have been. He reminded parents to make sure they are not playing in an area that is going to endanger them. He reminded everyone that when you endanger your own life, you also endanger the lives of those who need to rescue you.

Selectman O'Neil was disappointed that Groveland Days will not be held this year. He asked for volunteers for next year. Ms. Dembkoski was told it was because they lost a significant amount of money last year.

The next regular meeting will be held **Tuesday, September 5, 2017** at 6:30 p.m.

Selectman O'Neil made a motion to adjourn; Selectman Watson seconded; voted 5-0-0. The meeting was adjourned at 8:17 p.m.

*** Approved on September 18, 2017 with a vote of 4-0-1 with Selectwoman Carpenter abstaining ***