

Groveland Board of Selectmen  
Meeting Minutes  
March 6, 2017

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

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

**APPROVAL OF WARRANTS:**

Selectman Wood made a motion to approve PW#17-35 in the amount of \$148,578.02; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve DW#17-33A in the amount of \$29,296.91; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-33D in the amount of \$175.00; Selectman Watson seconded; all voted in favor; warrant approved.

Selectman Wood made a motion to approve BW#17-35 in the amount of \$1,133,880.19; Selectman Watson seconded; all voted in favor; warrant approved.

**APPOINTMENTS:**

Selectman Wood made a motion to appoint Joseph D'Amore to fill a vacancy on the Finance Board effective March 7, 2017 through May 1, 2017; Selectman O'Neil seconded. Discussion: Selectman MacDonald wanted to ask Mr. D'Amore (who was not present at the time) his decisions on school choice and what impact it had on Groveland. He understood that Mr. D'Amore supported school choice. The town received approximately \$5K in revenue but it cost approximately \$12K for each student. Once they are in the system they have a legal right to cycle through to the high school. We pay approximately 38% of the regional school budget; it cost our town \$300K-\$400K for kids who don't live in town. He is concerned about making poor financial decisions; he is all for volunteerism, but making disastrous financial decisions he can't go along with that. Kathy Kastrinelis (Finance Chair) said they have a quorum that is difficult to meet. They asked for people to sit in for the last few meetings in order for them to meet the quorum. One person at the meeting is not going to change their decision; they just need a quorum. They have submitted an article for the town meeting to lower the required number of members to be much more manageable. She asked the board to please move it along so they can finish their budget season. Selectman MacDonald said he cares about the taxpayers and not sure Mr. D'Amore does; he looks at historical track records, if someone has a track record to spend, they spend. O'Neil, Wood and Dunn voted for; Watson and MacDonald were opposed; motion passed.

**DISCUSSION AND POSSIBLE VOTE:**

Jeremy Frederick to present an Eagle Scout Project for the Library – Mr. Frederick is from Troop 87. He is asking the board for a vote of approval to build a reading garden in the back of the Langley Adams Library facing towards the road for people to be able to read in a natural setting. He submitted sketches and explained the details to the board. He would like to start on April 15<sup>th</sup> and finish by April 23<sup>rd</sup>. The

cost is \$1,700; he will raise funds through donations. Chair Dunn was not sure if there is any piping underground. Mr. Frederick will contact Dig Safe. Chair Dunn said to also contact the Road Commissioner to find the placement of sprinklers. Kermit Cross said there is piping that runs between the building and the vault but the pipes are abandoned. Selectman Wood suggested contacting the Fire Department and Building Inspector to see if a gate is required on the fence because it is an egress doorway. Selectman Watson said Mr. Frederick gave a fantastic presentation. Selectman Watson made a motion that the board accept Jeremy Frederick's proposal for a reading garden in the back of the Langley Adams Library as an Eagle Scout project; Selectman Wood seconded. Chair Dunn asked for a friendly amendment to get clarification from the Road Commissioner, Fire Department and Building Inspector; Selectman Watson accepted the friendly amendment; voted 5-0-0.

COA Building Committee Presentation – Anita Wright was present as the COA representative for the Senior Center Building Committee to update the board. She said the figures the board received are preliminary. She addressed the \$35K request for architectural designs which will help determine more accurate costing. The number of seniors has increased 38% in the last five years. The center would be used primarily in the daytime hours. Moving the seniors out of town hall will allow the offices to be reconfigured. In a PowerPoint presentation, Ms. Wright explained the future expenditures and current expenditures on the COA. Mr. Osborne explained the layout and the cost of the senior center bonded over 20 or 30 years; he estimates the tax rate will increase so it would be best to borrow for 20 years. He detailed the percentage impact on tax revenue and the tax impact per resident. Ms. Wright said the seniors are underserved due to the lack of suitable space. The \$35K request will allow them to move into Phase 2 for design work. The project may be eligible for federal/state community block grants once the design work is complete. Chair Dunn thanked her and the committee for all the work they have done. The town is well overdue for a senior center. Ms. Wright said they want to do it right the first time. The COA appreciates the Affordable Housing signing off on the property to them; they could not have gone forward without it; they are appreciative of the generosity. Selectman O'Neil asked if there would be adequate parking. Lynn Stanton, COA Director, said the basic design created in 2008 did have adequate parking. Selectman O'Neil asked how many seniors use the facilities they have currently; she does not have a firm number. He asked if there was any consideration of including the seniors in the new high school. Ms. Wright said they did discuss the value of having seniors offering life skills. Ms. Stanton said there are many opportunities to include students and older adults, but it is difficult to find a central location. Selectman Watson asked if it would allow the meals program to come back to Groveland; yes.

Joe D'Amore to discuss the School System/Teaching Profession – Mr. D'Amore read a statement expressing his concerns regarding statements that were made on February 6<sup>th</sup> and the somewhat lack of control on the board. In part, he addressed the Open Meeting Law and civility saying there is no rule that directing the board to maintain civility is the exclusive purview of the Chair; each member can intervene to maintain order and commons rules of civility when the Chair fails to do so; any member can censure another member if the Chair does not move to do so when required. He believed that some members of the board would have spoken out in protest if they were aware of the rules. Meeting the capital and budgetary needs of our schools is a shared function in our society. Figuring out what to pay and how to pay for it is often very complicated. Sometimes it is not immediately clear on how we can support our schools financially; when things are cloudy it is the board's role, as elected public officials, is to work with the administration, school committee, and other officials to identify problems. The board also has to work hard to isolate perceived threats to stability from real ones. Each of the board members has the golden opportunity to ask the question...what is our responsibility. Nothing good can come out of assigning blame to anyone during these circumstances. On February 6<sup>th</sup>, disparaging remarks were made by members of the board that asserted broad generalization in two areas (1) the teaching profession and (2) through implication, the regional school district. Though we are all entitled to our own opinion, Mr. D'Amore felt the comments were unusually prejudiced. Regarding the teaching profession, there was an open complaint that teachers in this school district have been employed full-time while engaging in job activities on a part-time basis. The derogatory, unqualified and negative profiling of teachers using certain resources without merit is

somewhat unacceptable to him as a taxpayer and private citizen. Profiling their professional occupation as part of a conspiracy popularly known as a “gravy train” appears to be very aggressive against the profession in general and specifically against teachers who live in our town and throughout the district. Regarding the regional school district, there was an open series of complaints and ensuing discussions were made around the principal that the school committee teacher’s union and supporters of the school formulate a powerful lobby and that this lobby allegedly retains virtually exclusive control in imposing their financial requirements on the citizens of its member towns without any control.

Mr. D’Amore had rebuttals for both: (teachers)-He respectfully disagrees with the central premise made, he worked with all 5 members of the board and respects them as individuals, enjoyed the time he served with them, but sometimes we disagreed. He respectfully disagrees with some of the members for what he thinks they believe about the teachers in the school system. He believes the teachers should be respected. They are not only charged with the care of our children, they are also role model for professionals. He deferred further comment to Beth Greenhagen. Regarding the school system, he is concerned that some of the members may not be aware how it is constructed. He explained what the school committee consists of and said the superintendent reports directly to the school committee (the people). The implied commentary that the school district retains broad powers to force our towns to fund its operations and capital means without any protective resource by the towns and its citizens is somewhat misleading and hopes it is only because the board doesn’t understand it well enough. Complaining that we have no control over our children moving in and driving up the cost of education, in his view, is an unnecessary escalation. His overall experience in watching the meeting was that some members of the board have an unusual feeling of hostility towards the school system or teachers. Furthermore, some seem to be lacking the fundamental understanding on the importance of the schools and the community. He’s concerned that some of the members may view their role as elected public officials to defend our town from them, the school district, as if it is a separate entity that financially injured our town. We are all of the same community. The institution must be respected and protected. He hopes the board will reflect on the comments and information brought tonight and a more constructive and respectful discourse will ensue at future meetings.

Chair Dunn met with the superintendent last week and discussed the meeting. It started with a projected number of the school budget that came before us, it wasn’t what anyone did; the number was high although a hypothetical number. By no means did he as the Chairman of the board or any member look down at the teachers. He doesn’t want anyone to think we are against them; we are not.

Beth Greenhagen spoke on behalf of all teachers. She said teachers are asked every day to teach children to read, write, calculate, etc. but not how to deal with a student whose only safe environment is school, whose only reliable adult is a teacher. The worries and anxieties for teachers does not stop at the end of the day; teachers change lives. Selectman MacDonald said most are here because of what he said. He knows there are extremely good teachers at the Bagnall Elementary School. He is critical of the system itself; not a fan of the teacher’s union system, or a system where the good teachers are not rewarded any more than the poor performing teachers; he is a numbers guy, doesn’t value teachers just on dollars and cents. We have a tough job with the budget and people need to understand that we do have a regional agreement and it was negotiated years ago. Mr. D’Amore said we do have some control over it; we do and don’t. We are stuck with a contract, we can go back and try to get the other towns to negotiate it but absence of that we have a regional financial agreement where we get stuck with the bill every year. To say that is disrespectful, is it? Most live within a budget; many live on a fixed income. When you increase taxes \$200 or \$500/year, they go backwards. Is that being disrespectful questioning the system? In the union type of system there are fantastic teachers and there are other teachers that aren’t so great but they still stay in the system; the union protects those teachers, it’s tough to make changes. He looks at standardized testing and Mass Department of Education. The system is not working in town. The Bagnall Elementary is ranked 47 percentile with similar schools in the state. Collectively as a community we need to get that number up; we shouldn’t be average on anything, let alone below average, and we are officially below average if you look at state rankings. Some people say you should not teach to the standardized test, but if you’re not

going to teach to rudimentary English and math skills, what are you going to teach for? He understands the burdens on teachers and not everybody comes from a loving or supportive home. He doesn't have a job government; he is not a member of a union, and doesn't get automatic pay raises. If he doesn't produce, he doesn't get paid, if he doesn't serve his clients he gets fired. In a government system we have a teachers union and feels it is a monopoly, there is no competition in the education system and thinks that is a detriment to our society. That is his opinion. He feels he has a right to criticize the institution within our society in terms of free speech. Sometimes he is sarcastic and flippant. At the end of the day, the underlying issue the Bagnall Elementary School should be doing better than 47%. He said the report card from the state is not good enough for Groveland. Is that a condemnation of teachers and the teacher profession? He does not see it that way. It's not awful education, but it is mediocre; that's how he feels. He said there are many fantastic teachers there; he does respect the teaching profession; education is number one. How can you come up with anything constructive to bring about positive change that actually translates into results in terms of academics without bringing up the issues that are not working? That's what he hopes to build; his delivery is off at times, but said his heart and values are in the right place in terms of what he wants to achieve for this community. Selectman O'Neil said he apologized for not distancing himself from the comments. We entrust our children for at least six hours/day to their care, well-being and education. He said the "bad" teachers he found to be the most demanding, and those are the ones he wants for his kids. He respects the teaching profession; he thanked those who chose to be a teacher. Chair Dunn thanked them for coming in.

Robert Arakelian to discuss the requirements of the MS4 Stormwater Management – Nick Cristofori from CEI was also present to answer questions regarding stormwater management and the new MS4 Permit. He gave the board a summary of the requirements the town will be required to do with a schedule of implementation. The program is the 2016 Stormwater Multi-Sector General Permit for small stormwater systems; a continuation of the original permit released in 2003. He briefly explained the action required under the new permit. He said the town is off to a good start. Selectman Watson asked who proposed the legislation. Mr. Cristofori said it is an EPA regulation that MA DEP co-signed. Selectman MacDonald asked what would happen if we did not implement it; Mr. Cristofori did not have the answer. Could we get a waiver if we could find that we don't need it? Mr. Cristofori said EPA is reluctant to give waivers to towns with over 1,000 people. Mr. Arakelian said he does have a budget and is currently implementing certain components of it. Mr. Cristofori said an evaluation was done from what was already in place from the 2003 permit, and what needs to be in place under the new permit. The recommended budget cost for the town for the first five years is \$265K; part will be done by a consultant; part will be earmarked for the town. Ms. Dembkoski said the first year they are recommending \$65K. She recommended the board look at using free cash this year, and figure how to budget for the next four years. Selectman Watson suggested Mr. Cristofori attend the town meeting to supply an explanation to the residents. Ms. Dembkoski said she did include an explanation on the warrant article. The state is putting money aside for the program and it is hoped that the DEP will take on some of the responsibility and the state will absorb some of the costs in five year.

FY18 Budget Discussion – Whittier's number is coming in lower than last year. The Conservation request is because they are looking to put the stipends back in the budget. The Planning Board request is because of the full-time Planner; the budget would have to be balanced with this included. The board feels it should start as a part-time position. The Assessors' expense budget is the cost for Merrimac Valley Planning to cover mapping and GIS; it has increased. The Assessor feel it should be under the technology budget because it is more of a shared expense, not department-specific. The requested salary increase is said to be because of an increase in workload. They asked to increase the stipend for the Board of Assessor members (\$300 to \$500); the reason being is that Board of Assessor members are the only town board that is required to be certified. There one member that is not certified and should not get an increased stipend. The Water & Sewer request for an explanation will be put on the April 3<sup>rd</sup> agenda. Selectman MacDonald asked if there was any way to contractually negotiate the 8% pension increase. Ms. Dembkoski said as a member of Essex County Retirement we do have representatives on the retirement system; meetings are open to the

public, but they are just one of the members of their community. Selectman MacDonald would like to know if the overall compensation package for each employee is going up 2.5% or is it going up 8% or 10%. There is a tradeoff. If it is heavily backloaded on retirement, it might be one reason why you take a concession on annual pay raises; we may have to skip the COLA because the health insurance and pension went up 8%-10%. He doesn't know how we will stay within Prop 2.5% if pension and health insurance escalates 10% each year. Ms. Dembkoski said the GIC rate average is up 3.9%. Percentage rates for other communities range from 9% to 14.7% for health insurance. Finance will be making their recommendations in March. The revised deficit number is \$191,334 (not including capital, pay increases, MS4 permit). Free cash is approximately \$576K which can be allocated. Selectman MacDonald would like to see \$250K be put into stabilization away for the next ten years. Ms. Dembkoski said one of the benefits of capital stabilization is that it can be allocated for capital projects or debt service on a capital project. Selectman MacDonald said \$30K should be allocated for security improvements the Bagnall Elementary School. Ms. Dembkoski will place an article on the Special Town Meeting warrant so the funds can be used immediately.

The police car is \$28,813; \$12K is the Tasers; \$182K is the five-ton truck; revised cost for the radios for the Fire Department is \$48K; \$95K Squad 1; \$35K for senior center design study. The current priorities are the senior center study; Fire Department radios, security system at Bagnall, and the MS4 Permit.

**VOTES OF THE BOARD:**

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

Selectman Watson made a motion to approve the Road Commissioner's request dated 2/28/17 to deficit spend the FY17 Snow & Ice line item by an additional \$25,000; Selectman MacDonald seconded; voted 5-0-0.

Selectman Watson made a motion to accept the resignation of Alessandro Doto from the position of full-time police officer effective March 14, 2017; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion that the tested ladders (two 28' extension ladders; one 24' extension ladder; and one 16' extension ladder) be given to the Town of Ashy along with the fire truck they purchased from the town; Selectman Wood seconded; voted 5-0-0.

Selectman Watson made a motion that three 14' straight ladders and one 24' extension ladder, which have not been tested, be declared surplus by the recommendation of the Fire Department and put out to bid; Selectman Wood seconded; voted 5-0-0.

**OLD BUSINESS (Unfinished Business):**

The Planning Board is holding a Public Hearing Tuesday, March 7<sup>th</sup> at 8:00PM on the proposed changes to the Zoning Bylaw. Ms. Dembkoski said it was on the March electric light bill statement, a robocall went out, it has been on the message board, on the website, on cable, in the newspaper twice; it was widely advertised.

Selectman Watson was asked where residents can pick up a copy of the proposed changes. Ms. Dembkoski said they were done the next day and put outside the Town Clerk's office, posted on the bulletin board and a copy sent to the Library. Additional hard copies were not being made; it is available on our website as well. In addition, a separate email was created for the zoning bylaw changes for comments; only one person commented. Selectman MacDonald encouraged people to look through the Matrix. Ms. Dembkoski said this is the first year of many years of revising the bylaws. It is to reorganize, clarify the language and bring it up to legal requirements. It is a working document and every year at town meeting there should be 2-3 zoning articles.

Selectman Wood said the following firefighters have passed their Firefighter 1 and 2 certifications and will have a graduation ceremony tonight at the Middle School: Colin Stokes, Jennifer Hicks, Alyssa Bosch, Courtney Panaro, and Meghan Shea.

Selectman Wood also wanted to reopen a discussion that took place on February 6<sup>th</sup> about granting a permit to medical marijuana use dispensary in and cultivation facility in Groveland. He finds it difficult to express just how poorly some of the people of the town and some on this board treated the representatives of Elevated Access that night. This is a company whose sole existence is to help children, veterans, and people with a diagnosed need to use medical marijuana to ease their pain and to greatly improve their quality of life. He feels there was intentional smear campaign and deliberate misleading of the facts during this meeting. This discussion was only for medical use cases with a prescription from a licensed physician, not recreational usage. He repeated that it was medical, medical, medical uses. It was an outrage to not allow a continued discussion to go forward and an even further outrage to bend to the will of the 20 people in the audience. This form of control is no better than stacking a town meeting with 52 people to get their interest or projects approved, something this board has been vocal against. This town screams for a larger business base, this town screams for more resources. We are facing a hefty budget deficit this year, a deficit that could have been narrowed or possibly avoided by bringing in such businesses as Elevated. We have a Fire Department that is looking for another vehicle, we have a Highway Department looking to replace an aging vehicle and mandated water programs. We also have raises being requested, not to mention the proposed school increase. Where is this money going to come from? Our only choice is to cut the budget or raise taxes to try and bridge this gap. During the last month, the federal government has made comments about their intentions when it comes to medical marijuana dispensaries and state law; those statements are easy to find. He works with the federal agencies every day; he talks to them directly, asks them questions, and converses about different issues including medical marijuana use. He does not get his information from Fox news or fabrications, basically they and the president see that there is a huge distinction between medical and recreational use. Contrary to several statements made on February 6<sup>th</sup>, we are not federal employees, we are not the U.S. military or the U.S. Congressmen or Senators; therefore, we did not take an oath to uphold the United States Constitution. We did, however, take an oath to uphold the laws of Groveland and the laws of the Commonwealth of Massachusetts. In the Commonwealth of Massachusetts, the law of the land is medical and recreational marijuana use is legal. In 2013 when the question on medical marijuana first came to the ballot, Groveland residents overwhelmingly voted for this 61% to 39%, and now with recreational use approved at the ballot, anyone can go home and grow plants in their basement if they so choose. Our surrounding community will move forward with these types of businesses, Groveland will see an increase in traffic, an increase in recreational use, and we will have zero control and, more importantly, zero to show for it. We will be surrounded by these facilities whether we like it or not. If you do not vote for it, you will not benefit financially from it. Times have changed. He realizes that people do not like change, but resisting this will have a negative impact on our town, especially financially. The City of Fitchburg has multiple grow facilities in town, multiple grow facilities, and they are looking to add more. Now why would they do that? They have seen the benefits of partnering with companies such as Elevated. Furthermore, they have not seen any serious problems since implementing these types of partnerships, but what they have seen are plenty of positives such as additional business tax base, profit sharing and revenue from contract negotiations. He respectfully requests that the Board open up the conversation to explore medical marijuana dispensaries in town to see if we can't come to a safe and beneficial agreement for everyone. He recommends that we at least open this to a town-wide ballot vote and let the people make their own decision. The way this board voted before was not fair or a representation of the entire town. The people who showed up that night should not and does not represent the whole town. It is in Groveland's best interest to hear from the whole town because it will greatly impact all who live here.

Selectman Watson said he voted against the medical marijuana. After he went to the legislative breakfast, some of the literature that was passed out touched upon medical marijuana. One of the line items said if the state of Massachusetts did not pass recreational marijuana regulations by July 1, 2018, the medical

marijuana distribution facility could sell recreational marijuana. After he read that, he was completely glad that he voted against opening up a medical dispensary in the Town of Groveland. Selectman MacDonald also found that once the medical marijuana dispensary was licensed and opened it could not be prohibited from selling recreational marijuana. He hears what Selectman Wood said, we can use money, but have we tried credit unions and banks and other types of business in town. We have a bedroom type of community environment. He feels if you are using marijuana daily, you are under the influence daily; it is a safety issue and doesn't want them on the road. He recommended it be de-listed pending clinical trials from the FDA. He has not heard any information on the negative effects. Selectman O'Neil said people are going to go down our roads and is much more concerned with people visiting our liquor stores and establishments being on the road rather than those using medical marijuana, which most of it doesn't even get you high. In 2013 the town voted overwhelmingly it. Selectman MacDonald asked him if he saw a distinction in the people in town voting for the legalization of something and having it in their backyard. Selectman O'Neil said he doesn't know but it is up to them to decide. Selectman MacDonald said we are the representatives and the state law requires the BOS to issue a letter of support or non-opposition. Chair Dunn voted against it; we should have had a better conversation with them and should have known the kind of money the town would get. It was premature; the board needed to give them the green light to go that night. He agrees that the townspeople should have the say. The information presented was not good. The people in the audience did not influence his decision. Selectman Wood said all we had to do was continue the conversation. Chair Dunn said a motion should have been put out in the beginning. The regulations will not be out until 2018 and we have no idea of what they will say; can't take a chance on that.

Chair Dunn talked about getting the final phases to ball fields at the Bagnall. The bid for the Pines well is being worked on. There is an in-house plan.

#### **CORRESPONDENCE:**

1. February 21, 2017 Meeting Minutes.
2. February 27, 2017 Meeting Minutes.
3. Executive Session Minutes from February 27, 2017.
3. Letter from FEMA regarding the Merrimac Watershed.
4. 2017 Summer Recreational Program Booklet – Ms. Demboski met with Matt Castonguay. He intends to come before the board to talk about the program. Registration is open. Now that the state has removed the restrictions on revolving funds, they are going back to the old program. They can lower tuition rate, there is no cap on enrollment, they are going back to 9 field trips and offering a financial assistance option. There will be a few changes to staff. He plans to bring all his employees up to minimum wage. He will be at the April 18<sup>th</sup> meeting.

#### **FINANCE DIRECTOR'S TIME:**

Ms. Demboski revised the land sale RFP and was able to get it in the March 8<sup>th</sup> Central Register; bids will be due on April 21<sup>st</sup>.

The last day to take out nomination papers for the town election is March 10<sup>th</sup>; the last day to return nomination papers is March 13<sup>th</sup> at 5PM. The town meeting is April 24<sup>th</sup>; the election is May 1<sup>st</sup>.

#### **SELECTMEN'S TIME:**

Groveland Board of Selectmen Meeting – March 6, 2017

Selectman Watson is still getting complaints about the audio for the Selectmen's and other meetings. He thinks we should get new microphones for cable meetings and town meeting; there is money in the Cable TV fund.

The next regular meeting will be held Monday, March 20, 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 10:13 p.m.

\*\*\* Unanimously Approved on April 3, 2017 \*\*\*