

Groveland Board of Selectmen
Meeting Minutes
May 30, 2017

Present: Chair Michael Wood, Selectman Ed Watson, Selectman Bill Dunn, Selectwoman Lisa Dube-Carpenter, Selectman Bill O'Neil arrived at 8:33p.m.

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#17-47 in the amount of \$150,681.84; Selectman Watson seconded; voted 4-0-0; warrant approved.

Selectwoman Carpenter made a motion to approve DW#17-45A in the amount of \$29,692.21; Selectman Dunn seconded; voted 4-0-0; warrant approved.

Selectwoman Carpenter made a motion to approve DW#17-46 in the amount of \$600.00; Selectman Watson seconded; voted 4-0-0; warrant approved.

Selectwoman Carpenter made a motion to approve BW#17-47 in the amount of \$1,252,453.04; Selectman Watson seconded; voted 4-0-0; warrant approved.

APPOINTMENTS:

Selectwoman Carpenter made a motion to appoint Joseph D'Amore to fill a vacancy on the Finance Board through June 30, 2017; Selectman Dunn seconded; voted 4-0-0.

Selectwoman Carpenter made a motion to appoint Kelsey Fitzgerald to the position of Library Page effective May 31, 2017 for up to 11 hours/week at a starting rate of \$9.32/hour, increasing to \$11/hour as of July 1, 2017 and subject to a successful CORI; Selectman Watson seconded; voted 4-0-0.

Selectwoman Carpenter made a motion to appoint James Greenberg to the part-time position of Custodian/Facilities Coordinator effective June 2, 2017 at a rate of \$18/hour pending a successful CORI; Selectman Watson seconded; voted 4-0-0.

Selectman Watson made a motion to appoint Ryan Cotton to the position of temporary seasonal Cemetery Grounds Keeper effective June 6, 2017 at an hourly rate of \$11/hour at a maximum of 25 hours per week for a maximum of 25 weeks; Selectman Dunn 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)
– Mrs. Brodie has been working with Rhonda Carducci who will work in her office in the event of her absence. Ms. Carducci is a hairdresser, does not have experience working in a Town Clerk's Office, but is very outgoing and has the customer service needed for the job. Selectman Dunn asked if she would have a problem being CORI checked. Mrs. Brodie said CORI checks are for people who work with seniors and children; she is CORI'd by the school. Ms. Dembkoski said all volunteers are CORI checked because there

is sensitive data involved. Selectman Dunn asked if she would be trusted on the town computer. Mrs. Brodie said for now she will only need to go on the computer for dog licenses. Mrs. Brodie said there are no finances on the computer. Ms. Demboski said they are; the computers are networked to the server with the financial software; they are all linked together. The plan is for Mrs. Brodie to contact Ms. Carducci if she knows she will be out. Selectwoman Carpenter asked if, as Keeper of the Records, she is the only person with a key to her office. Mrs. Brodie said there is a key at the Police Station. Ms. Demboski said she has a key to every office but Mrs. Brodie did not want her to have a key to her office. This board decided there should be a key somewhere, so it is at the Police Station. Selectman Dunn explained that Mrs. Brodie was out with an illness and people were trying to get into the office to do town business. When he was the Chairman, he said they will open it and the key will remain at the Police Station until it is resolved. Mrs. Brodie said the office was broken into; it wasn't opened with a key. There was no key at the Police Station when Mrs. Brodie was out with her illness. Ms. Demboski said they were told to get into the office or the locks were going to have to be changed; that's what she was directed to do by the Chairman. Selectman Dunn said he told Ms. Demboski to wait until 3:30pm and if we don't hear from anyone we need to access the office. Selectwoman Carpenter suggested Mrs. Brodie designate who has the second key and the board made aware of her contact information in the event they would need to contact her; Mrs. Brodie agreed and will make the Chairman aware if she knows she will be absent. Because it is not certain if there are more than two keys out there, the locks will be changed. Mrs. Brodie wants to work with the Selectmen, not for them. She feels violated that the office was broken into. Selectman Dunn said there was information people needed; he felt he did what he was elected to do by the townspeople. Selectwoman Carpenter made a motion that the Chair provide his contact information and a backup contact in the event he is not available and Mrs. Brodie provide Ms. Carducci's contact information for the board in the event that Mrs. Brodie is unable to respond to any request; no second; motion not passed. Selectman Watson thinks we are interfering with an elected position and overstepping our legal authority. Chair Wood didn't think we were overstepping or telling her what to do, we are setting up a backup plan in case she is unable to perform her duties. It is the responsibility of this board to make sure the town continues to operate no matter who is out. Ms. Demboski commented that she forwarded to Bill when he was Chair and to Mike when he became Chair, that Town Counsel provided a write-up that identified that even though Mrs. Brodie is elected, everything in her office falls under the care, custody and control of the Board of Selectmen. The same holds true for any office. Mrs. Brodie asked what about things that are not documents, such as the time clock that was touched. Ms. Demboski clarified the allegations that continue to come against her about the time clock. She has never touched the time clock, she never went in and changed the time clock, she did not backdate a cemetery posting which is what she was accused of. The time clock time changed on the weekend she sent a memo out that the power in this building was going to be cut for several hours to have the transformer changed. It was shortly after that that the time was noted to be off. She was accused of changing the time clock because she was the only one who had a key. She did go in the office on that Friday in question, when a state elections employee showed up and was upset because Anne was supposed to be here until he dropped off stuff for the early voting. He said he called Anne, she was going to be here, he came here with documentation. Ms. Demboski said it was herself, the gentleman from the State, Tom Cusick from the Water Department, and Patty Rogers from the Water Department; they opened the Clerk's door, unloaded the documents, closed the door and then she left for the day. It can be discussed further if need be. Selectwoman Carpenter made a motion that a protocol is developed that if Mrs. Brodie becomes unable to do her position for any reason that she will notify the Chair, Mike Wood, and that she will provide the name and contact information of Rhonda Carducci as her backup for that potentiality; Selectman Watson seconded. Discussion: Selectman Dunn wants to make sure the situation doesn't happen again. He wants Mrs. Brodie to be comfortable in what takes place. Voted 4-0-0. Selectwoman Carpenter made a motion that the locks be changed, Mrs. Brodie be provided with two keys and that she provides Ms. Carducci with the backup key in the event she is unable to do her elected duties; Selectman Watson seconded; voted 4-0-0.

Update on the work for Johnson's Pond – Mike Dempsey (Conservation Commission) said two CPA projects were approved at Town Meeting. One was specific to Johnson's Pond which was to do planning

about the future pond, water quality measurements and some weed removal. The second project was the Johnson's Creek management planning proposal; it involves adding planning to the Johnson's Pond so there will be a plan in place for the entire creek from the start of the pond down to Merrimack River. They are waiting to hear from Senator Tarr and Representative Mirra about two other funding possibilities. Those two projects involve money for the weed removal and a second earmarked to go to Veasey shore to make it easier to get into the pond, and boulder placement on the other side of the pond at Lower Center Street to prevent illegal parking. The Conservation Commission has filed for permits in Groveland and Boxford. The timeline depends on what happens with the state funds; if they come through they will try to do weed removal this year. Prior to that they hope to get the plan in place for the pond and creek, Veasey shore and boulder placement work this fall.

Selectman Dunn asked if the Great Ponds of MA has a 100-year lease on it. Mr. Dempsey has contacted the Haverhill Water Department. The information received from the City of Haverhill said as a result of the City's 2003 Water Management Act Permit, Johnson's Pond was removed as an active source by the Commonwealth of MA Dept. of Environmental Protection. Any future use of this emergency system would require authorization from MA DEP as well as the use of portable rentals water treatment units. Also noted was that Haverhill has committed to use wells under the Merrimack River for all their future water sources. The Water Department has no plans to use Johnson's Pond and said that it is under Groveland's responsibility. Selectman Watson did some research on the Great Pond legislation. Johnson's Pond is listed as a Great Pond by the MA Office of Energy and Environmental Affairs. A Great Pond is defined as any pond or lake that contains more than 10 acres in its natural state. Boxford owns approximately 7.8 acres; Groveland 147 acres. Any project located in, on, over or under a Great Pond is within the jurisdiction of Mass General Law, Chapter 91 (which he read). With that information, he said Haverhill still has the rights to Johnson's Pond. Residents on Center Street from Salem Street out to the pump station are still on Haverhill water; the fire hydrants are Haverhill hydrants. It is inconceivable that Haverhill would give up any water rights; water is a commodity. It is conceivable that Haverhill would want to use it once it's cleaned up? Mr. Dempsey said every indication he got from the Haverhill Water Department is that they don't intend to use the pond and they don't object to working with us to clean it up. Selectman Watson asked why should it be up to the Town of Groveland to be the sole source of seeking money out when Boxford owns a small portion and Haverhill has the water rights. He thinks it would benefit both Haverhill and Boxford and asked if Mr. Dempsey approached them to see if they are interested in helping. Mr. Dempsey has spoken with Boxford briefly and the Haverhill Water Department extensively. We would not be doing it alone if we get the state funds; he will continue to work with the state, Boxford and Haverhill. Selectman Watson asked if we are providing the proper access to Johnson's Pond under the Great Pond legislation. He said some municipalities have been sued for not providing proper access; in a water emergency they have no way of getting a boat out there. Mr. Dempsey said they will be putting a new boat launch at the bottom of Veasey Park as part of the weed removal work. Selectman Watson asked if it made sense to open it at pump station; it only needs to be cleaned. Mr. Dempsey said that is something that needs to be brought up with Haverhill, the Water Department still owns that property. Selectman Watson thinks that should be done before the dredging. Mr. Dempsey will provide an update in late June/early July.

Creation of a Groveland Square Committee – Chair Wood met with Greg Stark about the background on the committee that was in place years ago and disbanded. He also met with Senator Tarr last Friday to talk about possibilities for a grant or state funds for options for use of the abandoned gas station and/or the post office. He is not opposed to doing something with the town, he wants to make sure we are doing it correctly and not using more taxpayer funds from the town. The Chair asked if anyone that was involved previously would provide any information they may have. Selectwoman Carpenter thinks we should create a committee. Chair Wood felt we could get information first and then go forward to create the committee. Ms. Demboski said there was an Elm Park Committee and a Bridge Committee, but doesn't think there was an actual Square Committee. Selectwoman Carpenter suggested contacting people from both of those committees for a discussion. Chair Wood will contact Greg Stark for more information. Senator Tarr did have some ideas of what could be done with that land, the problem is you can't just do something with the

gas station, you have to take both the gas station and post office which creates another problem; will the residents be upset by the post office leaving or can we move it to another location because it still generates revenue as tax base for the town; there are a lot of moving parts to it. Chair Wood will contact Senator Tarr this/next week to see what he could find and the legal avenues he wanted to pursue; he thinks we can put together an outline of what might be worthwhile and present it to the town. Selectman Dunn said there were discussions on having twenty parking spaces that would be dedicated to the insurance company. Ms. Dembkoski said when it came to the board a few years ago, because part of the land that the post office is currently on belongs to the insurance company, there was discussion about parking spaces being dedicated to the insurance company; she does not believe that there was a set number.

Department Reports/Updates – Selectwoman Carpenter would like monthly reports, either written or verbal, from other departments in addition to the Fire Department reports. Ms. Dembkoski explained that when the board wanted updates, the departments would come before the board and talk publicly. Any time the board has asked an individual department for something, we get a written document. It was easier for the Fire Chief to do written reports rather than come in monthly. Selectwoman Carpenter said her concern is that she knows a lot about what's happening in the Fire Department. but not about any other departments such as the Police Department or Public Works. She feels some obligation to be aware on a general level of what's going on. For her it would be helpful so she would be more informed if people asked questions. Ms. Dembkoski said when Bill was the Chair it was his goal to have every department come in quarterly; that was started but was phased out because other business became more relevant and time consuming and we didn't have time to add each department on an ongoing basis. Chair Wood said if she is looking for specific information from a board or committee, she could ask them. She could then give the board an update. She will reach out to other communities to see how they stay abreast of what is going on. Ms. Dembkoski said she may have a tough time finding it because in other communities who have a more professional structure of government, it is the Town Administrator that deals with the day to day business, the boards would not get involved. Selectwoman Carpenter said she thinks a generic template could be developed for use; without the structure, she doesn't feel she is doing a good job when she is not aware of what is going on. Ms. Dembkoski said she can reach out to departments to start with something but thinks it will be hard to develop a standard because every department is different. She will start with Police, Highway, Water and Library.

Appointments to the Board and Committees Policy Review – Currently all board members that are appointed fall under this policy. Chair Wood said it was his impression that it was to rotate the Chair and Vice Chair positions, getting new ideas through processes in instead of stifling; he was not in favor of having people completely removed and then having new boards put on; he was in favor of rotating whoever was running the meetings, like this board. Selectwoman Carpenter agreed. Selectman Dunn said it was just to rotate the Chairs and Vice Chairs and leave the board members alone. Selectwoman Carpenter made a motion to remove item #2 of the Appointments to Boards and Committees Policy which relates to the tenure of appointments and limits terms of memberships, removing the length of membership for the board members; Chair Dunn seconded. Discussion: Selectman Watson read #2 of the policy and thinks that covers someone who wants to stay on beyond their term. Selectwoman Carpenter said the last line creates a burden. She asked if there is a demand or supply of people who want to be on boards that multiple people are vying for one position. Ms. Dembkoski said up until now we have been at capacity for all boards and committees. However, in doing this reappointment, people are stepping down; there will be many vacancies; we do not have a lot of people vying for certain boards. Selectman Watson explained how it came about; some townspeople were frustrated and wanted to know how you got rid of people on appointed boards if they don't like the way things are working. An elected position you can vote a person out of office; the Selectmen can choose whether to appoint or reappoint a position. Voted 4-0-0.

Recreation Committee – Mike Houghton wanted to clarify from watching the last meeting that he was disappointed. He thinks there was a lot of misinformation provided about the board; they did not ask to step down or be part of the board going forward. There was communication on the issue they were being

asked to do (funding for the ongoing maintenance of the Pines). Since the questions were not addressed, they didn't feel they wanted to be in a position to assume that responsibility as a volunteer board. They want to be part of the youth programs as they have been in the past but they don't want the responsibility to raise the money to maintain the Pines.

Funding for the fields that was put in place last year was discussed. The well has been contracted; the time to be done has not been determined yet; some flexibility will be needed. The fields are used 7 days/week. Mr. Houghton said the cost for putting the well in is approximately \$58K; leaving approximately \$153K for field work. Ms. Dembkoski said those numbers don't include irrigation. The problem is the middle field (the football utility field and field beside it). The plan was to put a softball field in the center. There are issues with the center field because of the catch basin and retaining pond. They looked at putting a field at the top of the hill which is a better choice. The Chair asked if moving the field would affect the irrigation. Ms. Dembkoski said they weren't planning on going that far; the well was moved because of the proximity of what needed to be irrigated. The Chair asked to hold off until we find out about the irrigation situation. Ms. Dembkoski said we won't know about it until the well is drilled; she gave the progress to date. Selectman Dunn said he talked previously about getting a committee together because they have a certain amount of money set aside to maintain it which is being spent with no money coming in. He contacted the Georgetown Rec and explained how they do it. Currently the town pays for mowing the fields, water and the maintenance of the pump and well, fertilization, and the rest is done by volunteer time. Ms. Dembkoski said we do pay for other things, but she only pays for them as she is asked, there is no one there actively overlooking it. Mr. Houghton said there is \$195K in the Town Development Fund. Ms. Dembkoski said there was never a formal Pines account created; it is the Town Development; the money from selling the sand was put into that account. We don't even have the right type of account to do what we are doing; there needs to be a revolving fund or it needs to be a line item in the budget, or a combination. The leagues submit their schedules; Ms. Dembkoski has the master schedules. Selectwoman Carpenters asked for thoughts on making part of it fee based for entities other than Groveland. With no Groveland children being left behind it would be difficult to set fees. Currently we do not have any groups that are not Groveland-based because there is no availability. Selectman Dunn said if we had commissioners it would be their job to figure it out what it cost to run the program each year. Mr. Houghton wants to focus on getting the well done, getting the top field done, irrigated and ready to use. He said there is \$195K; it could last years if it is only used for the Pines. Mr. Houghton wants the committee to decide that as a committee and willing to discuss it at their next meeting. Ms. Dembkoski said that would be Phase 2. Phase 1 is what are we doing with what's left of the \$212K the town meeting voted, minus the items already in progress; what the next step is would be his part of it. Selectman Watson said we should figure the yearly maintenance costs and put a line item in the budget. Mr. Houghton wants to focus on the piece the town has voted on first with the goal to move it ahead as soon as possible. The contractors will need a spec to bid on. Mr. Houghton said they have specs. The only irrigation company that responded to Bagnall came from Connecticut and gave us a ridiculous price so we bought the materials and hired someone install it. We can do that same process as long as it is spec'd out accordingly. In the grand scheme of things, we are a small piece of the pie. Chair Wood asked what he needed from the board tonight. Mr. Houghton needs the OK from the board to move forward. The board agreed. Chair Wood said to do whatever it takes to move forward and run the numbers by Ms. Dembkoski as you have been doing. After the first phase, we can start looking at a revolving fund that will need to be created. In the interim, they can sell sign space and the money will go into the general fund which will be appropriated to their account. They do not think they will need commissioners, they feel they could take care of it with a line item in the budget. Ms. Dembkoski said they will need to figure out their funding because if they are going to stay on as a town committee, they can't have a separate bank account and collect money separate from the town. It would be part of a revolving account; it all goes into the same account to maintain the fields, programs, etc. Selectwoman Carpenter asked how he proposed the communication piece to alleviate any of the issues that happened previously. Mr. Houghton said he will work with Ms. Dembkoski on funding and bidding; as far as updates and where they stand, he will be happy to come in for discussion or contact Chair Wood directly.

Selectman O’Neil arrived at 8:33 p.m.

May Volunteer of the Month – There were several nominees: Kathy Prunier, Ché Condon and Lisa Soep. Selectwoman Carpenter made a motion to nominate Kathy Prunier; Selectman Watson seconded. Discussion: Selectman Watson said she donated her time to help early voting saving the town thousands of dollars. Selectwoman Carpenter added that she has been part of the Library Trustees for 25 years, she also participates on the Housing Authority and CPC; she always goes the extra mile when needed. Voted 2-3-0; with Selectmen Dunn, O’Neil, and Chair Wood voting against the motion. Motion does not carry.

Selectman O’Neil nominated Lisa Soep; Selectman Dunn seconded. Discussion: Selectman O’Neil said she has done tremendous work taking over as point person for the Washington Park project, she coordinates the snack shack and field crew, works with rental agencies, makes sure contractors have what they need, and works as the secretary to the GBL. She is a benefit to a number of people in town. Selectman Dunn agreed with Selectman O’Neil and further said she saved the town thousands of dollars on the project. Selectman Watson said not taking anything away from her, but felt that there should have been supporting comments in the application for the board to review. Selectman Dunn said it is very difficult to narrow it down because they all work hard. Voted 5-0-0.

VOTES OF THE BOARD:

Selectman Watson made a motion to approve the May 2, 2017 Meeting Minutes; Selectman O’Neil seconded; voted 5-0-0.

Selectwoman Carpenter made a motion to accept the resignation of Patrick Jensen as a temporary seasonal Cemetery Grounds Keeper effective May 17, 2017; Selectman Watson seconded; voted 5-0-0.

OLD BUSINESS (Unfinished Business):

Selectman Watson previously asked for a list of equipment from all departments with the age, mileage and condition; only two were received (Police Department and Fire Department). Ms. Dembkoski has the Highway Department. Nothing has been received from the Cemetery Department or Water Department; she will follow up. Selectman O’Neil would like to add to Selectman Watson’s request the infrastructure, e.g., computer system, communications systems, IT issues, aging equipment in danger of catastrophic failure. Ms. Dembkoski said the entire infrastructure is old; they have been having issues with the server which is affecting the financial software; she has been working with the vendor and trying to be creative with the IT budget. The Police had an issue with one of their dispatch computers which has been fixed. The Fire Department’s main concern was internet access; Comcast was contacted, they now have a dedicated line. She is working on an overall capital for infrastructure updates for next year. She believes the cloud system will be beneficial to the town. Selectwoman Carpenter requested that we consider talking with the Cable Committee for assistance. There are grants available, but we just received money in FY17 through the state IT grants for the building permitting software and you cannot apply two years in a row. We are now part of the Community Compact which gets us to the front of the line on grant applications.

Selectman O’Neil asked the status of the work on Gardner Street. Ms. Dembkoski received an update today from the engineer that is working with the Water Department on their funding schedule. They are ahead of schedule. As far as funding and paying on it, it is expected to be completed by July. Selectman O’Neil asked about paving; she did not know. Bob usually wants to let the trenches set for a year before it is fully repaved, but the Water Department did not want to do that.

CORRESPONDENCE:

1. May 15, 2017 Meeting Minutes.

2. Comcast License Expiration Notice from the Mass Dept. of Telecommunication and Cable.

FINANCE DIRECTOR'S TIME:

The board had no questions about the Town Planner job description; it will be advertised.

The new Virtual Town Hall website will be launched on Thursday; it is more feasible for mobile devices; there will also be a component in the future to help the Town Clerk comply with the required Public Records Law changes that took place in January.

SELECTMEN'S TIME:

Selectman Watson announced that at the Library on June 5th at 6:30PM, there will be a lecture on coyotes "Project Coyote". On Saturday, June 3rd from 10AM to Noon at the municipal parking lot, there will be a Bike Rodeo in conjunction with the Library and Police Department.

Selectman Dunn asked for an update on the Dana Drive parcel that was foreclosed on. Ms. Dembkoski said the town never legally foreclosed on it. When it was believed to be foreclosed on, it was put into a tax-exempt status and under the purview of the town. When she got here, bids had been put out and a bid was awarded; no money exchanged hands. She contacted the attorney who was dealing with the foreclosure who in turn told her it was never legally foreclosed upon by the town. It was put back on the tax roll and back into tax title; we do not have ownership. The neighbors have complained about the stacking of wood on it; the Building Inspector has gone out; there are no building code violations. It is private property; we can't enforce anything unless it violates the bylaw. She has informed the neighbors to make them aware that it is not town-owned land and we are not giving him any special treatment. At some point the board should decide if they want to engage in foreclosure; there are several properties that have been in tax title for many years. As much as she does not want to see that happen to a family in town, she thinks it is necessary to start on some of the properties.

Town Counsel drafted a Purchase & Sale for the five lots that were tentatively enter into an agreement with. It has been sent to the Dehullu's to review. She is almost finished with the RFP for the other two lots; it won't make the deadline for the June 9th Central Register; it will in the following Central Register.

Selectman Dunn said Ms. Dembkoski is following up on the Bagnall School project.

Selectman O'Neil was at the Central Fire last week to see the new ladder truck; it is a very impressive vehicle. Hopefully it's worth the money and hopefully we never have to use it.

Selectman O'Neil will not be able to make the swearing in ceremony of Chief Gillen so he thanked him now; he wishes all the best for him. He apologized for not making the Memorial Day ceremony due to prior commitments. Ms. Dembkoski said it was a beautiful service; kudos to Dave Tuttle and his group for putting it together. Selectwoman Carpenter thank Selectman Watson and Chair Wood for attending on behalf of the board.

The next regular meeting will be held **Monday, June 12, 2017** at 6:30 p.m.

Selectwoman Carpenter made a motion to adjourn; Selectman O'Neil seconded; voted 5-0-0. The meeting was adjourned at 9:14 p.m.

*** Unanimously Approved on June 26, 2017 ***