

Meeting Minutes

Parks Facilities Committee

19 Oct 2023

Members Present: Erin Palumbo, Jim Pedone, Barur Raj Rajeshkumar, James Morrissey, Jim O'Day

Guests Present: David Warner representing Warner Larson (WL)

Meeting Called to Order: 7:02pm

Pedone. Minutes from previous meeting are not available yet. Inderwish has notes but not transcribed, should get them tomorrow for discussion next time.

OML Violation Response: Pedone- last meeting decision was to move it to this meeting. Erin reached out to a quorum to express an opinion which is an open meeting law violation. Reiterate complaint is filed against the whole committee and anyone who engaged, committee itself is where the complaint is filed against. Comments?

Raj- Its hard finding volunteers, if we keep doing this kind of thing, it will be hard to find more volunteers. That's my concern.

Pedone – This is an opportunity to educate and learn. I've asked Erin multiple times not to email the whole committee, felt this is the only way to get it to stop and educate ourselves.

Palumbo – Statement submitted. See addendum. Ask for Pedone to withdraw complaint.

Pedone – Not going to withdraw. We have a complaint need to take action.

Palumbo – Request to Pedone, complaint fails to name the individuals or the substance of the opinions. Move that this committee table this discussion for a later date so that Pedone can name quorum members and provide details of alleged opinion that was deliberated on. Second motion, move that Pedone and I recuse ourselves as neither can fairly evaluate the situation.

Pedone - Those aren't motions, those are requests. I put in the complaint only that which was required by law. Discussion of alleged violations need to take place in this meeting. I have no conflict of interest because I have nothing to gain. I, as a resident and citizen, felt it was my obligation to consider it.

Morrissey- What is remedy for potential violation?

Pedone – We haven't discussed a remedy

Palumbo – Pedone, you're suggesting we discuss now? You haven't provided any details so I have no ability to prepare a response

Morrissey – Palumbo, before you continue, you interrupted. If you wait, I may have a solution. Pedone, issue is we need to further understand OML. Would it be a remedy if the members of this group would undergo the OML training. A vote could be tabled for next meeting and if members of this committee take the training, then we could have a solution.

Pedone – I would go the other way around, if we find a violation, then we take the training

Raj – Erin said in her statement, she is willing to correct herself. We shouldn't be dragging this, let it go Jim, that's all I'm asking, let it go.

Pedone – Well lets vote then and you can vote however you feel fit.

Palumbo – Committee can't make a decision without knowing what was said or who said it

Pedone – Committee was informed at last meeting

Palumbo – You're pushing the committee to a vote

Pedone – There was an email exchange between you and Pat Inderwish about taking down the trees, I then received at a later date a text from Gary Flynn about taking down the trees, then I called Raj and asked him if he had been contacted by you. That constitutes a quorum and you were expressing an opinion.

Palumbo- What was the opinion?

Pedone- Doesn't matter what the opinion was.

Palumbo – It does matter. It's only an OML violation if it's the same opinion expressed to each of the members. So, what was the opinion?

Pedone – You didn't want the trees taken down. I disagree with your statement, you're not allowed to communicate with a quorum on any opinion.

Palumbo – That's not accurate.

Pedone – Its clear you haven't taken the OML which is why you violated the OML. It is accurate and I'm not going to sit here and debate the OML with you. I'm not going to withdraw, I want to move on, so I'm going to ask for a vote. Are you going to deny the allegations happened?

Palumbo – As you say it, yes I deny it. I did speak with members of the committee, but it was not on a matter before the board, the matter had been voted on and was no longer before the board. That right there means it was not an OML violation

Pedone – Not true, doesn't mean it couldn't be brought in front of the board again. You expressing an opinion to get something reversed.

Palumbo – You're just wrong. I did not express not wanting to cut the trees down. In order for the board to vote, they need to have the evidence. Because I did not take a definitive stance and I did not say what Jim is alleging, its just not true. If you plan to vote, which is taking up our night, ask Jim to provide evidence, I did not express the same opinion to a quorum on a matter before the board.

Pedone – I have the evidence and emails

Palumbo – Please do provide the emails to the committee. Because you'll find they are not identical and they don't contain a message of "cut down the trees or don't cut down the trees"

Morrissey – Counterpoint here is that Erin didn't express the same opinion and even if she did, it was a matter that had already been addressed.

Palumbo – That is correct. Ask and request Jim to provide evidence first.

Pedone – I'll read your email.

Palumbo – You can do that, but you have to prove your email contains the same opinion that was given to every member of the quorum.

Pedone – I just want to take a vote. I don't care what the outcome is.

Palumbo – Jim if I may say

Pedone – No you may not. I want to take a vote and move on. I know for a fact there was a clear violation, I've presented evidence, but I know what happened, I want to move forward. We have a guest, let's move forward. With that, I ask for a motion for a vote in favor of the OML violation

O'Day – motion

Morrisey – second

Palumbo – I ask the committee, this is premature, events did not occur as Jim stated, you'll have to vote based on any evidence he presented versus my own word that the events did not occur as he said. Additionally, he has a position of power and its inappropriate for him to push this forward. Ask committee to abstain from voting

Pedone – Erin you admitted to contacting the committee. As chair its my obligation to respond within 14 days. Request of committee to move it forward. Role call vote

Morrissey – yes, Rajeshkumar – no, Palumbo – no, O'Day – yes, Pedone- yes.

Pedone – That's a 4:2 vote, motion carries. (CORRECTION, 3:2 vote)

Next item on agenda: Review of 90% construction docs

Larson – Revisions have been highlighted. Working to keep it within cost. Dugouts not included. Irrigation on skinned area, irrigation for grass. ADA parking provided by town outside of field contract. Deleted tree removal from estimates, clarified fence heights. Bleachers are not in scope. Water shut off is below freezing. 4 trees will be replanted as shade trees. All presented and approved through conservation commission.

Discussion of handicap parking space. Palumbo suggests moving handicap spot to behind home plate to save the expense of a long sidewalk unlikely to be used by most kids. Debate about whether there is enough room behind home plate, cost to put a parking spot there, need to go back to conservation committee because parking spot would in wetland buffer zone, loss of bleachers as viewing area. Discussion of grade of sidewalk and if it meets ADA standard, Larson reports it does.

Pedone – Do we have outfield fence

Larson – No.

Palumbo – Noting contour lines, 527 and 528, it looks like the water is flowing to the outfield with no drain under the stone wall. Where is that water going? Were plans stamped by an engineer?

Larson – not yet, but they can be. There will be a low point at 526. Its an observant comment, we can further contour line to clarify for the contractor. Thank you for the comment. Discussion of stone wall grading at minute 43 of recording.

Palumbo – Is depth of top soil 12inch or 8inch, its marked differently on map

Larson – 12 inches, that's an error. 12inches is considered optimal.

Palumbo – Asks committee to consider the cost of optimal top soil depth. Will this field have soccer use

Pedone – Design doesn't include soccer. Soccer considerations are outside of scope of design.

Palumbo – Does fencing include soccer or does everyone have to walk around.

Pedone – Exterior fencing not included yet.

Palumbo – Given the cost to the town, soccer should be considered

Pedone – Not up for conversation, design is for softball. Intent is to allow for soccer but we're not going to design for it.

O'Day – are dimensions of field allow for adult/high school soccer. Is enough land for full blown soccer field.

Pedone – My guess is for younger kids. Youth soccer doesn't want dirt in field.

Larson – U8 and U10

Palumbo – No intention for high school soccer, should be younger kids soccer, would be nice to see overlay

Pedone – this is outside of scope of work, main focus is softball. There is a lot of soccer fields in town, there is one softball field.

Palumbo – Asks about mixture for infield and cost.

Pedone – Erin seems focused on cost, we haven't got to that yet, this is about actual design. We are trying to build a proper field and not cut corners.

Palumbo – Irrigation of topsoil? Larson response – yes, current field is irrigated.

Cost Estimates

Explanation of costs at minute 58 from Larson. Total project cost is \$776. Further explanation of choice of material for infield.

Bid Alternate 3 for outfield fence. Discussion of merits of including a bid for an outfield fence, including height of fence, safety cap, two lines for fencing. \$30,000 estimated for full perimeter for fence.

Consideration for a gate. Consideration for two fence lines, one will cut off a significant portion of the newly loamed and irrigated field there will be lost space for any other sport activities. Pedone states the original purpose of this field is for a softball field which will allow for other uses, we are building a softball field. Pedone states primary concern is aesthetics for a softball field. Larson- fence line is used either way in different municipalities, Larson states this is a fairly significant change.

Space difference between blue line for fence and perimeter line for fence is 10-15 feet to 45 feet, Morrissey - not an inconsequential amount but it could be more cost effective. Green soccer outline is for U8, 95x135feet. Oday - no way to make field acceptable for youth soccer, Palumbo - lot of soccer practice space which is important and a use more than a regulation game space. Pedone - aesthetics and cost of fence is more appropriate, Palumbo - are we still going to loam and irrigate that extra space? Further discussion of fence line. Morrissey, Oday, Pedone are in favor of curved fenceline to enhance aesthetics of softball field, prioritizing over practice space for other sports. Palumbo no.

Pedone - no need to meet before 100% bid docs. Larson - out to bid after Thanksgiving, get bid opening at end of year, start work in spring. Discussion of seed vs sod. End of June 2025 is estimated ready to play, if you use sod then spring of 2025.

Palumbo - Ask about engineer stamp. Larson - will have it stamped, its not currently stamped. Purpose of an engineer stamp is for accountability of the firm. No cost to have it stamped.

8:45pm - Motion to adjourn. All in favor.

Addendum. Statement from Palumbo

I thank my fellow committee members for providing me with an opportunity to make these opening remarks. I am sorry that this complaint is serving as a distraction that is taking time away from the substantive work of this committee, and I regret any role that I may have played in bringing us to this moment.

If nothing else, this incident has made me more aware of the issues surrounding the Open Meeting Law, and I have, since learning about the complaint, invested a considerable amount of time better educating myself as to the nuances of the law. I am optimistic that, moving forward, I will conduct myself in a way that will not lead to future incidents similar to the one before us tonight.

My hope is that Jim, as the person who brought the complaint, will choose to withdraw the complaint so that we may proceed with the rest of tonight's meeting without being bogged down in any further discussions surrounding the allegations made in the complaint. I will not be taking any time tonight to address the substance of those allegations, as I have been advised by my attorney that due to the limited nature of the information presented in the complaint, I should refrain from such discussion.

If, on the other hand, it is Jim's choice to continue with the complaint, I have two requests that I intend to submit as motions to the Committee. I will reserve those motions for the moment and

allow Jim to respond.