

**SELECT BOARD MEETING MINUTES**  
**MONDAY, MARCH 23, 2020**  
**APPROVED**

**SB Members Virtually Present:** Alison S. Manugian, Chair; Joshua A. Degen, Vice Chair; John F. Reilly, Clerk; John R. Giger, Member; Rebecca H. Pine, Member

**Also Virtually Present:** Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant; Michael Bouchard, Town Clerk; Bob Colman, Groton Cable Access, Board of Health Members Jason Weber, Bob Fleischer and Susan Horowitz; Sammie Kul, Interdepartmental Assistant; Jason Kauppi, Moderator

Ms. Manugian called the meeting to order at 7:00pm and reviewed the agenda.

Mr. Weber called the Board of Health to order at 7:03pm.

Mr. Haddad said that the Governor declared stay at home orders earlier that day for a shelter in place. Mr. Haddad said he had a virtual meeting with department heads that morning along with the Select Board Chair and Vice Chair. He said that they needed to discuss with the Board of Health their authority to take action to protect public health. He said that part of the discussion was whether or not inspections should continue. Mr. Haddad said that he didn't want the Town's inspectors going out doing any inspections and was recommending that all construction inspections be put on hold for the next 2 weeks. Ms. Manugian agreed adding they needed to shut down as much as they could during this quarantine. Mr. Degen said that the Governor provided a weak order earlier that day adding they needed to flatten the bell curve. He said that the exemption list provided by the Governor was 5 pages long.

Mr. Degen said he thought allowing the continuance of take-out food service was a public health issue also. He said that it was up to the Board of Health to set these local exemptions.

Ms. Pine said she had mixed feelings about the building inspections but wanted to hear from the Board of Health. Mr. Fleischer said that some inspections might be of an emergency nature adding he didn't want to shut those down. He said he agreed with all non-emergency inspections being postponed. There was a discussion about the safety of inspectors going into homes during this pandemic. Ms. Manugian said that they needed uniformity. Mr. Degen reminded them that they had an Emergency Management Director. Mr. Haddad said he had no issue deferring to Chief McCurdy adding that the Chief had taken a hardline approach. Mr. Giger said that they should only be looking at items that required a building permit. Mr. Haddad said that he was also speaking about electrical, gas and plumbing permits. Ms. Pine said that she agreed to limiting inspections but added that some construction could be done without inspections for a period of time. Ms. Manugian said that there was no way to make sure social distancing was being adhered to or not. She said that a moratorium on construction would protect the workers and the community. Mr. Degen said that he would advocate for a shutdown adding this would affect him also. He said he didn't see what the downside was to shutting things down for 2 weeks. Ms. Pine said that there was an income downside for a lot of people. Mr. Weber asked if any other towns had taken this step. Mr. Haddad said that he was not sure. Mr. Weber said that if their neighboring towns were not taking this step 2 weeks from now this might not make any impact. He said that maybe they didn't want to make a decision that night adding it would allow them time to talk with other towns. Mr. Haddad said that the Fire Chief told him that until the State issued the allowance for extensions, they should not do anything at the local level. Mr. Haddad said that they should move with a hybrid model to include not issuing any new permits and move on with everything else on a case by case basis. Ms. Manugian said that construction workers coming into their town possibly brought the virus into their community. Mr. Degen said he fully respected wanting to talk to other communities but said they didn't have time for that. He said that they needed to make decisions. Mr. Degen said that they were looking to the Board of Health to make decisions and shut construction and takeout down. Mr. Fleischer said that a lot of people were losing their incomes right now adding they couldn't use that as a basis for their decision. Mr. Weber said that the Town could do what they wanted but if their neighbors weren't playing ball, it wouldn't matter. Mr. Weber said he appreciated the recommendation of the Emergency Management Director. He said that he thought the Town Manager as the employees' boss should be making the decision and not the Board of Health. Mr. Haddad said that if he issued that directive, he wanted the support of the Select Board.

*Mr. Fleischer moved that the Board of Health recommended that during the shutdown of the State relative to COVID-19, that inspectors did not have to go into buildings and were free to use their best judgement regarding safety as they continue their job. Mr. Weber seconded the motion.*

*Mr. Weber suggested amended language that said the Board of Health supported the Town Manager's decision of whether or not inspectors would be available for inspections. Mr. Fleischer seconded the amended motion.*

Town Counsel, Paul DeRensis said that there were two different categories to consider, new construction and existing occupied homes. Ms. Horowitz said she was in support of her other two board members and what had been said. Mr. Haddad said that it was his recommendation that they not issue any new permits and that there be no inspections over the next 2 weeks unless there is an emergency.

Mr. DeRensis explained how the Board of Health needed to recommend that there was a health issue so that the Select Board could shut down construction in town if that was what they decided to do. Mr. DeRensis said that the discussion around inspections was about the Town Manager giving direction to his employees about their protection and safety. He said that the Town Manager probably had that ability under the Charter to do that. He said that their firm had been recommending to their clients that inspectors not perform inspections adding it was easy to get these postponements. Mr. Giger asked if the Board of Health wanted to indicate what they think should happen, should the Select Board look at putting something in place like what the Town Manager was asking for the next couple of weeks while waiting for the State to put in writing an extension on how long they can extend inspections. Mr. DeRensis said that was being debated right now adding it would allow for 45-day extensions. Mr. Giger said that they should work on the recommendation from the Board of Health, then take the next steps. Ms. Manugian said that she agreed but if the Board of Health didn't want to or wasn't comfortable making that decision, the Select Board didn't have the authority to shut down construction or take-out. Mr. Weber suggested reconvening the next night giving them time to educate themselves on this. Ms. Manugian said that if the Board of Health needed that time, they didn't have a choice. Mr. Haddad said that he was not going to allow inspectors to go into anyone homes adding it was in line with what the Fire Chief was doing also.

Ms. Manugian switched the discussion to take out service. Mr. Weber said that they needed to think about who they were inconveniencing. He said that restrictions needed to be adhered to, such as paying over the phone, but didn't think they should shut take-out down. Mr. Degen said he didn't think the restrictions were being adhered to. Ms. Pine said that they needed to allow take-out but that the exchange must be outside the door of the establishment and not involve cash adding that credit cards must be taken over the phone. Ms. Pine said she thought the Board of Health could put those restrictions on take-out. Mr. Haddad said that a resident just emailed him to say they got take out over the weekend from a facility that would only take cash. Mr. Fleischer said he was concerned about shutting down convenient meals for first responders, medical professionals, etc. adding they needed some sort of convenience. Mr. DeRensis said that the Board of Health had the authority to take all steps necessary and proper to control any source of infection within the Town adding they could impose fines. Mr. Weber said that they should not shut down a possible food supply for people. Mr. Haddad said that the supermarket was accepting cash and debit cards adding he wasn't sure how they couldn't restrict others. Mr. Haddad said he didn't want to see the take-out restaurants shut down adding it might be the only food source for people. Mr. Giger provided the definition of take-out under essential personnel exemptions and said he he couldn't see shutting take-out down. Ms. Manugian said that she heard what they were saying but thought they were refusing to learn from those ahead of them in this process.

Ms. Manugian asked if they needed further activity to corral folks in with regard to enforcing shelters in place. Mr. Haddad said that the Police would monitor the playgrounds and basketball courts adding there had been no issues thus far. There was a discussion about the Board of Health meeting the next night and report back regarding educating themselves on shutting down construction, etc. Mr. Degen said that allowing contractors to continue working was a double standard adding others were not allowed to work right now. Mr. Degen said that they needed to be a leader. Mr. Fleischer asked what more information they could get in a day. He said that construction according to the Governor was a can do.

*The motion moved by Mr. Weber and seconded by Mr. Fleischer above was unanimous by Roll Call vote: Weber-aye; Fleischer-aye; Horowitz-aye*

The Board of Health adjourned at 8:16pm.

Mr. Haddad said that earlier that day, they closed Town Hall, the Library and Country Club through April 7<sup>th</sup> at noon as per the Governor's order. He said that they had suspended all expense warrants through April 7<sup>th</sup> adding that departments could still submit bills. He said that the post office would hold all mail for the next two weeks. Ms. Pine asked if they could push off bill paying. Mr. Haddad said that they could. Mr. Giger said that the impact was minimal adding they were current on their bills. Mr. Haddad said that payroll would be done remotely. He said that any salary and hourly employees that received the same check every week would be paid their standard pay. He said that the Police, Fire and DPW departments would submit their payroll electronically because of potential overtime. He said that the Council on Aging would still continue the meals on wheels program. He said that Police and Fire would continue their normal operations.

Mr. Haddad said that he sent the Board an email on plans within the DPW. He said that there were some things they needed to attend to such as beaver dams but could limit their operations if the Board so chose. He said that the custodians would continue to clean the buildings. He said he would like to ban the sale of trash bags at the Transfer Station for the time being adding people could get them at Shaw's. Ms. Manugian said she was conformable with bags being available at Shaw's adding she still wanted to see people use the bags to dispose of their trash at the transfer station. Mr. Degen said that some people were not going to the grocery store adding they should waive the use of bags. Mr. Haddad said that if they got into a situation where they allowed people to not use the orange bags, he thought it would cause other issues. Mr. Giger asked if they could make the bags available at other retailers. Mr. Haddad said that they could look into that. That was agreeable to the Board.

Mr. Haddad said he understood some members desires to shut down the DPW but added there were things that needed to be taken care of still during this time. Ms. Pine said that the workers were in a safe place when they were in a vehicle as outlined by the DPW Director. Ms. Manugian said that they might not be adhering to the 6-foot separation and had no way to enforce it. The DPW would go to a skeleton crew.

Mr. Haddad said that a lot of their employees would be working from home. He said that each department would be responding to email and voicemail messages as they came in.

Mr. Haddad said that he spoke with Town Counsel and looked at all union contracts. He said that they needed to rely on past practice as far as this shut down was concerned. Mr. Haddad said that if they were to shut down for a snow emergency, they would pay the employees. He said that he was waiting to hear from the State on what the Governor was doing with non-essential personnel pay but they were able to find out that the Senate staff were being paid to work from home. Mr. Haddad said that they could address this again should it go on longer than 2 weeks. Mr. Degen said he wanted to hear what the Governor was doing for other non-essential personnel. Mr. Degen said he didn't want to be against town employees but needed to hear what the State was doing.

Mr. Haddad said that a 60-day extension was going to be requested by the Board of Assessors by mail to those that filed abatements. He said that if people denied the extension, the abatement would be denied by default.

Mr. Haddad said that due date and penalty waivers were being requested at the State level by Treasurer/Collectors. Mr. Degen said that tax bills were still due on May 1st.

Mr. Haddad said that the Spring Town Meeting warrant had been updated with a meeting date of May 18<sup>th</sup> with the election to be held on June 9<sup>th</sup>. He said that the public hearing would be held on April 13<sup>th</sup>, which was subject to change. Mr. Haddad said that the Moderator could extend town meeting another 30 days should they need to under the law which would leave the election on June 9<sup>th</sup>. Mr. Kauppi said that they could approve a 1/12 budget under the proposed legislation thus not needing to hold Town Meeting by July 1. He said that the Select Board could postpone the Town Meeting until the day the warrant was posted. Mr. Haddad said that the Board may want to review all articles on the warrant and maybe delay some of them until the fall if need be. Mr. Haddad said he would schedule a review of the warrant at their meeting next week.

Mr. Haddad asked if they had to hold a public hearing if they weren't bonding anything at this Town Meeting. Town Counsel said that they did not have to.

Mr. Haddad provided updates on other boards and committees and any business before them. Mr. Haddad said that he would recommend extending the no meeting order through April 7th and after April 7th allow virtual meetings on a case by case basis. Ms. Pine asked why they would not allow virtual meetings. Mr. Haddad said he was just complying with the Governor's order. Mr. Degen said that if there were requests, they should come back to the Board next week with their requests. Ms. Manugian said that she was okay with waiting until April 7th. Ms. Pine argued for allowing the Conservation Commission to meet because of the administrative items that needed to be signed off on as an example of one such Board that should be granted permission.

Ms. Manugian said that she would like to see them send the letter she drafted to the Governor as supplied to the Board members earlier urging him to consider a stay at home order. Mr. Degen said he was fine with it in concept. Ms. Pine said she was not comfortable urging a stay at home order for all adding they had miles of trails in the Town and people needed to be allowed to exercise and use the trails. Mr. Giger said he was fine with the letter but wasn't sure they needed to lock everyone in the house. He said he supported the concept of the letter. Mr. Reilly said he agreed with John Giger's comments adding he didn't agree with suggesting everyone having to stay within their house.

Mr. Degen announced that the Herald would be publishing the paper during this shut-down period of 2 weeks.

*Mr. Degen moved that the Select Board authorize the Chair to send a letter from their Board with a couple of minor edits from the Board to the last paragraph. Ms. Pine seconded the motion. Roll Call: Pine-aye; Degen-aye; Manugian-aye; Giger-aye; Reilly-aye*

#### **MINUTES**

*Ms. Pine moved to approve the meeting minutes of March 9, 2020 as amended. Mr. Degen seconded the motion. Roll Call: Pine-aye; Degen-abstain; Manugian-aye; Giger-aye; Reilly-aye*

*Ms. Pine moved to approve the meeting minutes of March 13, 2020 and March 16, 2020. Ms. Manugian seconded the motion. Roll Call: Pine-aye; Degen-aye; Manugian-aye; Giger-aye; Reilly-aye*

The meeting adjourned at 9:04pm.

Approved: \_\_\_\_\_  
John Reilly, Clerk

\_\_\_\_\_ respectfully submitted:  
Dawn Dunbar, Executive Assistant

Date Approved: 3/30/2020