

**BOARD OF SELECTMEN MEETING  
MINUTES FEBRUARY 26, 2018  
APPROVED**

**BOS Members Present:** Joshua A. Degen, Chair; Barry A. Pease, Vice Chair; Alison S. Manugian, Clerk; Rebecca H. Pine, Member; John G. Petropoulos, Member

**Also Present:** Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Degen called the meeting to order at 7:15pm and reviewed the agenda. He explained that the Board had just exited Executive Session relative to litigation and collective bargaining.

**ANNOUNCEMENTS**

Ms. Manugian made an announcement about the annual town election, what the open seats were and deadlines for pulling and returning nomination papers.

Ms. Pine said that they had decided at their last meeting to change Selectmen to Select Board. She said that the Town Clerk would be preparing a warrant articles with the help of Town Counsel.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that Senior Water Technician, George Brackett, had provided the Town with 18 months' notice of his intent to retire. He said that the Water Commission decided to bring on an employee to train with Mr. Brackett before he retired. Mr. Haddad asked the Board to consider ratifying his appointment of Stephen Straker as a Water Operator for the Water Department effective March 12, 2018. Mr. Orcutt said that Mr. Straker was the top applicant choice of the Commissioners. Ms. Pine asked about the 15 month overlap of another fulltime employee and if that was normal practice. Mr. Haddad said that the water budget would cover that. Mr. Orcutt said that the last time they had a vacancy they were without someone for a while leaving himself and Mr. Brackett. He said that this was a onetime opportunity to bring someone on and train them.

*Ms. Manugian moved to ratify the appointment of Stephen Straker as Water Operator for the Water Department effective 3/12/18. Mr. Pease seconded the motion. The motion carried unanimously.*

**PUBLIC COMMENT PERIOD**

Mr. Art Prest requested to have the three-minute limit limit waived so he make take four-minutes to make his comments.

*Ms. Manugian moved that they allow Mr. Prest four minutes. Mr. Pease seconded the motion. The motion carried unanimously.*

Mr. Prest read the attached statement into the record.

Mr. Petropoulos said that he had no idea what Mr. Prest was talking about. He told Mr. Prest that if he wanted to question what was written in the Groton Herald, he should call them. Mr. Prest said he could file an OML complaint and place a public records request to get answers he was requesting.

Mr. Val Prest said that he had the pleasure of serving on the Prescott School Committee. He said that he had been looking through the code and found something interesting; one of the reports indicated that classification on the school was Group E for education. He said that according to the current code, Group E included uses for education purposes through the 12th grade. Mr. Prest said that this building was being used as a business use and not approved for this right now. Mr. Prest added that this was from the 9th edition of the building code. Mr. Haddad said that he had spoken to Mr. Cataldo about which code he was following with respect to use at Prescott adding the 8<sup>th</sup> edition was being used because of the timing of when the issue of use was brought up.

Mr. Pease read the attached statement into the record.

Mr. Degen said that Chief Palma had submitted his retirement papers and would be moving on toward retirement. He said that he had done a great job as Chief adding they wished him the best.

#### **7:15PM – SEWER COMMISSION VACANCY**

Mr. Haddad explained that under state law when a vacancy occurred on an elected board, the Board of Selectmen in joint session with the elected board having a vacancy, elect by roll call vote to fill the position after having advertised the vacancy. Mr. Haddad said that Evan Boucher was the only applicant adding he was a member of the Park Commission and employee of the DPW. Mr. Haddad said that the Sewer Commissioners had met with Mr. Boucher and were recommending he be appointed. Mr. Haddad added that Mr. Boucher had also pulled papers for the full 3-year term seat coming this May. Mr. Gmeiner said that they had advertised in many outlets adding that Mr. Boucher lived in the district and would be a great addition. Ms. Pine said she appreciated the advertising and Mr. Boucher for stepping forward. Mr. Gmeiner said that because they were only a 2-person board at the moment, they did not feel waiting until the spring election was in their best interest because of a couple of issues they had coming up. Mr. Petropoulos asked Mr. Boucher what philosophy he would bring to this job. Mr. Boucher said he wanted to learn and understand the processes and work to keep the rates down. Mr. Petropoulos said he had confidence Mr. Boucher would do a good job adding he had done good things with the Park Commission. Ms. Manugian said she appreciated his willingness to want to learn. Mr. Degen asked what his thoughts were on mandatory hookup. Mr. Boucher said that he didn't think anything should be mandatory.

*Mr. Orcutt moved to appoint Evan Boucher to the Sewer Commission vacancy through the end of this term. Ms. Pine seconded the motion. Roll Call: Petropoulos-aye; Pine-aye; Pease-aye; Manugian-aye; Degen-aye; Gmeiner-aye; Orcutt-aye. The motion carried unanimously.*

#### **TOWN MANAGER'S REPORT – Cont.**

2. Ms. Gilbert said that she was there as an individual member of the School Committee to provide the Board with information on the feasibility study they wanted to conduct on Florence Roche. She said that the School Committee felt as though this should be a district wide study. She said that a feasibility study would provide them with several designs as well as possibilities for consolidation of school(s). She said that to not look at everything would be unwise and costly adding that the MSBA would approve reimbursement to both towns. Ms. Gilbert said she needed to know if Groton felt that this should be a Groton only study or liked the idea of a district wide study. Mr. Haddad said he thought it should be a district wide study adding Groton students also attended Swallow Union. Mr. Degen said that Flo Ro was in bad need of repair and that more space was needed. He thought it made a lot of sense that they look at it with their neighboring community and thought this cost should be shared equally across the district. Ms. Pine agreed that it should be a joint study and that they needed to review all possible outcomes. Ms. Manugian said she agreed adding she also felt strongly that if Dunstable were not able to absorb the costs that they should do this anyway. She thought to just look at Flo Ro and ignore other schools seems short sided. Mr. Petropoulos said he felt it was important that this be a district wide study and that they should continue to share costs district wise. Mr. Pease said that even though feasibility studies were expensive, if done well, could save them millions of dollars in the long run.

*Mr. Pease moved that they authorize the Town Manager to state the position of the Groton Board of Selectmen as being in support of a district wide feasibility study for education studies pursuant to a positive vote of the School Committee. Ms. Manugian seconded the motion. The motion carried unanimously.*

3. Mr. Haddad said that they needed to re-advertise an RFP for Prescott School in order to comply with Chapter 30B of the General Laws. He said that he drafted a new RFP and would like a vote from the Board authorizing him to advertise it in the Central Register with a due date of April 9, 2018.

Mr. Degen explained how they talked about covering expenses for one year. Mr. Haddad said that it was subject to a Town Meeting vote on a yearly basis. Mr. Pease said they were talking about subsidizing the costs and didn't know if that was germane. He asked if they should bother putting an RFP out if they could not use it the way the Friends wanted to because of limits on E and B in building code. His hope was they could level the playing field again but was concerned they were once again issuing an RFP with a failure principal. Mr. Petropoulos said that the

appropriate use was explained throughout the document. He asked if there was a cost to advertise. Mr. Haddad said it would cost about \$65-85 to advertise a legal notice. Mr. Petropoulos said it made sense to go forward with this, entertain responses and do them in parallel. Mr. Pease commented on how it was not best practice to put something out there knowing it could be pulled. Mr. Degen said he was supportive of outing this out to advertisement but not if it was flawed. He suggested they run it by Town Counsel for an opinion. Mr. Haddad said the only issue with waiting was that the due dates would get pushed back a week. He said that no matter what the Board decided, he had put a placeholder on the warrant for this.

Ms. Gilbert agreed that having Town Counsel was in their best interest and to have Town Meeting decide if they want the building. Mr. Prest asked Mr. Petropoulos to recuse himself from the conversation moving forward adding that his wife was a member of the Board and an officer of the Friends. Mr. Petropoulos said that his wife was not on the board adding she was a volunteer for the Friends. He said that she was their secretary and accepts class registrations. He said she was not a voting member adding he had contacted the IG's office who suggested he file a notice of non-disclosure which he had done. He said he had no financial interest in Prescott and had been clear about his interest in Prescott.

Mr. Degen asked the Town Manager to change the date on the RFP by the appropriate number of weeks and to speak with Town Counsel before advertising it. Ms. Pine said that week(s) delay at the other end would give them time for review. Mr. Degen said they could delay the issue until the end of Town Meeting if that had to.

4. Mr. Haddad said that he needed to begin the search for Chief Palma's replacement. He pointed out that the new Charter had exact same language as the previous Charter. Mr. Haddad said that it was his responsibility under the Charter to conduct the initial search and bring at least 2 candidates to the Board for a final decision. He outlined the process he planned to use and explained that it was very similar to the Fire Chief search they had done a few years ago. Mr. Haddad said that he wanted to talk to the Board about one change to the process he wanted make. Mr. Haddad said that Chief Palma had put together a succession plan and talked to the Board about it a couple of years ago. He said that because of that succession plan, Mr. Haddad said he wanted to begin the search with an internal search first. Mr. Haddad said that if the Board was comfortable with that idea, great, and if not, they could post internally and externally simultaneously. Mr. Haddad explained that conducting a simultaneous search sent a strong message to the department. Mr. Degen said that he and Mr. Haddad met with the Chief earlier that day adding the Chief was supportive of conducting an internal search first. Ms. Manugian asked what the current org structure was. Mr. Haddad said there was the Chief, Deputy Chief, 4 Sergeants and the Officers. Ms. Manugian said she was concerned about going this route adding if they decided to broaden it after the internal search, what message that would send. Mr. Petropoulos said there were big shoes to fill and thought because of the high bar they needed to meet, they should find out what was regionally available. He said the number of qualified individuals internally was small adding they would remised to not see what was available out there. Mr. Pease said that if they were to get internal candidates that maybe they work through them first.

Mr. Robertson said he thought the Personnel Board should look at this as suggested. Ms. Pine said she wanted to state publicly how sad she was that the Chief had decided to retire early. She said that she had received a lot of phone calls and emails adding the feeling around town was that the Chief was a fantastic police chief. She said she regretted as a Board member that they never had an opportunity to discuss any issues with him. Ms. Pine said that she was pleased to hear that the Town Manager had decided to change his search committee to include two women. She said she didn't mean anything critical about anyone proposed to be this committee but thought there may have been an unconscious bias toward only having one woman on the search committee given there could be female candidates. She said she thought a nine-person board should have more than one woman. Mr. Petropoulos said that was something he had never thought of that but said she was correct about that. He said he thought there should be a balance and thought it was worth taking another look at. Mr. Pease said he was willing to defer his position on the search committee to Ms. Manugian if she wanted it. He said that he and Ms. Manugian shared the same values with regard to public safety. Ms. Pine took offense and thought it was hard to believe she and Mr. Pease did not share the same values. She said she too was willing to serve. Mr. Haddad asked the Board to keep in mind that this was his committee adding he did make a change after talking to Ms. Pine. He said he wanted to record to be clear that he

was not biased at all and had made the change to hopefully avoid this discussion that night but that it was apparently not enough. Ms. Manugian said she was comfortable with Mr. Pease and Ms. Pine's involvement in this adding she didn't have the ability to take on this magnitude of a commitment. Mr. Pease said that if Ms. Pine thought she was a better choice, given her involvement with public safety and knowledge of the Board, then she should be on the search committee.

5. Mr. Haddad said that the Board was posted for the Finance Committee meeting on Tuesday night. He said that they needed to discuss a citizen's petition they received for inclusion in the warrant for an additional SRO.

Mr. Pease said he signed the original petition and recused himself from the discussion.

Mr. Degen said they had been talking about adding an additional SRO for some time now adding that since the most recent school shooting, they had decided to elevate this. Mr. Haddad said that adding this to the budget would put the budget over the 3% budget guidance and would not maintain services but rather increase it. Ms. Pine said that Chief said this was a top priority and asked if there was anyway of reallocating the work load to have two people doing the job without adding a full-time employee. Mr. Haddad said that was a discussion they needed to have with the Chief. Mr. Petropoulos said that he and Mr. Haddad had been speaking with entities and thought there might be a way to add resources without adding incremental costs on their side. Mr. Robertson said he thought that because this was a GD resource it should be paid for by both towns. He said he didn't want to continue to pay for Dunstable's share. Mr. Degen suggested that Mr. Haddad reach out to the Dunstable Town Administrator to discuss this. Ms. Manugian agreed adding this was something they needed and Dunstable needed to be part of it. She said she was not a fan of response in a knee jerk reaction though. Mr. Petropoulos said that they may have excess capacity within the department and thought that they should be able to find money in the budget to pay for this. He said he wanted to stay within the current budget dollar amount. He thought they should plan to support this themselves as a backup plan. Ms. Pine said it sounded as though there might be the possibility that this is funded in the budget. Mr. Degen said if it didn't then it stood as a citizen's petition on the warrant.

Ms. Pease rejoined the discussion adding it sounded as though they had switched to discussing how to fund this. Mr. Pease said that at one time they had discussed the intent to phase in the Chief's personnel recommendations. He said he found it interesting that the Board voted to table all discussions relative to all positions but that they were discussing this adding this one to the budget. Mr. Haddad said that the need to discuss this was because of the receipt of a warrant article. Mr. Pease said he thought the Board should reconsider its February 12th vote on the public safety override. Mr. Haddad said he was also concerned about adding this position when they were originally seeking manpower for both police and fire and what problems this could cause between the two departments. Ms. Manugian thought they shot themselves in the foot by shutting down discussions with the Chiefs. She said she was struggling with the fact this wasn't a priority a few months ago but were now talking about a number of other priorities being put aside. She said this was a very emotional issue but that she was hard pressed to see what had changed within their community over the last 2 months.

Mr. Degen said that had three choices: add this to the FY19 budget; motion to reconsider the public safety override or do none of the above and let the citizen's petition go forward. Ms. Manugian agreed. Mr. Petropoulos said he was reluctant to address one issue because it may hurt another department. He said that the citizens petition had a cost associated with it. He thought they should move forward with the petition and figure out how to fund it. Mr. Pease said he thought they voted to preclude any budgetary discussions relative to Chiefs public safety request. See Video for missed discussion here. Mr. Haddad read the motion voted on at their last meeting. Mr. Petropoulos said they had a new proposal in front of them and were doing what they said they would do. Ms. Manugian said they needed to understand costs; change assignments; preliminary interest and ability of Dunstable to contribute toward this and then talk about it.

## **OTHER BUSINESS**

1. Mr. Petropoulos said there was interest in the Town to have them include a question about marijuana on the spring ballot. Mr. Haddad asked if he was looking for public input or a question to ban it. Mr. Petropoulos said that the

question was shall they allow the retail sale/cultivation or prevent it in their town. Ms. Manugian said that the process was far more complicated adding they needed specific verbiage in front of them to have this discussion. Mr. Petropoulos said that Town Counsel would be able to provide them with verbiage from other towns that had done this. Mr. Russ Burke said that the Planning Board had moved forward with an extension on the moratorium and proposed regulations for the Spring Town Meeting to vote on. He said they needed to do this because Groton voted 56% in the affirmative as opting in on the state ballot. He said that to outright ban it required a referendum that had exact zoning language prohibiting or further restricting state regulations. He said that would have to go to Town Meeting and would require a 2/3rds vote. He said the Town could prohibit, through zoning, the sale of marijuana at a later date with a look back period on special permits to the date of the public hearing. Ms. Manugian said they needed to understand the final zoning and what they would want to ban. Mr. Pease asked if there was a time limit on when the referendum and town meeting vote could occur. Mr. Burke said 6 months before. Mr. Pease said he was in favor of keeping Town Meeting the way it was and was in favor of letting the people feel like they had spoken. Ms. Manugian said that she could provide the Board with the same presentation they made in the forums at the next meeting if there was interest. Mr. Petropoulos said that the ballot was the way to understand the will of the Town. He said it gave the people an opportunity to vote on this. Ms. Manugian said that if Mr. Petropoulos had strong feelings about this, he could draft language and bring it forward. Mr. Degen said they could ask Town Counsel for sample wording. Ms. Manugian asked if they were asking Town Counsel to write something that banned recreational marijuana. Mr. Pease said he would love to have the process work in such a way that allowed the Town to weigh in on particulars to Groton. Ms. Manugian said that a referendum needed to say yes we ban everything or any that they ban one of the eight pieces. She added that that also needed to be specified at Town Meeting with zoning regulations in place. Mr. Burke suggested having a ballot question in the fall. Mr. Haddad said it made sense to have the Town Meeting vote before the ballot vote. Mr. Degen said he thought it made sense to put this on the ballot in the fall. Mr. Pease agreed that it should be done in the fall. Ms. Pine said she would like to hear what Town Counsel had to say.

2. Mr. Haddad reviewed the email response policy adopted by the Board. He said that he was being called into question for responding to an email that was sent to [selectmen@townofgroton.org](mailto:selectmen@townofgroton.org). Mr. Haddad said that he did not write back to the emailer on behalf of the Board and did not provide an opinion of the Board. He said that he did not violate the policy adding he was the Town Manager and should be able to respond to emails. Mr. Petropoulos proposed an amendment to the policy adding that when emails came in expressing action of the Board they were intended solely for response by the Board. He said that in this case, the individual hoped for a response from the Board. He thought that a response from anyone else could leave them feeling intimidated and question sending an email to the Board again. Mr. Degen said that the proposed amendment to the policy should be brought back to a subsequent meeting adding no action would be taken on it that night. Mr. Petropoulos said he was not sure why they couldn't vote on something. Mr. Pease pointed out how Mr. Petropoulos always wanted to follow the policy of waiting a week to review new policy or changes to policy. Ms. Manugian said she didn't see an issue with what the Town Manager did. She said if they wanted to look to change their policy, that was a separate issue. Mr. Pease said he didn't believe it was an intent to just change a policy. He said that this was based on a situation where Mr. Haddad was the first to respond to the emailer and that upset Mr. Petropoulos. He said that they encourage Mr. Haddad to provide the facts adding the content of the recent editorials and their responses were off base and factually wrong. Mr. Pease said that Mr. Haddad's response was a 100% accurate and factual response adding he was not changing a policy based on the fact Mr. Petropoulos didn't like the opinion.

Ms. Pine wondered why they had a [selectmen@townofgroton.org](mailto:selectmen@townofgroton.org) email adding that if one of them were to reply, they could be violating the OML. Ms. Pine said she didn't think they should make a decision on this at that time. Mr. Pease said that there were violations of that policy being violated by a Selectman as they spoke. Ms. Manugian said that one of the goals that was not adopted was that they be required to have a Town of Groton email address. Mr. Petropoulos said he would make a proposal for amending this. Mr. Degen said that Mr. Haddad's response was appropriate and did not cross any lines. He said that he had full right to respond to the resident's concern. Ms. Manugian, Mr. Pease and Ms. Pine agreed.

Mr. Pease said he found it ridiculous that some played favorites on items they either wanted to wait for or not. He said that individual could not have it both ways. He said the same thing happened with a discussion they had last week which ended up in a vote. He said that vote should have been tabled for a week and had not been done that way. Mr. Petropoulos said that all elements were up for them to vote on that night or to wait a week. Mr. Petropoulos said that the budget item being referenced was on the agenda item to talk about the budget. He said that was a budget item. Mr. Pease said that this was far beyond a budget item adding that the Police Chief had resigned over this. Mr. Degen said that he hadn't agreed with Mr. Petropoulos on a number of things that evening adding that the budget was duly noted on the agenda. He said that they were the only ones that could place an override on the agenda adding that Mr. Pease had voted to remove the possibility of an override. Ms. Pine said she appreciated that Mr. Pease was reminding them of a good policy that they should follow. She said that they should conduct their business without the language and personalization. Mr. Pease said that he had tried for a year and a half and already apologized in advance for proceeding down the path he had that night. He said he did not trust that one of their members didn't have an agenda and had lost all trust in that member. Mr. Degen said that they needed to work on inter-board relations immediately.

3. Mr. Pease said he was having a hard time with the chain of events of Prescott School. He said it was so intentional that they wanted to see the Friends succeed, that they drove over the edge. Ms. Pine said that the error was made last June when they couldn't award the RFP but in retrospect they needed to issue an RFP. She said there was a failure on all five of them and the Town Manager. Mr. Haddad said that they had to dispose of property with an advertisement and because the value of the lease was going to be greater than \$35K, it triggered the RFP process.
4. Mr. Pease said he would consider tabling his agenda item to consider reassigning liaisons.

**MEETING MINUTES**

*Ms. Manugian moved that they approve the meeting minutes of January 29, 2018 as amended. Mr. Pease seconded the motion. The amendment was to say that the recollection of a 3-2 vote had been challenged and asked to be researched. The motion carried unanimously.*

Mr. Degen adjourned the meeting at 10:28pm.

Approved: \_\_\_\_\_  
Alison Manugian, Clerk

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

Date Approved: 3/12/18