

**BOARD OF SELECTMEN MEETING
MINUTES MARCH 5, 2018
UN-APPROVED**

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

Members Absent: Barry A. Pease, Vice Chair;

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

Mr. Degen called the meeting to order at 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Ms. Pine said that she attended an event the day before on climate leadership. She said they talked about green communities and thought it was something they should think about reenacting.

Mr. Petropoulos said that spring classes started that night at Prescott. He congratulated them on the increase in enrollment they had seen over the fall.

OTHER BUSINESS

Mr. Degen said that it had been very difficult to chair their meetings over the last few months and felt like he had been involved in a circus as had other members. He said that he had talked to the Town Manager and others in the community about what they could do to improve things. Based on the feedback received, he said he had reached out to Patrick Parker-Roach who had tremendous experience with mediation. Mr. Degen said that if the Board authorized, each member and the Town Manager would meet with Mr. Parker-Roach and then hold 2 workshop sessions at the conclusion of the individual meetings.

Mr. Parker-Roach said that his goal was to build on what they thought was going right. He said he wanted to hear from them what their visions were for a well-functioning board. Mr. Degen said that the Board had been provided with Mr. Parker-Roach's bio and proposal of \$500 to complete these sessions which he thought was pretty reasonable. Ms. Pine said she was in favor of this with her only concern being finding the time to fit this in. Ms. Manugian said she absolutely thought this was a good idea adding it was much easier to go astray than to work effectively. Mr. Petropoulos said they couldn't ask for a better person to talk to one on one with and as a group. Mr. Haddad said he too supported this. Mr. Parker Roach said he had time within the next couple of weeks to meet with individuals. Mr. Degen said that he would also like to include Ms. Dunbar in this as she worked closely with Mr. Haddad and the Board. Mr. Petropoulos said he thought that was a tough place to ask that question. Ms. Pine said she would like to think about that. She said that it sounded as though it would be Mr. Haddad and the five Board members adding that Ms. Dunbar had the joy of recording these meetings. Mr. Degen said he would like to set up the mediation schedules as soon as possible.

Mr. Petropoulos moved that they accept the proposal as submitted by Patrick Parker-Roach. Ms. Pine seconded the motion. The motion carried unanimously.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that as directed at last week's meeting, he spoke with both Ed Cataldo and Town Counsel relative to the Prescott School RFP and the impact the Building Code had on the proposed uses of the Prescott School. He said it appeared that the wording in both the 8th Edition and 9th Edition of the Building Code were identical concerning Business Group B. Specifically, Section 304 - Business Group B of the Building Code read as follows:

"304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage or records and accounts. Business occupancies shall include, but not be limited to, the following: Educational occupancies for students above the 12th grade...."

Mr. Haddad said that while the Building Commissioner had been willing to allow educational uses in the building, he no longer could at this time without bringing the Building up to code to address the change of use.

Mr. Haddad said that he had received a written opinion from Town Counsel that day where Town Counsel said that the decision sat with the Building Commissioner according to the building code. The Building Commissioner has the option to contact the State Building Inspector for additional clarification. Mr. Haddad said that Town Counsel had recommended that the entire process, including issuance of another RFP, be put on hold pending further review. Mr. Haddad said that the Building Commissioner can allow current courses to continue and would allow that until this was worked out. Mr. Petropoulos asked if there was a chance he could meet with the State Inspector along with Mr. Cataldo and if so, he wanted that request passed along. Mr. Petropoulos suggested that Halsey Platt he asked to join the meeting with State Inspector also. Mr. Platt said he would like to be part of that. He said he reviewed the code and agreed with Mr. Prest's reading of it. He said the whole reason for classifications was to try to establish hazardous uses of the building. He said that education hazard uses were higher than business uses. Mr. Haddad said that the hazardous piece was not the key but rather the seismic regulations. Mr. Platt said that the Friends would also like to have something in writing. Mr. Haddad said that they had also reviewed the building file and found that no occupancy inspection had been done by the Building Commissioner who was here prior to Mr. Haddad starting as Town Manager back when the district offices moved into the building. Mr. Easom said that there were also certain provisions in the building code pertaining to historic structures. He said it might be helpful to know if there were any exemptions or relaxations of the code because of that. Mr. Val Prest said that the historical nature of the building may cut back on the seismic requirements adding that had to be determined by the State Inspector.

2. Mr. Haddad said that they had received a memo from the Nashua River Wild and Scenic River Study Committee recommending that Stacey Chilcoat be appointed as Groton's alternate to the Committee and asked the Board to consider making that appointment.

Ms. Pine made a motion to appoint Stacey Chilcoat to the Nashua River Wild and Scenic River Study Committee term to end June 30, 2018. Mr. Petropoulos seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that he had met with the Personnel Board to received their opinion and recommendation on whether or not to conduct an internal search for Chief of Police prior to advertising the position externally.

Mr. Robertson said that the Personnel Board was not in session because they were not posted even though all of them were present. Mr. Robertson said that he and Mr. Brogan had met with the Town Manager on Friday and unanimously agreed that the position should be posted internally and externally simultaneously because of the critical nature of the job. He said they also agreed that they needed a hiring policy adding that the HR Director had been working on that to include all levels of jobs. Ms. Pine said she needed to thank Mr. Pease for thinking to ask the Personnel Board to weigh in on this. She said she had thought about it and even though they had highly qualified people within the department she thought the Town would be better served with a wide search open to anyone. She said she thought the internal candidates could be competitive with others.

Mr. Haddad read the following statement into the record of behalf of Mr. Pease who could not be there that night.

Hi Mark,

Please be kind enough to read this to the board under the appropriate agenda item.

While I am not able to be present tonight due to my daughter's performance, I think that there is a viable approach to getting the best possible candidates for the Police Chief search.

Often in businesses, the best referrals come from within, even as candidates are sought from external sources. This form of recruiting has several advantages for the organization and overall employee morale. It is in Groton's best interest to recruit candidates who are currently within our department to apply.

I have taken the time to learn about potential candidates within the ranks of GPD, and have narrowed down the list to a few individuals whom I am excited to refer to the position. I recommend that the Board of Selectmen/SelectBoard affirm that I should, in my capacity as the Board's Public Safety Liaison, contact these individuals directly and invite them to apply for the role as Police Chief for the Town of Groton.

Of course, we cannot force anyone to apply for the position, but the Selectboard can show its appreciation for the exceptional talent within the department through a referral from the Board's Public Safety Liaison.

It is my recommendation that the Board affirm this approach. Based on a positive acceptance, I plan to speak with each individual this week and invite them to apply.

The search for Groton's Police Chief should be open to all candidates, internal and external. Having these individuals in the mix will help to assure a very strong candidate pool for the search committee to consider.

This type of internal referral process works well for the world's best-run companies; Groton should certainly consider following a best-practices exemplar.

Best regards,

Barry A. Pease

Vice-Chairman, Town of Groton SelectBoard

Ms. Pine asked to hear the Personnel Board's opinion. Mr. Robertson said he heard Mr. Pease said he wanted to recommend internal candidates to apply. Ms. Pine said she didn't want to see him set up favoritism in the onset. Mr. Petropoulos said that this was fraught with challenge by those not invited to apply. Ms. Manugian and Mr. Degen agreed wholeheartedly. Mr. Degen said that if internal candidates thought they were qualified, they should apply. He said it wasn't in the best interest of the Board to hand select candidates.

Mr. Haddad said that he was planning based on the discussion at their last meeting of the process for filling the Police Chief position, to increase the search committee to 11 members adding he had reached out to both a male and female. Mr. Haddad said that he and the HR Director were working on a community profile and had reached out to other towns that had recently done this for reference. He said he was planning to advertise the position in the Beacon, local newspaper, Mass Chief's Association and online. Mr. Haddad said he was planning to do a month's worth of advertising. Once applications were received, the Committee would review them and decide who they wanted to interview. He said that this portion of the process would be confidential. He said the Committee would conduct the initial interviews and narrow the list for interviews before area Chiefs. He said he would then further narrow the list of candidates to at least 2 applicants and bring them to the Board for interviews. He said that Board at that point could initiate an assessment center for up to 5 candidates for \$9,100. He said the Board could appoint a Chief once that had been concluded. Mr. Haddad said that since this process could take some time, he recommended that the Deputy Chief be appointed as Interim Chief upon retirement of Chief Palma. Mr. Degen asked about doing a salary survey. Mr. Robertson said that they had the study they just did when they renewed the Chief's contract. He said that to use that and move it by 2-3% wouldn't be unheard of. Mr. Petropoulos said this sounded like a great process and asked the Town Manager why he decided to add two additional people to the Committee. Mr. Haddad said he wanted to have as big of a committee as he could handle. Mr. Petropoulos asked if they would reach out to the community for input on what they are looking for. Mr. Haddad said that would all be part of their community profile.

4. Mr. Haddad said that he had reached out to the School Committee and the Town of Dunstable to determine if they would be willing to help offset the cost of adding an additional School Resource Officer. In addition, the Board asked for an opinion from Chief Palma on whether or not the current staffing of the Police Department could be reassigned to cover this instead of adding a new position. Mr. Haddad said he was waiting to hear from the School Committee and the Town of Dunstable but as far as reassigning of current staff, Chief Palma offered the following:

"The question has recently been raised asking if I could reassign an officer currently working patrol to the position of second School Resource Officer. The short answer is no. We are currently operating at minimum manpower for

shift coverage. Reducing the patrol force would cause a manpower shortage of forty (40) hours per week, creating a marked increase in overtime, a decrease in productivity, and increase in liability due to officer fatigue. Reducing the base patrol is an officer safety issue and a quality of life issue for the residents. As Chief of Police, I would be remiss in my duties to not only to my officers, but to our residents, and those who travel to and through Groton by reducing the base patrol force."

Mr. Haddad said they had also received a letter from the Groton School committing to an increase in their PILOT payment by \$20k to cover part of a new School Resource Officer.

Mr. Degen asked if Dunstable would be willing to cover part of the existing SRO in addition to the possibility of adding one. Mr. Haddad said they would not help with that 3 years ago. Ms. Manugian said that if having an SRO was a requirement, Dunstable would probably need record of having one to meet the requirements. Ms. Pine asked if the SRO entered the school in Dunstable. Mr. Haddad said that there was a coordination with Dunstable because some Groton students attend Swallow Union.

5. Mr. Haddad asked the Board to consider approving a one day all alcohol license for Nashoba Chamber of Commerce for their Annual Taste of Nashoba Valley event to be held on Tuesday, March 20th from 5:30 to 8:00pm at Lawrence Academy.

Ms. Pine made a motion to approve the one day all alcohol license for Nashoba Chamber of Commerce for their Annual Taste of Nashoba Valley event to be held on Tuesday, March 20th from 5:30 to 8:00pm at Lawrence Academy Ms. Manugian seconded the motion. The motion carried unanimously.

CANNABIS PRESENTATION

Ms. Manugian said that recreational cannabis for adults was legal under MGL. Ms. Manugian said that the Cannabis Control Commission had jurisdiction over recreational cannabis adding that the Commission was working to finalize regulations and anticipated beginning to issue licenses starting in June 2018. She said that the State had sole control, over sale to seed, of product contents and strengths, packaging and labeling, establishment security and licensing, and transportation and delivery of products and materials. She said that locally, they could control operating times and place of establishments, limit number of establishments and types, and zoning. She said that a Special Permit would be required through the Planning Board, enforcement would be done by local health, fire, and building codes, and town meeting could enact zoning regulations by a 2/3 majority approval and by a ballot "opt out" vote. She said that there would be two actions taken at the Spring TM; one to extend the temporary moratorium and two, to approve a proposed zoning by-law update to enact local controls (2/3 majority vote). She said at the Fall TM, they would need to approve a more stringent zoning bylaw if there was a huge interest in banning one or 2 types or all establishments in Groton. She said that there would be a ballot vote in November to opt out to affirm a decision to ban if that's what was decided on at the Fall TM. She said that ban and ballot question would have to match.

Mr. John Giger said that if the Town voted to opt out entirely they would still have 2 small bylaw updates to do. Mr. Val Prest asked if there was any input from the local police at the State level. Ms. Manugian said she believed that the CCC worked with them to craft the regulations. Ms. Sartini asked about security controls. Ms. Manugian said that the CCC had very strict controls on security that establishments had to follow. Ms. Pine said she thought having a ballot question in the spring was still a good idea adding it would be advisory and would help guide them. Ms. Manugian said that a ballot question in the spring may be legitimate but that she wanted to be careful they didn't create confusion. Mr. Petropoulos asked how aquifer restrictions would get regulated. Ms. Manugian said she would have to look into that more and thought it would be done through zoning bylaws like they would enact other controls. Ms. Pine asked John Giger if there was anything in the bylaws about interbasin transfer. Mr. Giger said he could not recollect. Ms. Pine said that her guess was that because they had an interbasin transfer already with Ayer for that area of town, they were okay. Ms. Manugian said that in looking at the CCC draft regulations it seemed as though they could regulate this at the local level and through state CMR regulations already established.

Mr. Petropoulos said he walked away from their last meeting not understanding the discussion on this. He said he spent some time talking to Mr. Haddad and offered his understanding of the process. He said he thought that they should see what the Town's appetite for having this was though a non-binding referendum and do that in the spring. He proposed a question(s) on the spring ballot to test the waters. Mr. Haddad asked how they address the confusion piece. Mr. Petropoulos said that they had to do a great job with simple communication to get this simple message out there and advocate for a moratorium and regulated zoning. Ms. Manugian asked what the downside to not having non-binding referendum was adding she was struggling with that further adding she had not heard from anyone with concerns. Mr. Petropoulos said that he had heard from a lot of people. He added that he did not know when he voted yes to legalize in this State that this would affect their community. He said he had no opinion and that he just wanted to make sure information was out there. Mr. Degen said he thought the process made sense but cautioned them with causing confusion. Ms. Manugian said other than logistical confusion she had no issue with a non-binding referendum in the spring. Mr. Petropoulos proposed looking at ballot question language next week. Ms. Manugian suggested asking three questions.

OTHER BUSINESS – Cont.

Mr. Degen said that the Town Manager had delivered his portion of his review to the Chair adding he sent it to the Board three days after receiving it. He said that as of the present time, he had only received one response. Mr. Haddad said he would agree to grant an extension to the deadline set within the policy. Mr. Degen asked the Board to send their completed evaluation to the Town Manager first, meet with him and then send the final version to the Chair. Mr. Haddad agreed to an extension to March 19th.

Mr. Degen asked for a motion to extend the deadline to March 19, 2018. Ms. Pine made the motion. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Haddad said that under the policy, he was required to meet with individual selectmen. He said that he did not see any need to meet with one of the Selectmen and requested a waiver from the policy. He said that for five years he had received the same evaluation from Mr. Petropoulos and after having met with him on at least three occasions to review his review, nothing was ever amended in the review. He said that this time would not be any different and was a waste of Mr. Petropoulos's and his time. Ms. Pine said she would like to follow the policy.

Ms. Manugian made a motion that out of professional courtesy, that they waive this requirement. Mr. Degen seconded the motion.

Mr. Petropoulos said that he valued the feedback he got. He said that the review represented this year's issues and he valued reviewing it. He said it was a shame if they started a precedent by waiving this. Mr. Degen said that every day was a school day adding you never knew what you would learn when you had a discussion. He said he could not support this. Ms. Manugian said she was concerned about the tone during exchanges that she had seen. She thought it might be beneficial to have a third person there. Mr. Degen said he would be willing to do that as Chair. Mr. Petropoulos agreed.

Ms. Manugian withdrew her motion.

Mr. Degen said he asked Mr. Haddad to bring this section of the Board's Policies and Procedures forward. The referenced section states that they could not vote on items the same week unless all 5 members agreed to allow it. Her said if it was a non-policy related item, they could vote on it at the same meeting.

MINUTES

Ms. Pine moved to approve the meeting minutes of January 27, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Ms. Manugian moved to approve the meeting minutes of February 6, 2018. Mr. Petropoulos seconded the motion. The motion 3-0-1 with Mr. Degen abstaining.

Ms. Manugian moved to approve the meeting minutes of February 12, 2018 as amended. Mr. Petropoulos seconded the motion. The motion carried unanimously.

TOWN MANAGER'S REPORT – Cont.

6. Mr. Haddad said that the warrant closed on February 23rd adding he had compiled the first draft with one placeholder. He said that the public hearing was scheduled for March 19th with the Finance Committee. He said he didn't want the Board to debate the articles now but wanted to review the warrant with the Board.

Mr. Haddad said he was proposing that they approve a ballot question for the senior center construction funds. Mr. Petropoulos said it would be useful to have all five of them present to vote on that.

Mr. Haddad began to review the articles on the warrant.

- Article 6: Mr. Haddad said he would like to remove the feasibility study of the highway garage from the capital budget and spend money out of current maintenance budget now. He said he could do a line item transfer at the Spring Town Meeting.
- Article 7: Mr. Haddad said that this article was to ask for construction funding for the Senior Center contingent on a successful ballot vote. He said the bid docs would be available on March 14th adding they would have exact costs for everything on April 19th.
- Article 16: Mr. Haddad said there was group of citizens from West Street that would like to see the Town continue the Complete Streets project of installing crosswalk signs on Main Street. He said that to do this was within the state right of way. He said that the cost to do this was \$55k. He said that they could use money not being used to do the highway garage study or could take money out of capital stabilization.
- Article 17 & 18: Mr. Haddad said that these articles for the operational funding and the creation of the building rental revolving fund. He said that the Municipal Modernization Act created last year said they could create a revolving fund and put any rent received from a non-school building into it to be used toward costs associated with the building.

Ms. Jennings asked if this article was different than including costs associated with Prescott in the operating budget and if this failed what implication it would have. Mr. Haddad said that he didn't have a funding mechanism right now and needed to work with the Finance Committee as it was their budget right now. Ms. Manugian asked if this revolving fund would cover any and all buildings they could rent. Mr. Degen said he thought each building should have its own revolving fund.

- Article 19: Mr. Haddad said that he was working with a local businessman to see if he/she would be willing to design and permit the construction a bridge or road behind Prescott to Broadmeadow. He said the Town would in turn apply for a MassWorks grant with a shovel ready project. Mr. Degen said that no matter what happened with Prescott, it didn't negate the need for additional parking in the downtown area. He thought this was worth pursuing but maybe not funding right now. Ms. Manugian said she had never seen any difficulty with parking on Main Street. Mr. Petropoulos said he had asked for data and never received it. Mr. Greg Sheldon said that there were 32 parking spaces at Prescott right now and thought with things plans moving forward on Station Ave they would need additional municipal parking. He said that the Town was going to grow in the next 5 to 10 years and they didn't have a municipal parking plan in place to handle the growth.
- Article 20: Mr. Haddad said he placed the local rooms tax on the warrant but needed to know what percentage the Board wanted in there. He said they could set anything from 1-6%. Mr. Degen asked Mr. Haddad to let the Board know what the area towns were using. Ms. Pine asked if bed and breakfasts were subject to this. Mr. Haddad said that bed and breakfasts of certain sizes were included. He said he was sure the developers of the Inn would be present for the public hearing and would probably ask the Board to phase this in over time.

- Article 32: Mr. Haddad said that the Board of Selectmen had voted to set the fees of the Town Clerk in 2008 and 2017 which they found out violated state law unless they changed the local bylaw. He said that it was up to Town Meeting to set the fees. Mr. Haddad said that they wanted to change the local bylaw to allow the Board of Selectmen to set those fees.
- Article 33: Mr. Haddad said that the Conservation Commission was asking the Town Meeting to allow them to lease property for up to 10 years adding they could only lease it for 3 years right now. This would allow farmers more time to cultivate the land.
- Article 36: Mr. Haddad said this was a Citizens' Petition to add property to the overlay district.
- Article 37: Mr. Haddad said this was a Citizens' Petition to convert the old Sacred Heart Property to residential use for 4 condominiums.
- Article 38: Mr. Haddad said this was a Citizens' Petition for a non-binding resolution on political donations.
- Article 39: Mr. Haddad said this was a Citizens' Petition to fund an additional SRO and not use school funding to do it. He said one of the applicants was willing to withdraw this if it were to be included in the operating budget.

Mr. Haddad said he was looking forward to the public hearing on the 19th.

Mr. Degen adjourned the meeting at 9:44pm.

Approved: _____
Alison Manugian, Clerk

_____ respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: