

# Select Board Meeting Packet

April 21, 2020

*This is the Select Board preliminary preparation information packet. The content of this package is subject to change between when it is released and the start of the Select Board meeting. Such changes will not be posted to the web site before the meeting. If you see an item or items in the preliminary preparation package that are important to you, please attend the meeting in person.*



## TOWN OF GROTON

173 Main Street  
Groton, Massachusetts 01450-1237  
Tel: (978) 448-1111  
Fax: (978) 448-1115

## Select Board

Alison S. Manugian, *Chair*  
Joshua A. Degen, *Vice Chair*  
John F. Reilly, *Clerk*  
John R. Giger, *Member*  
Rebecca H. Pine, *Member*

**Town Manager**  
Mark W. Haddad

### SELECT BOARD MEETING

TUESDAY, APRIL 21, 2020

### AGENDA

### VIRTUAL MEETING

BROADCAST ON ZOOM AND THE GROTON CHANNEL

PURSUANT TO GOVERNOR'S EXECUTIVE ORDER

CONCERNING THE OPEN MEETING LAW

ZOOM MEETING ID: 933-3577-0365

- 5:00 P.M. Announcements and Review Agenda for the Public
- 5:05 P.M. Public Comment Period
- I. 5:10 P.M. Town Manager's Report
1. Address Any Changes in Emergency Protocols – Update On Town Action
  2. Review Any New Information from the Commonwealth
  3. Update from Town Manager on Prescott Sprinkler Bids
  4. FY 2021 Budget Update
- II. 5:15 P.M. Continuation of – Public Hearing on the Warrant for the 2020 Spring Town Meeting – Take Positions on the Various Articles

### OTHER BUSINESS

- III. Minutes: Virtual Meeting of April 13, 2020

### ADJOURNMENT

**Votes may be taken at any time during the meeting.** The listing of topics that the Chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of the topics that will be discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.



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**Town Manager**  
Mark W. Haddad

**To:** *Select Board*

**From:** *Mark W. Haddad – Town Manager*

**Subject:** *Weekly Report*

**Date:** *April 21, 2020*

1. The following is a summary of what has transpired since you met last Monday evening with regard to protocols and Department/Town Hall activity.
  - a. I issued a press release on Tuesday updating the Public on action taken by the Select Board on Monday extending the due date for tax bills, waiving of interest and extending the time for people to file for exemptions.
  - b. I provided my weekly update on the Groton Channel.
  - c. I attended the Florence Roche Building Committee Meeting (by Zoom) on Tuesday evening. The project continues to move forward.
  - d. I worked with the Town Clerk to issue a press release on voting. The Town Clerk is urging residents to vote absentee at the Annual Election. In addition, he is seeking an opinion from Town Counsel to determine if he can require that masks be worn at the Polls.
  - e. I conducted the bid opening for the Prescott Sprinkler System (See Item #3 for more information).
  - f. I held a zoom conference call with Town Staff and Weston and Sampson to discuss possible MVP Grants. A specific project under consideration is the dredging of James Brook and clearing of the channels to prevent flooding on Broadmeadow Road.
  - g. The Select Board met in joint session with the Finance Committee and Groton Dunstable Regional School Committee to discuss the Fiscal Year 2021 Budget. It was a productive meeting as the School Committee is reviewing its final budget and may submit a revised budget prior to Town Meeting.
  - h. Attached to this report is a memorandum that outlines the latest information on the various Warrant Articles to assist you in taking positions on the Articles.
2. The Attorney General has provided guidance on Local Authority amid COVID – 19. I have attached that guidance to this report. I would like to take a few minutes at Tuesday's meeting reviewing this with the Board.

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Weekly Report  
April 21, 2020  
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3. As you know, we had the bid opening on the Prescott Sprinkler Project last Wednesday. We received two bids for the Project as follows:

Xcel Fire Protection - \$249,400  
Carlyslle Engineering - \$463,000

Please note that Carlyslle Engineering installed the sprinkler systems in the Center Fire Station, Senior Center and Highway Garage Buildings. They have done very good work for the Town of Groton. That said, we do have an issue with the low bidder (Xcel Fire Protection) that I would like to seek the opinion of the Select Board before taking action on the bid. Specifically, one of the bidding requirements is that they provide a Certificate of Eligibility with their bid. They did not submit the necessary certification. As I was concerned with the legality of the Bid, I sought the opinion of Town Counsel on this issue. According to State Law, the submission of the Certificate of Eligibility with the bid package is mandatory. Based on this alone, I would need to reject the bid as not being in compliance with both State Law and our stated bidding requirements. However, Town Counsel checked with the Attorney General and was told that while the Town can reject the bid, in 1997 and 2005, the Attorney General had issued protest decisions reasoning that, if the bidder was, in fact, eligible at the time of the bid opening, including the actual certificate in the bid package was a formality that would be waived in the awarding authority's discretion. Xcel is eligible to bid on the project. This leaves the rejection of the bid in my authority as Chief Procurement Officer. Past practice in Town has been to reject bids that do not contain all mandatory items. However, given the nature of this project I do not want to take any action without receiving the voted opinion of the Select Board. To assist you in developing this recommendation, please note that there is \$218,209 left in the original appropriation. The Community Preservation Committee has set aside \$125,000 to supplement the original appropriation. The following would be the budget based on both bids:

	Xcel Fire Protection	Carlyslle Engineering
Bid	\$249,400	\$463,000
Contingency (15%)	\$ 37,350	\$ 69,450
OPM/Clerk	\$ 20,000	\$ 20,000
Engineer Oversight	<u>\$ 20,000</u>	<u>\$ 20,000</u>
Total	\$326,750	\$572,450
Original Funding	\$218,209	\$218,209
<b>Total Additional Needed</b>	<b>\$108,541</b>	<b>\$354,241</b>

Please note that if we go with Xcel Fire Protection, they will have to agree to extend their bid an additional 45 days due to the delay of the Town Meeting. They do not have to hold the bid for more than 30 days. Given the difference in bids (\$213,600), they may not hold the price for more than 30 days. We can discuss this in more detail at Tuesday's meeting.

5. I have set aside time on the Agenda for the Board to continue its review of the FY 2021 Budget. I will provide any additional updates at the meeting.

MWH/rjb  
enclosure



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

(617) 727-2200  
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April 15, 2020

**ATTORNEY GENERAL'S GUIDANCE ON LOCAL AUTHORITY AMID COVID-19**

The Attorney General's Office has recently received many inquiries from municipal officials regarding their power to protect their communities after Governor Baker declared a state of emergency pursuant to Chapter 639 of the Acts of 1950 (the Civil Defense Act, or "CDA") and G.L. c. 17, § 2A. Municipalities should consult with their municipal counsel in view of the circumstances present in each community and the requirements of any applicable charter, by-law, ordinance, or other law. Subject to that limitation, we offer the following general guidance.

Municipalities have an important role to play in protecting the health and welfare of their citizens. Common ways that they might do so in a public health emergency are discussed below.

***1. Can a municipality impose a curfew?***

Yes. There are several sources of authority for a municipality to adopt a curfew, including:

1. G.L. c. 40, § 37A, which specifically authorizes municipalities to impose curfews of up to 72 hours in cases of "riot or other form of civil disorder," including a continuing series of curfews if certain procedural requirements are met;
2. G.L. c. 40, § 21(1), which authorizes towns to adopt by-laws "[f]or . . . preserving peace and good order";
3. The general municipal police power and/or public health power, which may support the imposition of a curfew by executive order; and

4. The home rule power to adopt ordinances or by-laws that authorize the imposition of curfews, *see* Home Rule Amendment, Mass. Const. amend. art. 2 § 6 (as amended by amend. art. 89).

2. ***Can a municipality restrict the movement of vehicles on roads?***

Yes. A municipality “may restrict or prohibit the movement or presence of . . . vehicles . . . in or on public ways and places,” subject to certain limitations, pursuant to G.L. c. 40, § 37A.

3. ***Can a municipality further restrict the number of people who gather in one place beyond the 10-person limit established by the Governor?***

Yes. A municipality “may restrict or prohibit the movement or presence of persons . . . in or on public ways and places,” subject to certain limitations, pursuant to G.L. c. 40, § 37A.

4. ***Can a municipality require people to wear face coverings in public?***

A municipality can encourage people to wear face coverings in public on an advisory basis.

5. ***Can a municipality order the National Guard to patrol in its community?***

Not directly, and because their use may be reimbursable by federal disaster relief, requests for the National Guard should be made through MEMA. Specifically, in certain situations involving “public catastrophe or natural disaster,” or where civilian law enforcement needs additional support, a sheriff, mayor, city manager, or selectmen may request - through MEMA - the National Guard “to aid the civil authorit[ies] . . . .” G.L. c. 33, § 41.

7. ***Who has the authority to enforce the Governor’s Executive Order on “Essential Services”?***

When the Governor first established the “Essential Services” Order on March 23, 2020, he stated that enforcement would be handled primarily at the local level. Therefore, Mayors, City Managers, Town Managers and Town Administrators have the authority to make the enforcement decisions necessary to carry out this Order in their respective municipality.

For a business not covered under the Governor’s “COVID-19 Essential Services” Order and accompanying guidance, a designation request can be made at [www.mass.gov/forms/essential-service-designation-request](http://www.mass.gov/forms/essential-service-designation-request) . And any questions can be directed to [covid19.biz@mass.gov](mailto:covid19.biz@mass.gov).

**8. *Can a municipal order or advisory be preempted or overruled by an action of the Governor?***

Yes. In a state of emergency, the CDA deems inoperative any ordinance, by-law, municipal order or advisory that is inconsistent with an Order of the Governor.

Specific to curfews and other municipal restrictions on traffic and public gatherings authorized under G.L. c. 40, § 37A, that same statute also authorizes the Governor to modify or revoke a municipally-imposed curfew or restriction on traffic when (as is currently the case) he is acting under authority granted to him under the CDA.

However, this should **not** deter a municipality from enacting an advisory or order in the absence of gubernatorial action. Municipalities may have different needs than what may be necessary statewide, and municipal leaders are well positioned to know their specific municipality’s needs.

**9. *Can a municipality issue an “advisory” rather than an “order”?***

Yes. An “advisory” is just that – advice from municipal officials about what citizens ought to do or not do. For example, municipalities may consider issuing advisories urging residents to wear face masks in public, comply with a curfew, or other actions addressed in this Guidance. A municipal advisory is a powerful tool that leverages municipal leaders’ “bully pulpit” and their connections to their community.

We encourage municipalities to consult with municipal counsel when considering the issuance of an advisory.

**10. *Can a town delay its Town Meeting?***

Yes. If the warrant for a Town Meeting has not yet been posted in accordance with G.L. c. 39, § 10, the selectmen may vote to delay the date of the meeting.

If the warrant was previously posted, the recently-enacted Chapter 53 of the Acts of 2020, authorizes the moderator to delay the meeting for a period of up to 30 days, with the option to renew the delay for periods of up to 30 days at a time. The amendments contained in Chapter 53 require that the meeting be convened within 30 days of the rescission of the declaration of emergency and, subject to that limitation, permit the meeting to occur later than June 30. The legislation establishes procedural requirements including notice to the Attorney General of the delay.

***11. Do we still need to follow the Open Meeting Law?***

Yes, but the law has been modified. The Governor issued an Executive Order on March 12, 2020 that relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body through adequate, alternative means. “Adequate, alternative means” may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time. A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable afterwards.

In addition, all members of a public body may participate in a meeting remotely; the Open Meeting Law’s requirement that a quorum of the body and the chair be physically present at the meeting location is suspended.

All other provisions of the Open Meeting Law, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect.

If you have any questions, please do not hesitate to contact Alicia Rebello-Pradas, Chief of Policy and Government at (617) 963-2057 or at [alicia.rebello-pradas@mass.gov](mailto:alicia.rebello-pradas@mass.gov).





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Rebecca H. Pine, *Member*

**Town Manager**  
Mark W. Haddad

**To:** *Select Board*

**From:** *Mark W. Haddad – Town Manager*

**Subject:** *Warrant Article Summary*

**Date:** *April 16, 2020*

The purpose of this memorandum is to provide the Board with information relative to the various Warrant Articles to assist you in taking positions. Please note the following information:

### **Article 1 – Hear Reports**

Dawn is in the process of completing the Town Report. It will be ready for approval at Town Meeting.

### **Article 2 – Elected Officials Compensation**

This article authorizes the Town Clerk and Town Moderator to be compensated in their roles as elected officials. The authorization is based on the proposed appropriation in the budget. The Town Clerk is set to earn \$91,748 and the Moderator is set to earn \$65.

### **Article 3 – Wage and Classification Schedule**

This article sets the wage and classification schedule for the three (3) employees covered by the Personnel Bylaw, including the Human Resources Director, IT Director and Executive Assistant to the Town Manager. Under the policy of the Select Board, these employees receive the same benefits as contained in the Town Supervisors' Union Contract. These employees will receive a two (2) percent cost of living adjustment in Fiscal Year 2021.

### **Article 4 – Fiscal Year 2021 Annual Operating Budget**

As there is still uncertainty with regard to the Regional School Assessment and Baddacook Pond Maintenance, I would suggest that the Board postpone consideration of this Article for at least another week, or defer until Town Meeting.

**Article 5 – FY 2021 Contribution to the OPEB Trust**

This article requests that the Town transfer \$177,094 from Free Cash to the OPEB Trust to keep the net present value of the OPEB Liability from growing.

**Article 6 – FY 2021 Capital Budget**

Most of the Capital Budget has been delayed until the Fall. This article seeks an appropriation from the Capital Stabilization Fund in the amount of \$125,100 and \$325,000 from the Ambulance Receipts to pay for the following items:

Ambulance 2 Replacement	\$325,000
Dump Truck Debt	\$ 40,000
IT Infrastructure	\$ 40,000
Tractor Trailer Debt	\$ 40,000
Triplex Mower Lease	<u>\$ 5,100</u>
Total	\$450,100

**Article 7 – Police Department Generator**

This article requests \$25,000 to fix the back up generator at the Police Station. The Finance Committee will be discussing a potential Reserve Fund Transfer at their meeting on Tuesday night, which may make this Article unnecessary. Should we move forward with the Town Meeting vote, I will be recommending that we take this amount from the Capital Stabilization Fund.

**Article 8 – Stormwater Enterprise Fund**

This article creates a Stormwater Enterprise that will authorize the Select Board to charge a fee to pay for the required work, including manpower and materials, to comply with the MS4 Permit Requirements.

**Article 9 – Community Preservation Fund Recommendations**

Most of the CPA proposed projects will be delayed until the Fall Town Meeting. The two remaining projects would be to pay the salary and benefits of the Housing Coordinator and to authorize additional funding for the Prescott School Sprinkler Project (please see my Town Manager's Report for information related to this Project)

**Article 10 – Amend Zoning Bylaw – Bylaw Codification**

From the Warrant Summary: The Planning Board is proposing to recodify the existing Zoning Bylaw to make it more user-friendly. The bylaw has been amended over the years, in an additive fashion. The grouping of certain provisions, and the overall organization of the bylaw, is disjointed and difficult to follow. The Planning Board is attempting to reorganize the existing bylaw in a more logical manner that will make it easier to find specific information. (Please note that the Planning Board held a public hearing and have voted unanimously to recommend this Article to Town Meeting.)

**Article 11 – Acceptance of Amelia Way**

The residents have provided releases on the acceptance. The Board held a public hearing and accepted the layout last Fall.

The following Articles are contained in the Consent Agenda and will be asked to be approved by a single vote:

**Article 12 – Current Line Item Transfers**

I am trying to determine if this Article should be withdrawn and necessary line item transfers be done by the Select Board and Finance Committee in July as we did last year. As of the writing of this report I am working with the Town Accountant to develop a list of anticipated transfers. I will have more information for the Board at the meeting.

**Article 13 – Offset the Snow and Ice Deficit**

The deficit at this time is approximately \$101,000. This Article will seek to eliminate the deficit through a combination of line item transfers and Overlay Surplus funds.

**Article 14 – Town Forest Expenses**

This article seeks an appropriation of \$5,000 from the Town Forest Gift Fund to cover the expenses of removing damaged trees in the forest. The last appropriation for this purpose was in 2010.

**Article 15 – Center Sewer Enterprise Transfer**

The COVID – 19 Pandemic has caused funding issues for the Sewer Commission as they have lost major revenues from their largest payers (Restaurants, Groton Inn, School Buildings). They will need time to evaluate the budget before setting on a final number.

**Article 16 – Four Corner Enterprise Transfer**

The Four Corner Sewer District will need to transfer \$15,000 from its E&D to cover anticipated expenses through the end of Fiscal Year 2020.

**Article 17 – Cable Enterprise Transfer**

The Cable Enterprise will need to transfer \$10,000 from its E&D to cover anticipated expenses through the end of Fiscal Year 2020.

**Article 18 – Prior Year Bills**

There are two unpaid bills totaling \$255.75. The Town owes AppGeo \$110.00 and the Groton Herald \$145.75.

**Article 19 – Debt Service for Surrenden Farms**

From the Warrant Summary: This article appropriates the debt payments for the Surrenden Farm Land Purchase. Funding for this article will come from Community Preservation Funds. The anticipated debt service for Fiscal Year 2021 is \$482,891. To fund this, \$90,000 would be paid from the Open Space Reserve and \$392,891 would be paid from the Unallocated Reserve.

**Article 20 – Establishing Limits for the Revolving Funds**

From the Warrant Summary: This Article sets the limit of annual spending for the various revolving funds authorized by previous Town Meeting vote and currently set forth in the Town's Bylaw for said purpose.

**Article 21 – Accept Law Increasing Real Estate Tax Exemptions**

From the Warrant Summary: This article is geared toward 70+ seniors, surviving spouses (widows/widowers), legally blind persons and veterans with service-connected disabilities. It would increase the exemption under state statute up to 100% of the exemption. These state exemption programs all have different eligibility requirements (inquire within the Assessor's office for specific eligibility requirements) in order to receive the specific exemption and are designed to help the neediest within our community to continue to remain in their homes by helping to relieve some of the property tax burden.

**Select Board**  
**Warrant Article Summary**  
**April 16, 2020**  
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**Article 22: Accept Provisions of M.G.L., c. 59, §5**

From the Warrant Summary: M.G.L.Ch. 59, s.5, clause Twenty-Second F, Last Paragraph. Notwithstanding this section, in any city or town which accepts this clause, the exemptions available pursuant to clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E and Twenty-second F may be granted to otherwise eligible persons who have resided in the commonwealth for 1 year prior to the date of filing for exemptions pursuant to the applicable clause.

I look forward to discussing the Articles in more detail with the Board.

MWH/rjb

**SELECT BOARD MEETING MINUTES  
MONDAY, APRIL 13, 2020  
UN-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; Jason Kauppi, Town Moderator; Melisa Doig, HR Director; Patricia Dufresne, Town Accountant; Michael Bouchard, Town Clerk; Jonathan Greeno, Principal Assistant Assessor; Michael Hartnett, Tax Collector/Treasurer; Michael Chiasson, IT Director; Finance Committee Members – Bud Robertson, Takashi Tada, Land Use Director; Tom Delaney, DPW Director; Colby Doody, Scott Whitefield, Mary Linskey, Art Prest, David Manugian; CPC Members – Dan Emerson, Bruce Easom

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

**ANNOUNCEMENTS**

Mr. Robertson called the Finance Committee to order at 7:02pm.

Ms. Pine said that the online version of the Groton Herald was now available free of charge to those without a subscription with the help of the Trust Fund Commissioners.

Ms. Pine said that with Loaves and Fishes closing, the GDRSD and Council on Aging had set up two distribution sites, one on Tuesday's at the Middle School and one Monday-Friday at the Center by appointment, to help those still receive food donations.

Ms. Pine said that the Commissioners of Trust Funds had funds available to assist families in need and encouraged people to reach out to Karen Tuomi.

Ms. Pine wanted to give thanks and commendations to all Town employees in addition to what Ms. Manugian stated at the last meeting. She said that they had seen an amazing response from employees under the current conditions.

Mr. Giger said that he was pleased with all the work that was being done by all employees and by those who lived within the Town that were providing care to sick or elderly residents. Mr. Giger said that based on this, he suggested last week that a visible thank you be put up in the center of town on the Police Departments sign board.

Ms. Manugian announced that there was a vacancy on the NVTHS Committee and thanked Patricia Madigan for her years of service.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that he issued a press release on action taken by the Select Board last week after their meeting. He said that the stay at home order was in effect through May 4th, that Sargisson Beach was closed and that he cancelled the contract with the YMCA for lifeguards. Mr. Haddad said that he also added wording to the warrant about the status of the Spring Town Meeting and possible delays that still could occur due to COVID-19. He provided the Board with an update of items that were worked on and completed last week also by his office.

Mr. Haddad said that the Governor had also recently implemented additional guidelines with regard to grocery stores, including a reduction in allowable persons in the store to 40% of its occupancy. He said he would be working with the Board of Health and Police Department to make sure this was adhered to.

2. Mr. Haddad said that the recently passed Municipal Relief Legislation had provided for relief for tax payers. He said that specific relief was given on the due dates of property taxes, as well as, allowing Towns to waive interest and penalties on taxes. Mr. Haddad said that the Town Treasurer/Tax Collector was requesting that the Select Board vote to take the following action:

Move that the Town vote to extend tax deadlines and waiver of interest and penalties, as follows:

- a. The date real estate, personal property and water district taxes are due from May 1, 2020 to June 1, 2020.
- b. Waive the payment of interest and penalty in the event of late payment of any excise tax, betterment assessment or apportionment, water rate, annual sewer use, or other charge added to a tax for any payments with a due date on or after March 10, 2020, and that this waiver may only be given if payment is made after its due date but before June 30, 2020.

*Mr. Degen moved that the Board implement the Municipal Relief Act Provision for all payments as referenced by the Town Manager through June 30, 2020 and extend the due date for taxes to June 1, 2020. Ms. Pine seconded the motion. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*

3. Mr. Haddad said that the Board of Assessors would like to extend the due date for Exemption Applications and had requested that the Select Board move to vote as follows:

- a. Pursuant to Chapter 53 of the Acts of 2020, the Select Board adopts the local option to extend due date applications for Real Estate exemptions from April 1, 2020 to June 1, 2020.

*Mr. Degen made the motion. Ms. Manugian seconded the motion. Ms. Pine asked for the difference between an abatement and an exemption. Mr. Haddad provided definitions of both. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*

4. Ms. Manugian asked for an update on restaurant inspections. Mr. Haddad said he had no update but would for their next meeting.

#### **7:15PM - PUBLIC HEARING - SPRING TOWN MEETING WARRANT**

Mr. Haddad read the hearing notice into the record.

*Mr. Degen moved to open the public hearing on the 2020 Spring Town Meeting warrant. Ms. Pine seconded the motion. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*

Mr. Haddad said that they added a notice into the front of the warrant about Town Meeting and the election date. He said that Town Meeting would be held on Monday, May 18th at 7pm as of right now. He said that they had 22 articles, 10 which were consent agenda articles.

Mr. Haddad began reviewing the warrant articles. Mr. Haddad asked the Board and Finance Committee to hold off discussing Article 4 as the budget was still being adjusted. Mr. Degen said that there was a projected shortfall that they would have more information about after Wednesday's meeting with the School Committee. Mr. Degen suggested postponing Article 5, OPEB, until the fall to see what kind of cash they had available. Mr. Haddad said the OPEB Trust Policy said that they would fund it every year so that the net present liability didn't increase. Mr. Haddad said he wanted to make sure they met all their financial obligations this spring including OPEB. Mr. Haddad said that by not funding this, they were possibly digging that hole deeper adding they needed to keep their financial situation as solid as possible when going out to bond on Florence Roche next year. Mr. Haddad added that by pushing it off until the fall also pushed which years free cash it came out of. He said that in the fall they would be taking that money out of FY21 free cash thus funding 2 years' worth of OPEB out of the same fiscal year. Mr. Degen said he would like the Finance Committee to further discuss this article adding that they would have another \$177K on hand which he thought would be more helpful to them. Mr. Robertson said that the Finance Committee would discuss this at their meeting on April 21<sup>st</sup>. Ms. Manugian said that their continued exposure and the fact that they didn't want to lose ground on funding OPEB was more important than pushing it off adding it might also make it appear like an optional obligation in the fall.

Mr. Manugian asked why they wouldn't request a reserve fund transfer for the generator project, Article 7, at the Police Station instead of having a separate warrant article. Mr. Robertson said that the Finance Committee could discuss that at their

meeting next week. Mr. Degen asked if the generator was the same age of the building. Mr. Delaney said that it was. Mr. Giger said it was important that they got the manual transmittal switch put in should they need a portable generator at some point.

Mr. Haddad said that the anticipated budget for the MS4 Permit, Article 8, among other related items also including a new position was \$985,000 over 5 years. He said that they would be asking the Select Board in the fall to issue an annual fee of \$47 per parcel. Mr. Delaney said that this was a draft budget. He said that the town meeting article would establish the enterprise fund adding they would need to vote on the budget at the Fall Town Meeting. Ms. Pine asked if they would discuss the budget at Town Meeting. Mr. Delaney said that they had planned on showing this at the Town Meeting as the worst-case scenario. Ms. Pine asked if they were talking about a new employee or a shift of an employee. Mr. Haddad said that they would be looking for a new employee. Mr. Degen asked if there was any advantage to having a firm come in to do this work on an annual basis. Mr. Delaney said that the cost would be the same, most likely, adding the flexibility to do this on their terms and time would not be there.

Mr. Haddad said that he asked for two (2) CPA articles to remain on the warrant, the sprinkler system at Prescott School and the Housing Coordinator. Mr. Haddad said that the bid opening for the sprinkler system would be on April 15th. Mr. Robertson asked how much was left in previous CPA funds for this. Mr. Haddad said that there was \$220K left in the original appropriation. He said that the CPC had \$125K set aside and were just waiting for bids to come in. Mr. Degen said that if he was one of the contractors watching this he would be bidding at the amount put out there already. Mr. Haddad said that it wasn't unusual for bidders to request project cost estimates in advance. Mr. Degen said that this was a flawed process in his opinion.

Mr. Tada explained the re-codification zoning bylaw warrant article, Article 10.

Mr. Haddad said he asked for the acceptance of Amelia Way, Article 11, to be left on the warrant adding they were ready to move forward with it. Mr. Haddad said that they did not need to hold another public hearing on this as per an opinion provided by Town Counsel.

Mr. Haddad said that Articles 12-22 were in the Consent Agenda and reviewed those articles. There was a brief discussion about unpaid bills from prior fiscal years and whether this should be included in the Consent Agenda.

Mr. Degen left the meeting at 7:58pm and returned at 8:03pm.

Mr. Haddad said that should Town Meeting need to be postponed past May 18th, that decision would fall in the hands of the Moderator who could extend the date in 30-day intervals but no later than 30 days past the state of emergency. Mr. Haddad said that the town election was scheduled for June 9th based on the May 18th date of Town Meeting. Mr. Kauppi said that they had discussed different options for holding town meetings that would be further discussed in the weeks to come. Mr. Bouchard said that he was going to encourage a lot of absentee voting in order to keep the large number of people out of the polls, to allow for social distancing, for sanitary purposes, etc. He said that they needed to see how things played out with the COVID-19 situation and continue to monitor the virus in the weeks and months to come. Mr. Bouchard said that the Select Board could further delay the election but it needed to be at least 20 days before the June 9th election date and could be no later than June 30th. Mr. Haddad said that there could be some synergy between the Select Board and the Moderator when discussing town meeting and the election. Mr. Prest said that he agreed with Mr. Bouchard, adding that the poll workers tended to be those most vulnerable to this virus. Ms. Pine asked Mr. Bouchard to explain the process for obtaining an absentee ballot. Ms. Pine asked if they wanted to consider mailing ballots to all registered voters. Mr. Bouchard said that that would require a change in the state law in order to do that. Mr. Giger said that they should encourage voters to seek absentee ballots sooner rather than later. Mr. Degen asked if they could ask the IT Department to put something on their website regarding this.

*Mr. Haddad asked the Board to continue the public hearing to next Tuesday, April 21st at 5:00pm. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*



The Finance Committee adjourned their meeting at 8:26pm.

**TOWN MANAGER'S REPORT - CONT.**

5. Ms. Manugian thanked the Board for allowing her and Ms. Pine more time to bring forward suggestions on adding comments into the review of the Town Manager. She said that just having a numerical evaluation lacked communication and didn't tell all of the story. Ms. Pine said that the absence of comments shortchanged the Town Manager and didn't provide a clear message to the employee.

Mr. Giger said that he had given this a lot of thought. He said that there was confusion with the purpose of annual evaluations. He said that as a general rule, the purpose was to take a realistic snapshot of the performance and provide a vehicle between the supervisor and the employee on strengths, areas for improvement and goals. He said that performance problems were different from an annual performance evaluation. He said that performance issues needed to be dealt with as they were occurring and not let to build until they burst. Mr. Giger said that changing the evaluator number to names was something they could do but needed to be given to Town Counsel for review. He said that any member of the Board writing Town Manager annual evaluations should not use this to impact their reelection and didn't think the bringing politics into this was in good practice. He said that he did not support reviewing previous performance evaluations adding that the environments were different, etc. Mr. Giger said that he did not support the proposed changes brought forward by Ms. Manugian and Ms. Pine.

Ms. Manugian said that they were not suggesting that people review prior years evaluations but that they have some comments and not just numbers. Mr. Degen said he fully supported their names being attached to their numerical evaluations. He said he didn't think it was political but thought the public should know who the evaluator was. Mr. Degen said he would not support having a meeting to hash out what comments they would want included. Mr. Degen proposed adding a section that allowed each member to give concise comments not to exceed 200-250 words and that it lists the pros and cons. He said it was also important that the Town Manager have a section where he could respond. Mr. Reilly said that based on this discussion, they were going back to 5 sets of comments. Mr. Reilly said that the numbers gave a good indication of performance strengths and weaknesses adding that allowing the Town Manager an opportunity to sit down with each member gave the employee a good idea of where they were coming from. Ms. Pine said she wanted to see comments and was fine with Mr. Degen's suggestion. Mr. Reilly asked how this was different than how it was done in the past. Mr. Degen said that the numbers would be the numbers. He said that the comments would be at the end of the compilation and put into the summary document. Mr. Giger said that this would have to be run by Town Counsel and thought that some of it would not be in conformance with the rules and regulations (OML). Ms. Degen said he didn't want their individual evaluations shared. Mr. Giger said that they were heading back toward the process and document that they used in the past. Mr. Haddad agreed that what they were discussing was no different than what they had done in the past adding they were heading toward releasing all evaluations instead of the summary as was stipulated in the Charter. Mr. Degen said that the numbers would be compiled and put into a summary sheet adding that the individual comments should be from each member and 200-250 words or less. He said he didn't want to see each evaluation released to the public. Mr. Haddad suggested compiling the numerical review, discuss at the Select Board meeting the numerical compilation and have a further discussion about the review. He said that the Chair would then draft a summary from that meeting, allow time for the Town Manager to respond and that would be what would become part of the summary. Mr. Haddad suggested running that by Town Counsel to make sure it's compliant. He said that the only way to add comments was to do it at a public meeting. Ms. Manugian said she would run both ideas by Labor Counsel. Mr. Giger was not in favor with adding comments. Mr. Reilly cited how difficult this discussion had been adding compiling comments would not be easy either. Mr. Robertson said that the numbers should be explained no matter what.

6. Mr. Haddad said that he had updated the Tax Recap Summary to reflect action discussed at their last meeting and reviewed the document. Ms. Manugian asked that the school capital be separated from the town's capital. Mr. Haddad said that he would have this available for the Finance Committee for their meeting next week.

**MINUTES**

*Mr. Degen moved to approve the meeting minutes of March 30, 2020 and April 6, 2020. Ms. Pine seconded the motion. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*

*Ms. Manugian asked for a motion to enter into Executive Session at 9:15pm and not return to Open Session Pursuant to M.G.L., c. 30A, §21(a) clause 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Giger-aye; Reilly-aye; Pine-aye; Degen-aye*

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

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

Date Approved: