

# Select Board Meeting Packet

## March 30, 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 Manager**  
Mark W. Haddad

## 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*

### SELECT BOARD MEETING MONDAY, MARCH 30, 2020 AGENDA

#### VIRTUAL MEETING BROADCAST ON ZOOM AND THE GROTON CHANNEL PURSUANT TO GOVERNOR'S EXECUTIVE ORDER CONCERNING THE OPEN MEETING LAW

- 7:00 P.M.    Announcements and Review Agenda for the Public
- I.    7:05 P.M.    Town Manager's Report
1. Address Any Changes in Emergency Protocols
  2. Review Any New Information from the Commonwealth
  3. Update on Action Taken by the Board of Health
  4. Paying Employees with Town Hall Closed – What the State and Other Communities are Doing Relative to Paying Employees
  5. Determine Whether to Extend Meeting Moratorium Past March 30<sup>th</sup> - Update on Which Committees Would Be Meeting by Virtual Method
  6. Review Spring Town Meeting Warrant to Consider Delaying Some Articles Until the 2020 Fall Town Meeting

#### OTHER BUSINESS

- II.    Minutes:    Emergency Meeting of March 23, 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.



## 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

**To:** *Select Board*

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

**Subject:** *Weekly Report*

**Date:** *March 30, 2020*

1. Since our last virtual meeting on Monday, March 23, 2020, we have closed Town Hall, the Library and Senior Center and sent everyone home. Employees are working from their homes. We are responding to emails, phone calls and holding virtual meetings on Zoom to address issues. The Senior Center continues to provide meals on wheels and rides to the grocery store for our Seniors. We have closed the Country Club until at least April 7<sup>th</sup> and significantly reduced the DPW Operations. Specifically, we will keep two employees on each day to address priority issues, as well as, have the mechanic and Transfer Station employees work normal schedules. Tom Delaney and I talk daily to ensure continuity of operations and we will adjust work schedules as needed. I would like to discuss with the Board at Monday's meeting any concerns or issues you have with regard to the closure of Town Hall. In addition, I have instituted a spending freeze for the rest of the Fiscal Year to address potential revenue shortfalls. The Town Manager has to approve any expenditure not related to COVID-19. We have also canceled all non-emergency overtime.
2. Governor Baker has closed schools and daycares until May 4<sup>th</sup>. He has instituted new protocols at Grocery Stores and Drug Stores. Hand sanitizer has to be made available and social distancing of more than six (6') feet is required. In addition, he has also revoked any single use plastic bag ban for the time being. Re-usable bags are not allowed in stores. We will not be implementing our approved ban on July 1<sup>st</sup> until the Governor rescinds the Order. I will update the Board with any additional changes at the State level at Monday's meeting.
3. As I told you by email last week, the Board of Health has declined to prohibit building construction in Town or restaurant take-out service. They did, however, reaffirm their support for actions taken by the Town Manager and Land Use Director to protect our employees and local construction workers. I have met with our Land Use Staff, and we have instituted the following Building Department Protocols:
  - a. The Building Department will continue to accept all permit applications, but will not issue any permits until at least April 7, 2020. This date will be reviewed by the Town Manager to determine if it needs to be extended.
  - b. Exterior Property Inspections will be allowed as long as a particular inspector is comfortable performing said inspection.

**Continued on next page – Over >**

3. **Continued:**

- c. Interior inspections in occupied buildings **ARE NOT ALLOWED** under any circumstances.
- d. Interior inspections in unoccupied buildings can be performed as long as the inspector is comfortable performing said inspection and the attached questionnaire is completed and approved by the Building Commissioner and/or Fire Chief.

We have instituted these protocols for the protection of our employees. In addition, we are reviewing the State regulations with regard to Building construction as instituted by the Governor and I will advise the Board of any action we will be taking to enforce those regulations. I will discuss this in more detail with the Board at Monday's meeting.

4. The Board had requested that we determine how the Commonwealth is dealing with paying employees who are unable to work during the COVID-19 Pandemic. Dawn Dunbar contacted the State Human Resources Offices this past Tuesday and was told the following:

As of right now anyone from the State level that can work from home is working from home and being paid. Anyone that has to be in the closed office, such as someone doing the mail, is continuing to show up and perform their duties. No one has been furloughed and to his knowledge no one has been required to apply for unemployment. They are being paid as they would if COVID didn't exist.

We will follow up with the State again prior to Monday's meeting to determine if anything has changed. That said, I can tell the Board that all of our Town Hall employees are working from home have been performing their duties as best they can under the circumstances. I have been meeting (virtually) with many of our employees on a regular basis. I would recommend we continue to pay our employees as recommended by Town Counsel and in compliance with our past practice.

5. The Board's decision to cancel all public meetings expires on March 30<sup>th</sup>. I would recommend that the Board lift the moratorium and allow Boards and Committees to meet only if absolutely necessary to conduct Town Business. If they do meet, I would recommend that meetings are held virtually on Zoom only. I do not recommend we open up Town Buildings for meetings at this time. I will work with the various Boards and Committees and our IT Department to coordinate any meetings. All meetings must be posted with 48 hours' notice in compliance with the Open Meeting Law. In addition, to allow for better public access to meetings, we will start using the Webinar Function on Zoom that allows the public to actually join the meeting and participate when called on by the Chair. We will use Monday's Select Board meeting as the first test of this technology.

**Select Board  
Weekly Report  
March 30, 2020  
page three**

6. As discussed at last week's meeting, I would like the Board to consider delaying action on some of the Warrant Articles currently on the Warrant until the Fall. I believe only essential matters should be addressed at the Spring Town Meeting. There are a couple of reasons for this request. First of all, given the uncertainty of the Town's finances, I would like to preserve as much Free Cash and Capital Stabilization revenue as possible in the event our revenues are significantly impacted by the COVID-19 Pandemic. Secondly, I suspect that even if current restrictions are relaxed by the State, attendance at Town Meeting will be limited as residents may still not feel comfortable being in crowded places. That said, I would recommend the following with regard to the 32 Articles contained on the Warrant:

<u>Article</u>	<u>Action Proposed</u>
1. Hear Reports	Move Forward at Spring Town Meeting
2. Elected Officials Compensation	Move Forward at Spring Town Meeting
3. Wage and Classification Schedule	Move Forward at Spring Town Meeting
4. Fiscal Year 2021 Operating Budget	Move Forward at Spring Town Meeting
5. OPEB Trust Fund	Move Forward at Spring Town Meeting
6. FY 2021 Capital Budget	Delay Action Until Fall Town Meeting, with the exception of the following items:
	Ambulance 2 Replacement     \$325,000
	Dump Truck Debt                 \$ 40,000
	IT Infrastructure                    \$ 40,000
	Tractor Trailer Debt             \$ 40,000
	Police Cruiser                     \$ 56,570
	Triplex Mower Lease             \$ 5,100
7. Police Department Generator	Move Forward at Spring Town Meeting
8. Environmental Consulting Services	Delay Action Until Fall Town Meeting
9. Create a Stormwater Enterprise	Move Forward at Spring Town Meeting
10. Special Legislation on Town Trust Funds	Delay Action Until Fall Town Meeting
11. Complete Streets Engineering	Delay Action Until Fall Town Meeting
12. Acquire Parcel on Land/Station Ave.	Delay Action Until Fall Town Meeting
13. Mosquito Control Project	Remove and Not Act On
14. CPA Funding Accounts	Delay Action Until Fall Town Meeting
15. CPA Funding Recommendations	Delay Action Until Fall Town Meeting
16. Zoning – Codification	Move Forward at Spring Town Meeting
17. Zoning – Site Plan Review	Delay Action Until Fall Town Meeting
18. Zoning – Attached Accessory	Delay Action Until Fall Town Meeting
19. Zoning – Detached Accessory	Delay Action Until Fall Town Meeting.
22. Amend Chapter 128 – Dogs	Delay Action Until Fall Town Meeting
21. Acceptance of Amelia Way	Move Forward at Spring Town Meeting
22-32. Consent Agenda	Move Forward at Spring Town Meeting.

We can discuss these recommendations in more detail at Monday's meeting.



# TOWN OF GROTON

173 Main St  
Groton, Massachusetts 01450  
Tel: (978) 448-1111

## Inspection Questionnaire

---

Prior to entering a residence or place of business for inspection ask the following questions. This will remain in effect until the local and state of emergency for COVID-19 is lifted.

**THE INSPECTOR SHALL HAVE HAND SANITIZER OR OTHER MEANS TO CLEAN THEIR HAND BEFORE ANY INSPECTION.**

I have sanitizer      I do not have sanitizer      (circle one)

1. Has anyone at the location, within the last 4-14 days, experienced the following symptoms of illness?  
Specifically has anyone had the following symptoms: **Cough, Fever, Shortness of breath**

YES   NO   UNSURE

2. Has anyone had: upper respiratory issues such as runny nose, sneezing, vomiting or abdominal symptoms?

YES   NO   UNSURE

3. Has anyone been inside the residence within the last 4-14 days **AND** been in physical contact with anyone that is being actively quarantined with concerns for a COVID-19 exposure?

YES   NO   UNSURE

4. Has anyone been inside the residence in the last 4-14 days **AND** had a confirmed exposure to the COVID-19 Virus?

YES   NO   UNSURE

5. Have the workers on site used hand cleaning or sanitizer to ensure a "clean" environment?

Yes   NO   UNSURE

If yes or unsure is answered to any questions, the inspector at their sole discretion will make a decision of whether the inspection is conducted.

Information provided by \_\_\_\_\_

Inspector \_\_\_\_\_

**SELECT BOARD MEETING MINUTES**  
**MONDAY, MARCH 23, 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; Michael Bouchard, Town Clerk; Bob Colman, Groton Cable Access, Board of Health Members Jason Weber, Bob Fleischer and Susan Horowitz; Sammie Kul, Interdepartmental Assistant; Jason Kauppi, Moderator

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

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

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

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

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

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

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

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

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

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

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

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



The Board of Health adjourned at 8:16pm.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### MINUTES

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

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

The meeting adjourned at 9:04pm.

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

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

Date Approved: