

Select Board Meeting Packet

December 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 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*
Rebecca H. Pine, *Clerk*
John R. Giger, *Member*
John F. Reilly, *Member*

SELECT BOARD MEETING MONDAY, DECEMBER 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: 847 7584 2863

- 6:00 P.M. Executive 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.” – Purpose – Supervisor Union Agreement
- 7:00 P.M. Announcements and Review Agenda for the Public
- 7:05 P.M. Public Comment Period
- I. 7:10 P.M. Town Manager’s Report
1. Select Board’s Agenda Schedule
 2. Address Any Changes in Emergency Protocols – Update on Town Action
 3. Review Any New Information from the Commonwealth
 4. Consider Ratifying the Town Manager’s Appointment of Megan Foster as the Principal Assistant Assessor for the Town of Groton
 5. Police Chief – Discussion on Police Department Staffing
 6. Consider Ratifying the Town Manager’s Appointments of Edward Sheridan as Deputy Police Chief and Robert Breault as Police Sergeant
 7. Consider Accepting the Gift from Lowell Five for Diversity Equation and Inclusion
 8. Update from Town Manager on FY 2022 Budget Development
 9. Update on Select Board Schedule through End of Year
- II. 7:15 P.M. Discussion/Update – Marlena Gilbert, Chair, School Committee – CPA Application for the Middle School Track Construction

OTHER BUSINESS

ON-GOING ISSUES – For Review and Informational Purposes

- A. Prescott School Sprinkler System Project
- B. Water Department – Manganese Issue – PFAS Issue
- C. Polystyrene Containers
- D. Green Communities Application and Implementation
- E. Florence Roche Elementary School Feasibility Study

SELECT BOARD LIAISON REPORTS

- III. Minutes: Virtual Meeting of December 14, 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: *December 21, 2020*

1. Please note that we will start Monday's meeting with an Executive Session at 6:00 p.m. The purpose of the Executive Session will be for an update on Collective Bargaining. The regular meeting will commence at 7:00 p.m. In addition to the Town Manager's Report and a review of the On-going Issues List, there is one item scheduled on the Agenda. GDRSD Committee Chair Marlina Gilbert will be in to update the Board on the construction of a new Middle School Track and potential funding sources.
2. As decided at last week's meeting, the Town Hall, Senior Center and Library (with the exception of Meals on Wheels, Van and Curbside Pick-up) have been closed to the public and all employees are working remotely through January 3rd. We are scheduled to return to work in the buildings on January 4, 2021. Should we need to change that date, I will work with the Board and staff immediately. As always, my goal is to ensure the safety of our employees and residents. We can discuss this further at Monday's meeting.
3. We continue to monitor the weekly health report issued by the Department of Public Health. Enclosed with this report is the latest report dated December 17, 2020. We continue to be a "yellow" community with 49 reported cases in the last two weeks. We will continue to be diligent in our efforts to address the impact this pandemic has on our operations. I will have a further update for the Board at Monday's meeting.
4. I have completed the search for Principal Assistant Assessor. For your information, to conduct the search, I formed a Search Committee made up of myself, Select Board Member John Reilly, Finance Committee/Personnel Board Chair Bud Robertson, Chair of the Board of Assessors Garret Boles, Town Accountant Patricia DuFresne, Executive Assistant Dawn Dunbar and Human Resources Director Melisa Doig. We received 10 applications for the position. After reviewing the resumes, we determined, as a group, that four of the applicants were qualified for the position. One of the four dropped out and we decided to bring in the next candidate in line so that we could interview four applicants in total. After completing the four interviews, two were not qualified for the position, and two were extremely qualified. One of the qualified candidates is our current Assistant Assessor Megan Foster and the other was a gentleman with several years of experience as both a Principal Assessor and member of the Board of Assessors in the community in which he resides.

Continued on next page – Over >

4. Continued:

While qualifications are an extremely important part of any hiring process, there are other intangibles that have to be considered, fit in the organization being of paramount importance to me. After much deliberation and consideration, I have decided to appoint Megan Foster as the Principal Assistant Assessor for the Town of Groton. Not only have I the utmost confidence in Megan's abilities, each and every member of the elected Board of Assessors has advocated and recommended Megan for the position. In addition, she was the unanimous choice of the Search Committee. Megan brings to this position experience with Groton, education, enthusiasm and unbelievable support. She has been working as a member of the Town's Finance Team and Department Heads for the last month and has risen to the occasion. There is no doubt in my mind that she will succeed and thrive in the position. Please consider this as official notification of this appointment to the Board effective immediately. The Charter allows for an appointment for up to three (3) years. In order to keep this appointment in line with all others that run fiscal year to fiscal year, this first appointment will be through June 30, 2021, with a reappointment (subject to a satisfactory six (6) month probationary period) for three years, effective July 1, 2021. Her initial salary will be prorated at \$75,000 annually. After completion of the first six months, again, subject to her performance, she will receive an increase on July 1, 2021. This is our standard practice with all new hires. I will be bringing a contract for Board approval at your first meeting in January. Pursuant to Section 4-2(iii) of the Charter, I would respectfully request that the Select Board consider ratifying this appointment.

5. As you will recall, Police Chief Michael Luth attended your November 23rd meeting to discuss staffing within the Police Department given the fact that we are not filling a Patrol Officer vacancy. At that time, we discussed the potential of eliminating one of the two School Resource Officer positions and returning it to patrol to ensure proper coverage. The Select Board was not comfortable with this move and asked that we further review the manning issue and come back with a new recommendation. In addition, the issue of supervision was also raised. With the vacancy of the Deputy Chief, Sergeant Ed Sheridan has been serving as Acting Lieutenant to provide necessary management coverage. This, however, has caused a supervision gap on some of our shifts without having the Sergeant position serving in a patrol capacity. Chief Luth and I have had several meetings and conversations on this and have determined that, for the short-term, we will keep the two school resource officers and fill all patrol shifts with overtime, when necessary. In addition, due to the need for proper supervision, the Chief has recommended, and I fully agree and support, permanently filling the Deputy Chief's position and then promoting a patrol officer to Sergeant. With all the scrutiny facing Police Departments at this time, proper supervision is crucial. The Chief will be in attendance at Monday's meeting to discuss this in more detail with the Board. In the meantime, he will do his best to limit overtime while providing proper patrol coverage. We look forward to discussing this with the Board in more detail at Monday's meeting.
6. Depending on the outcome of the previous discussion, I am planning on making two promotions within the Police Department based on the recommendation of Police Chief Luth. Enclosed with this report are two letters from the Chief recommending that I promote Acting Lieutenant Ed Sheridan to the position of Deputy Chief and Patrol Officer Robert Breault to the position of Sergeant. Please consider this as official notice of my appointments as recommended. Pursuant to Section 4-2(iii) of the Charter, I would respectfully request that the Select Board consider ratifying these appointments.

**Select Board
Weekly Report
December 21, 2020
page three**

7. Dave Wallace, President of Lowell Five Bank, has contacted the Town to let us know that the Bank would like to donate \$2,500 to the Town to be used for diversity equation and inclusion. I would like to thank Lowell Five for this generous donation and would respectfully request that you accept this gift. Once accepted, I would recommend to the Board that we ask the Diversity Task Force how best to use this gift. We can discuss this in more detail at Monday's meeting.
8. As of the writing of this report, I have no specific updates on the development of the Fiscal Year 2022 Budget. I will update the Board with any new information at Monday's meeting.
9. Please see the update to the Select Board's Meeting Schedule through the new year (I will work with the Chair and provide a new schedule at your next meeting through the Spring Town Meeting):

Monday, December 21, 2020	-Already Posted
Monday, December 28, 2020	-No Meeting
Monday, January 4, 2021	-No Meeting
Monday, January 11, 2021	-Presentation of Town Manager's FY 2022 Proposed Operating Budget

MWH/rjb
enclosures



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, December 17, 2020

Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – December 15, 2020

City/Town	Total Case Count	Case Count (Last 14 Days)	Average Daily Incidence Rate per 100,000 (Last 14 days) ¹	Relative Change in Case Counts ²	Total Tests	Total Tests (Last 14 days)	Total Positive Tests (Last 14 days)	Percent Positivity (Last 14 days)	Change in Percent Positivity ³
Freetown	339	80	63.1	Higher	7428	984	91	9.25%	No Change
Gardner	704	194	69.7	Lower	20823	2401	224	9.33%	Lower
Georgetown	220	54	42.9	Lower	7467	989	58	5.86%	Lower
Gill	13	7	29.9	Higher	2733	106	7	6.60%	Higher
Gloucester	755	180	45.3	Higher	24144	3421	204	5.96%	Lower
Goshen	13	<5	18.5	Lower	441	56	3	5.36%	Lower
Gosnold	5	0	0	No Change	111	0	0	0%	No Change
Grafton	455	145	51.5	Higher	19959	2512	168	6.69%	Higher
Granby	136	27	31.6	Higher	6061	693	33	4.76%	No Change
Granville	38	8	36.9	Higher	1175	140	9	6.43%	Higher
Great Barrington	136	27	28.7	Higher	13945	1043	29	2.78%	Higher
Greenfield	429	134	55.8	Higher	17855	2315	141	6.09%	Higher
Groton	187	46	28.1	Lower	12811	1151	49	4.26%	Lower
Groveland	173	66	68.9	Higher	5846	790	72	9.11%	Higher
Hadley	94	24	29.5	Higher	12685	1006	24	2.39%	Higher
Halifax	187	69	64.5	Higher	5599	881	73	8.29%	Lower
Hamilton	117	19	18.4	Lower	6602	987	21	2.13%	Lower

Data are current as of 11:59pm on 12/15/2020; For populations <50,000, <5 cases are reported as such or suppressed for confidentiality purposes. ¹ For the calculations used to delineate Grey, Green, Yellow, and Red, please see table on page 24. ²Number of new cases occurring over the current two-week period (11/29/2020 – 12/12/2020) compared to the previous two-week period (11/22/2020 – 12/05/2020). **Higher**=number of new cases in the current two-week period higher than the number of new cases during the last two-week period. **Lower**=number of new cases in the current two-week period lower than number of new cases during the last two-week period. **No change**=number of new cases in current two-week period is equal to the number of new cases during the last two-week period. ³Change in percent positivity compared to the previous week's (12/10/2020) report. **No Change**= <0.10% difference in the percent positivity. DPH calculates rates per 100,000 population using denominators estimated by the University of Massachusetts Donahue Institute using a modified Hamilton-Perry model (Strate S, et al. Small Area Population Estimates for 2011 through 2020, report, Oct 2016.) As of 11/5/2020, the Massachusetts Department of Public Health is using the 2019 population estimates, the most current available data. **Please note:** Data for these tables are based on information available in the DPH surveillance database at a single point in time. Case counts for specific cities and towns change throughout the day as data cleaning occurs (removal of duplicate reports within the system) and new demographic information (assigning cases to their city or town of residence) is obtained.



Michael F. Luth
Chief of Police

GROTON POLICE DEPARTMENT

Office of the Chief

99 Pleasant Street
Groton, MA 01450

Tel: (978) 448-5555
Fax: (978) 448-5603



December 15, 2020

Mark Haddad, Town Manager
Town of Groton
173 Main Street
Groton, MA 01450

Dear Mark,

As you are aware the position of Deputy Chief has been vacant due to the retirement of Deputy Chief Cullen in June. Prior to that, the former Deputy Chief was assigned to the FBI working on a task force for an extended period of time. During his absence, Sergeant Edward Sheridan covered the void in leadership and administrative function in the temporary role of Acting-Lieutenant.

Acting-Lieutenant Sheridan possesses strong leadership and organizational skills, his experience, dedication and professional manner make him a natural choice to be the second-in-command for the department. Acting-Lieutenant Sheridan handles the day-to-day running of the department with ease, his affable persona has created a more effective and productive atmosphere within the ranks. His availability, experience, and knowledge are sought after by the Sergeants and Patrol. Acting Lieutenant Sheridan has taken an active role in the Accreditation process. As a former detective, he is a dogged investigator and actively supports the Detective division.

The rank of Deputy Chief is an established position and budgeted for, it is currently vacant leaving a gap within the administrative hierarchy. Filling this existing position establishes a unified permanence and completeness to the department's administration.

I truly cannot praise Acting-Lieutenant Sheridan's performance during his tenure with the department, particularly as my second-in-command enough. I have complete confidence in his leadership and judgement, his support allows me to be a more effective Chief.

I respectfully request that you consider promoting the Acting Lieutenant to Deputy Chief Edward P. Sheridan, Sr.

I am available for any questions or concerns.

Sincerely,

Michael F. Luth
Chief of Police

cc: Human Resources



Michael F. Luth
Chief of Police

GROTON POLICE DEPARTMENT

Office of the Chief

99 Pleasant Street
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December 8, 2020

Mark Haddad, Town Manager
Town of Groton
173 Main Street
Groton, MA 01450

Dear Mark,

In accordance with the GPPA contract (*July 1, 2018 – June 30, 2021*) Article XXXIII, Promotions Section 1, On, Tuesday, December 1, 2020, Officers Beltz, Breault and Breslin participated in the written portion of the 2020 Sergeant's process. On Wednesday all three participated in the Oral Board conducted by Chief Thomas Gammel, (Lunenburg PD), Chief Richard Burrows (Acton PD), and Chief James Spinney (Chelmsford PD). On Thursday, each officer was interviewed by Lt. Sheridan and myself.

Each officer presented themselves in a courteous and professional manner and represented the Department in a positive light to the exam proctor and oral board.

The cumulative scores for each portion of the process were extremely close (.28 separating first and second). Each officer has a unique skillset and excelled in a different portion of the process. Following the interview, I reviewed the personnel and training files for each officer and (*Article XXXIII, Promotions, Section 1, #2*) Management's assessment of past job performance.

Based upon the scores, my interview and review I have selected Officer Robert Breault to be promoted to the rank of Sergeant.

I respectfully request the appointment of Officer Robert Breault to the rank of Sergeant when so authorized by the Select Board.

Sincerely,

Michael F. Luth
Chief of Police

cc: Human Resources

**SELECT BOARD MEETING MINUTES
VIRTUAL MEETING
MONDAY, DECEMBER 14, 2020
UN-APPROVED**

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

Also Virtually Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant; Melisa Doig, HR Director; Patricia Dufresne, Town Accountant; Michael Hartnett, Tax Collector/Treasurer; Hannah Moller, Assistant Tax Collector/Treasurer; Megan Foster, Assistant Assessor; Vanessa Abraham, Library Director; Board of Library Trustees Members Nancy Wilder, Kristen Von Campe; Jane Allen; David Zeiler, Mark Gerath

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

ANNOUNCEMENTS

Ms. Pine provided a statement about resident Bob Lacombe who recently passed away.

Mr. Haddad said that they had a potential COVID exposure at the Senior Center. He said that they closed the Center immediately and stopped the van until test results were obtained. He said that meals on wheels would continue as that was an important service.

Mr. Haddad said that Santa Claus would be riding on the fire truck again this year on Christmas Eve adding that the Fire Department would publish a schedule within the coming week.

Ms. Abraham said that Groton Reads for 2021 would be a book named March by John Lewis which was a graphic novel about the civil rights movement. She encouraged people who wanted a copy to let her know.

Mr. Giger asked the Fire Department to make a decision about the tree burning sooner rather than later.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Library had been informed by the Head of Circulation of her intention to retire in April. He said that the Library Trustees were requesting that the Select Board consider lifting the Hiring Freeze so that they can fill the position. Mr. Haddad said that he had provided the Board with a memorandum from Library Director Vanessa Abraham outlining the rationale for this request. He said that this was an important position at the Library. He respectfully requested that the Board approve lifting the Hiring Freeze so that the Library could hire a Head of Circulation. Mr. Haddad said that he had included funding for this position in his Proposed FY 2022 Operating Budget that provided for a level funded municipal budget. Mr. Gerath said that this was an essential position adding that cuts would come in other places so that they could fill this position. Ms. Pine said that she thought there were still 2 other positions that were not filled. Ms. Abraham said that was correct; 2 part time 10 hour positions. Mr. Haddad said that those positions were not included in his proposed budget. Ms. Pine said that filling this management position was crucial and considered it the same as the Principal Assistant Assessors position.

Mr. Degen moved that they lift the hiring freeze for the purposes of hiring a new Director of Circulation for Groton Public Library effective the retirement of the person currently holding the position. Mr. Giger seconded the motion. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Reilly-aye; Giger-aye

Ms. Wilder moved to adjourn the Board of Library Trustees meeting at 7:11pm. The motion carried unanimously.

2. Mr. Haddad said that the Town Hall Duct Work was fully cleaned last week. He said he was extremely pleased with the manner in which they had been cleaning and maintaining the Town Hall and all other public buildings during this Pandemic. He thanked their DPW employees for their hard work, particularly Tryna Walsh, Jim Kuzmitch, Jen Wade and Quintin Shea for their outstanding efforts. He said that they continued to operate under all other protocols approved by the Select Board.

3. Mr. Haddad said that Groton was a yellow community for the second week in a row. He said that they had 58 cases and were trending 4.66% higher than last weeks report. Mr. Haddad said that part of him felt like they should go remote through the holidays. Mr. Haddad said that they had a couple of possible employee exposures and wanted to hear what the Board thought. Ms. Manugian asked about inspections and appointments. Mr. Haddad said that he was confident that Land Use would follow the same protocols as they had in the spring. He said that the Town Clerk would respond to issues like they also had been in the spring. Ms. Moller said the only issue her office would see was people being unable to pay with cash but didn't see this as a major issue. Ms. Foster said the only issue she saw in her office was exemptions but didn't see an issue pushing this out. Mr. Giger asked if the drop box would be checked daily. Mr. Haddad said that they would utilize their mail and drop box protocol that they did in the spring. Ms. Pine said she didn't see a problem closing Town Hall but asked that they consider unforeseen issues on a case by case basis. Mr. Degen said he was equally concerned about the Library also. He asked if they should also be talking about possibly rolling back to Phase 2 Step 2 like Boston was to protect the residents.

LIQUOR LICENSE FEE WAIVER/REDUCTION HEARING

Mr. Haddad read a public hearing notice into the record.

Ms. Pine moved to open the public hearing. Mr. Degen seconded the motion. Roll Call: Degen-aye; Pine-aye; Manugian-aye; Giger-aye; Reilly-aye

Mr. Haddad said that all license holders paid their fees with the exception of the Function Hall at the Country Club. He said that he had told the owner to not send a check until a decision had been made by the Board. Mr. Haddad said that no waivers had been requested except for the Function Hall who had requested a reduction. Mr. Haddad said that the Town of Littleton waived all fees for calendar year 2021 adding that Groton counted on this revenue. Mr. Haddad recommended that they not waive or reduce this fee. Ms. Manugian said that they didn't have a mechanism to waive individual fees and would be looking at this across the Board. Ms. Pine said that the Barn at Gibbet Hill was a function hall but was using the Barn's deck as part of their restaurant. She said that the Groton Inn was also dependent on functions but was selling take out food. She said she thought the Function Hall was slightly different and because they hadn't been able to hold functions adding she hoped they could provide some reduction in the fee. Mr. Degen said they should charge the full fee as recommended. He suggested that if anyone couldn't use their license for a 30-day period, they could apply for a refund or credit toward the following year of \$250. Mr. Giger asked about a bring your own license. Mr. Haddad said that they could not issue a bring your own license to an establishment that held a liquor license. Mr. Reilly said he agreed with Mr. Degen's suggestion adding this would allow them to look at it on a case-by-case basis; pay it up front and let them present their case. Mr. Haddad said that they would have to end this in June adding it was a FY21 license fee even though the license fee was for a calendar year. Mr. Haddad suggested that instead of issuing refunds, they make it a credit on next year's license which would not present them a end of fiscal year issue. Ms. Manugian said she was concerned about this being an equity issue and thought it was an end-run around their policy.

Mr. Degen moved to close the public hearing. Ms. Pine seconded the motion. Roll Call: Pine-aye; Degen-aye; Manugian-aye; Reilly-aye; Giger-aye

Mr. Degen moved that the Select Board grant a fee reduction waiver policy as it applied to the State of Emergency relative to the pandemic that any business in the Town of Groton that had paid for a liquor license that said fee waiver was applicable to any calendar month where the business serves no alcohol and said fee waiver shall be \$250 per month to be applied to 2022 liquor license fee. Ms. Manugian seconded the motion.

Mr. Degen added pending approval of wording by Town Counsel to the end of his motion. Ms. Manugian seconded the amendment. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Reilly-aye; Giger-aye

TOWN MANAGER'S REPORT - CONT.

Mr. Haddad said he would contact the Library about closing through the holidays also. Mr. Haddad said that curbside pickup would continue. Ms. Pine said that some employees would still have to be in the Library for curbside pickup. Ms. Manugian asked about vacation/personal time requests. Mr. Haddad said that people had

already asked for time and would still use their time as requested. Ms. Manugian asked that employees continue to not abuse this. Mr. Degen said that this would be till January 4th. Mr. Haddad said that was correct adding he would like to make this effective Wednesday, December 16th. Mr. Haddad said that this was a quiet time for everyone. After a brief discussion, Mr. Haddad said that in order to get the word out, they would make it effective Thursday, December 17th. Employees would return to work on Monday, January 4th

4. Mr. Haddad reviewed all liquor, common victualler and class II licenses as presented in the Board's packet except AL Prime. Mr. Haddad asked the Board to approve them as presented.

Ms. Manugian moved to approve the licenses as presented. Mr. Reilly seconded the motion. Roll Call: Pine-aye; Reilly-aye; Manugian-aye; Giger-aye (Mr. Degen was not present for this vote)

5. Mr. Haddad said that the Select Board and the Groton Dunstable Regional School District Committee entered into an Intermunicipal Agreement (IMA) that allowed the Town of Groton to bond the necessary funds should the Florence Roche Elementary School project be approved. He said that the School Building Committee made a decision to pursue constructing a new Middle School Track at the Middle School Location. He said that since this was technically part of the project, should it go forward, the Town of Groton would need to bond the amount needed for the Track as well. He said that in consultation with Bond Counsel, they had revised the IMA to allow the Town to bond the funds necessary for the Track. Mr. Haddad reviewed the amendment. Ms. Pine said that the school would be just Groton students but the track would be used by both Groton and Dunstable. Ms. Manugian said that this was an existing asset and needed to be recreated because of the project. Ms. Pine said she was in favor of replacing the track adding she knew it got a lot of use.

Ms. Manugian said she would accept a motion to approve the emended IMA as presented. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Pine-aye; Giger-aye; Reilly-aye; Manugian-aye (Mr. Degen was not present for this vote)

6. Mr. Haddad asked the Board to approve a Common Victualler License for AL Prime as presented. Ms. Pine made the motion. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Pine-aye; Giger-aye; Degen-nay
7. Mr. Haddad said that at their November 30th meeting, he presented the Board with a request to allow him to enter into a new contract with the company that leases space on Cow Pond Brook Road for a Cell Tower. He said that the Board asked him to determine the number of carriers on that Tower, as well as if there was a bond with the Town in the event, they had to remove the Tower. He said that:

- a. There were two carriers on the Tower, Verizon and Nextel. Unfortunately, Nextel just notified the Town of their decision to no longer locate on that tower. He said that therefore, only Verizon would be on the Tower. He said that they would lose the revenue sharing payment of \$999 a month now that Nextel was no longer located on the tower. He said that Verizon would continue to pay approximately \$3200 per month, plus escalators.
- b. There was a bond on the tower for \$50,000 with the Town.

Mr. Haddad said that as far as why they had not seen this since 2004, he said that on page two of the Lease, paragraph 2 read that the "term of this Agreement (the "initial term") is five years, commencing on the date ("Commencement Date") Lessee signs this Agreement. This Agreement will be automatically renewed for three additional terms (each a "Renewal Term") of five years, unless Lessee provides Owner notice of intention not to renew not less than 180 days prior to the expiration of the Initial Term or any Renewal Term." Mr. Haddad said that based on this, the lease actually expired in 2024. He said there had not been no need for the Town to act on this lease since 2004 since the terms were automatically extended. Mr. Haddad said that they signed a 20-year lease unless the Lessee gives the Town 6 months' notice of its desire to terminate the lease. He said that in 2009, Bay

Communications, LLC, owner of the original lease with the Town, transferred the lease to SBA Towers, LLC. Mr. Haddad said he signed the approval of the assignment adding the terms and the conditions of the original lease (dated May 17, 2004) did not change. Mr. Haddad apologized for his confusion on the initial lease. Mr. Haddad said that as far as the proposed extension, SBA Towers, LLC, wanted to extend the lease, effective, May, 2024 for twenty-five years (five additional 5-year terms) through 2049. He said that all terms and conditions of the original lease would remain in full force and effect. He said there were escalators in the lease (5% for each renewal), as well as revenue sharing, in the event they added another carrier to the Tower. Mr. Haddad said that the Town received 25% of gross rents from subtenants who collocated on the Tower. Mr. Haddad asked the Board to consider authoring him to sign the lease extension. Mr. Giger said that he could only support this if the Town added some language about a cost to take down the tower. Mr. Haddad said that they could request the bond be increased. Mr. Haddad said he would reach out to SBA and get some estimates to take the tower down.

Ms. Manugian moved to approve the lease extension pending an increase of the bond to decommission the tower. Ms. Pine seconded the motion. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Giger-aye; Reilly-aye

8. Mr. Haddad said that the Capital Planning Advisory Committee met that afternoon and approved the proposed capital plan as presented unanimously. Mr. Haddad said that they would start to put the final report together. Mr. Haddad said that the communication towers would be brought back next fall as the Fire Chief and Police Chief were still working on costs estimates. Mr. Giger said it might be worth working with Dunstable on the tower at the High School.
9. Mr. Haddad reviewed the Board's schedule for the next couple of weeks. He said he would like to close Town Hall at 12pm on Christmas Eve and 1pm on New Years Eve while also closing at 4pm on both Monday's because the holiday fell on Fridays which were 5 hour work days. He said they owed the employees 3 hours of holiday pay because of that. Mr. Degen questioned releasing employees early on Christmas Eve and New Years Eve. He said that they had taxpayers they were responsible to. He said that the employees should be using vacation or personal time to take those hours off. Mr. Haddad said that this is what they had done for 12 years adding they owed the employees 3 hours of holiday pay based on their holiday policy because Friday was a 5 hour work day and not an 8 hour work day for employees. He said he was following past tradition. Mr. Haddad said that with the Board's approval, they would close next Thursday at 12pm and on New Year's at Eve at 1pm. Mr. Degen said that they should close at 1pm on Christmas Eve as that was three hours and stay open to 7pm on both Monday's. Mr. Haddad asked for the Board to allow him to close at 12pm based on past practice adding they would work until 7pm on the Monday's.

Ms. Manugian made a motion to close at 12pm on Christmas Eve and 1pm on New Year's Eve. Ms. Pine seconded the motion. Ms. Manugian said that this had been such a strange year and was difficult for her to change past practice this year. Roll call: Degen-aye; Giger-aye; Pine-aye; Manugian-aye; Reilly-aye

MINUTES

Ms. Manugian asked for a motion to approve the meeting minutes of December 7, 2020 as presented. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Giger-aye; Reilly-aye

Ms. Manugian adjourned the meeting at 8:35pm.

Approved: _____
Rebecca H. Pine, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: