

Select Board Meeting Packet

August 9, 2021

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

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

Town Manager
Mark W. Haddad

SELECT BOARD MEETING
MONDAY, AUGUST 9, 2021
AGENDA
SELECT BOARD MEETING ROOM
2nd FLOOR
GROTON TOWN HALL

- 7:00 P.M. Regular Meeting Commences - Announcements and Review Agenda for the Public
- 7:05 P.M. Public Comment Period
- I. 7:06 P.M. Town Manager's Report
1. Town Manager's Explanation of Agenda Items
 2. Vote to Approve the Sale of the \$7,330,000 General Obligation School Bonds of the Town dated August 17, 2021 to Robert W. Baird & Co., Inc.
 3. Consider Accepting the Nomination and Appointing Adam Burnett and Harris McWade to the Trails Committee
 4. Consider Ratifying the Town Manager's Appointment of Gary Seniw as the Town's Veteran's Service Officer
 5. Review and Consider Town Manager's Proposal to Submit a Warrant Article to the 2021 Fall Town Meeting to Change the Town Clerk from Elected to Appointed
 6. Update on Select Board Schedule through Labor Day
- II. 7:10 P.M. Items for Select Board Consideration and Action
1. Review and Consider Adding a Warrant Article to the 2021 Fall Town Meeting to Authorize the Sale of Marijuana in the Town of Groton
 2. Consider Appointing Gordon Candow (ADA) and Bhaskar Gupta Karpurapu (Sai Baba Temple) to the Diversity Task Force
 3. Consider Appointing Andrew Davis to the Sargisson Beach Committee and Consider Designating a Select Board Representative to the Committee
 4. Consider Appointing Richard Perini and Anna Eliot to the Housing Partnership
 5. Consider Granting a One Day Beer and Wine License for Rehearsal Dinner at First Parish Church on Friday, September 3, 2021 from 7 p.m. to 10 p.m.
- III. 7:15 P.M. Public Hearing – Establish Stormwater Utility User Fee for Fiscal Year 2022
- IV. 7:30 P.M. Presentation from the Friends of Prescott on their Landscape Improvement Plan
- OTHER BUSINESS
- Complete Annual Review of the Town Manager
 - Consider Re-Instituting Requiring Mandatory Wearing of Masks in Public Buildings
- ON-GOING ISSUES – Review and Informational Purposes – Brief Comments - Items May or May Not Be Discussed
- A. Water Department – Manganese Issue – PFAS Issue
 - B. Green Communities Application and Implementation
 - C. Florence Roche Elementary School Construction Project

SELECT BOARD LIAISON REPORTS

- V. Minutes: Regularly Scheduled Meeting of July 26, 2021

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 Agenda Update/Report*

Date: *August 9, 2021*

TOWN MANAGER'S REPORT

1. In addition to the Town Manager's Report, Items for Select Board Consideration and Action and a review of the On-going Issues, there are two specific scheduled Agenda Items, and two items under "Other Business. I have scheduled a Public Hearing to set the Stormwater Utility User Fee for Fiscal Year 2022. Enclosed with this report is a memorandum from me and Public Works Director Tom Delaney recommending the amount of the fee. Second, the Friends of Prescott have requested time on the Agenda to request permission from the Select Board to construct their landscape improvement plan for the front of the Prescott School. Also enclosed with this report is a copy of their proposed improvement plan and signage that has been approved by the Historic District Commission. Under "Other Business" are two items. First, the Board and Town Manager have completed the Annual Review of the Town Manager. The Chair of the Board will be presenting the final Review to the Board/Public as called for in the Select Board's Town Manager Review Policy. Second, Select Board Member Degen has requested that the Board consider re-instituting the requirement that masks be worn in all public buildings, regardless of vaccine status. We can discuss this in more detail at Monday's meeting.
2. I am pleased to report that we have gone out to Bond on the \$8,000,000 Florence Roche Elementary School Construction Project First Phase. We received four (4) bids. The low bid was from Robert W. Baird & Co. as follows:

Bond Awarded: \$8,000,000.00
TIC: 1.67%
Premium: \$811,312.40
Net Interest Cost: \$1,620,375.93

They are essentially paying the Town a substantial premium, which will not only cover the bonding costs, but will enable us to borrow only \$7,330,000, saving the taxpayers a substantial amount of interest. This is a testament to the Town's outstanding financial status and our AAA Bond Rating. The Board needs to approve this at Monday's meeting. Enclosed with this report is the vote the Board will need to take at Monday's meeting to award the sale to Baird. I will be sending out, under separate cover, additional information relative to this award. Since I was on vacation last week, I was not in the office to include it in the packet (as we won't receive the final documentation until Friday, August 6th). Hannah Moller and Mike Hartnett will be at Monday's meeting. I am very pleased with the outcome. I look forward to discussing this in more detail with the Board at Monday's meeting.

Select Board
Weekly Agenda Update/Report
August 9, 2021
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3. The Trials Committee has requested that I nominate Adam Burnett and Harris McWade for appointment to the Committee. I am nominating these individuals and would respectfully request that the Board consider appointing them to the Trails Committee.
4. When Veteran's Service Officer (VSO) Robert Johnson passed away last year, Joe Dean, Dunstable's VSO, graciously agreed to serve as our VSO. After serving in this role for over a year, Mr. Dean would like to cut back on his work and has decided to resign as our VSO upon appointment of a replacement. To that end, I have appointed Gary Seniw of Groton as the VSO. Mr. Seniw is the current Commander of the American Legion Laurence W. Gay Post 55. I would respectfully request that the Board consider ratifying this appointment at Monday's meeting.
5. Michael Bouchard has informed me of his intention to retire later this year. Based on this, I am proposing to the Board that we change the position from elected to appointed and add a warrant article to the Fall Town Meeting Warrant to make this change. Enclosed with this report is a memorandum explaining the rationale for this change. I look forward to discussing this with the Board in more detail at Monday's meeting.
6. Please see the update to the Select Board's Meeting Schedule through Labor Day:

Monday, August 16, 2021	-No Meeting
Monday, August 23, 2021	-First Review of Warrant Articles for Fall Town Meeting
Monday, August 30, 2021	-Regularly Scheduled Meeting
Tuesday, September 7, 2021	-No Meeting

ITEMS FOR SELECT BOARD CONSIDERATION AND ACTION

1. As discussed at your last meeting, Select Board Member Cunningham has drafted a Warrant Article that would authorize the Sale of Marijuana in the Town of Groton. Enclosed with this report is a draft of the Article, along with a timeline of the history of this issue in Groton that was prepared by Executive Assistant Dawn Dunbar. The Board needs to consider adding this Article to the 2021 Fall Town Meeting Warrant.
2. The Diversity Task Force has requested that the Board appoint Gordon Candow (ADA Rep) and Bhaskar Gupta Karpurapu (Sai Baba Temple) to the Task Force. I would respectfully request that the Board make these appointments at Monday's meeting.
3. The Sargisson Beach Committee has requested that the Board appoint Andrew Davis to the Committee. I would respectfully request that the Board make this appointment at Monday's meeting. In addition, the Select Board needs to designate a member to represent the Board on the Committee.

Select Board
Weekly Agenda Update/Report
August 9, 2021
page three

4. The Housing Partnership has requested that the Board appoint Richard Perini and Anna Eliot to the Partnership. I would respectfully request that the Board make these appointments at Monday's meeting.
5. We have received a one-day Beer and Wine Liquor License request for the Timmons-Frechette Wedding Rehearsal Dinner to be held on Friday, September 3rd from 7-10 pm at First Parish Church. The application is complete with proper insurance and a check. I would respectfully request that the Board consider approving this license at Monday's meeting.

MWH/rjb
enclosures

**LEGAL NOTICE
TOWN OF GROTON
PUBLIC HEARING**

Pursuant to Section 154-5 of the Bylaws of the Town of Groton (Stormwater Utility), the Groton Select Board will hold a public hearing on Monday, August 9, 2021 at 7:15 P.M. at the Groton Town Hall, Second Floor Meeting Room, 173 Main Street, Groton, MA. The purpose of the Hearing will be to receive input so the Select Board may set the Stormwater Utility User Fee sufficient to meet the costs incurred by the Stormwater Facilities Utility for Fiscal Year 2022.

All interest parties are invited to attend.

SELECT BOARD

Rebecca H. Pine, Chair

Alison S. Manugian, Vice Chair

Peter S. Cunningham, Clerk

Joshua A. Degen, Member

John F. Reilly, Member

Groton Herald

July 23, 2021

July 30, 2021



TOWN OF GROTON

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Town Manager
Mark W. Haddad

To: *Select Board*

From: *Mark W. Haddad – Town Manager*
R. Thomas Delaney – Director of Public Works

Subject: *Stormwater Fee Proposal for Fiscal Year 2022*

Date: *August 9, 2021*

The purpose of this memorandum is to provide the Board with the proposed Stormwater Fee for Fiscal Year 2022. As you are aware, the 2021 Spring Town Meeting approved the following budget for the Stormwater Utility Enterprise for Fiscal Year 2022:

LINE	DEPARTMENT/DESCRIPTION	FY 2021 APPROPRIATED	FY 2022 DEPARTMENT REQUEST	FY 2022 TOWN MANAGER BUDGET	PERCENT CHANGE
STORMWATER UTILITY					
	Stormwater Wages/Benefits	\$ 43,800	\$ 69,753	\$ 69,753	59.25%
	Stormwater Equipment	\$ 30,000	\$ 20,000	\$ 20,000	-33.33%
	Stormwater Capital Outlay	\$ 25,000	\$ 51,000	\$ 51,000	104.00%
	Stormwater Compliance Costs	\$ 80,000	\$ 49,000	\$ 49,000	-38.75%
	Stormwater Disposal/Expenses	\$ 10,000	\$ 20,000	\$ 20,000	100.00%
<hr/>					
500	DEPARTMENTAL TOTAL	\$ 188,800	\$ 209,753	\$ 209,753	11.10%

Pursuant to Section 154-5 of the Town Bylaws, the Select Board needs to set and approve a User Fee to fund the approved Stormwater Utility Budget. Please note that this fee will be charged to all improved lots in Town. According to our Principal Assistant Assessor Megan Foster, there are 4,004 lots in Town that are considered improved. Vacant and open space properties are not subject to this fee.

Select Board
Stormwater Fee Proposal for FY 2022
August 9, 2021
page two

Before proposing this year's fee, I need to address what happened last year when the Board set the fee. As it was the first year in setting the fee, the parcel count provided by the then Principal Assistant Assessor was not an accurate count of the improved parcels in Town. He had included state land, privately owned conservation land and other unimproved parcels. I did not check the accuracy of the number, as I should have, and we set the fee based on a parcel count of 4,467. I take full responsibility for this mistake as I was not clear in my direction when requesting the parcel count and apologize to the Board. The budget last year was \$188,800 and based on the erroneous parcel count, the Board set the fee at \$42.27, when it should have been \$47.16. This did not impact last year's budget as we did not expend as much as we anticipated due to the fact that we started implementing spending in January/February, 2021.

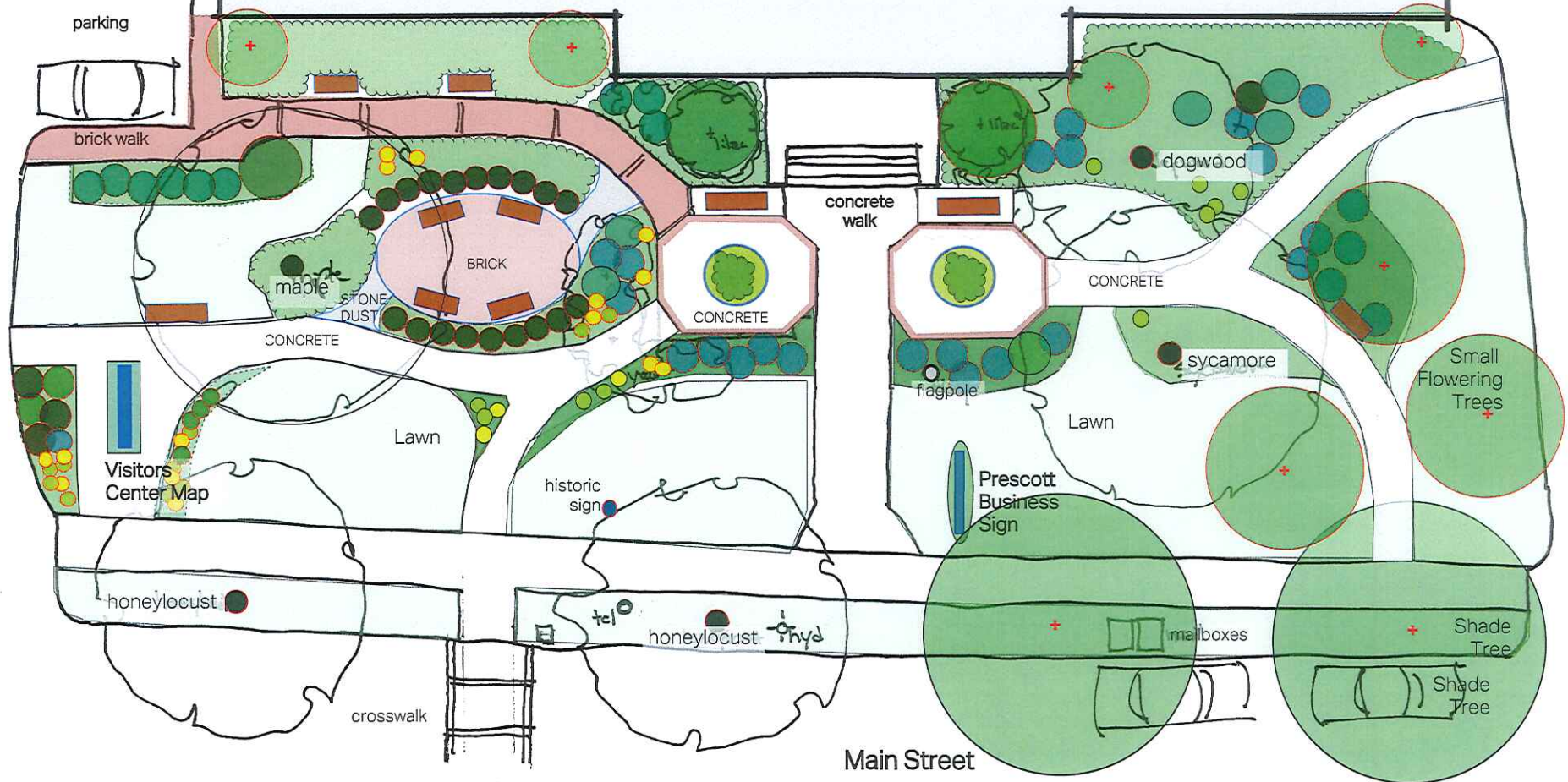
That said, due to the approved budget this year (\$209,753), and an accurate parcel count (4,004) received from Megan Foster, the fee will increase by more than \$10 to \$52.39, or 24%. I am thoroughly embarrassed by this increase. To assure the Board that the parcel count provided this year is accurate, Megan established a code in the Assessors' Data Base that was assigned to every improved parcel (excluding State owned property) and removed any parcel that received an abatement last year (total of 91). I am confident that Megan corrected last year's error. Based on all of this, I am recommending a Stormwater Fee of \$52 for Fiscal Year 2022. If approved by the Board, the Bills will go out in late August.

Tom and I look forward to discussing this year's proposed Stormwater Fee at Monday's public hearing. In the meantime, please feel free to contact either me or Tom with any additional questions or concerns.

MWH/rjb

cc: Finance Committee
Stormwater Committee
Robert Rafferty – Environmental Partners
enclosures

Prescott COMMUNITY CENTER Groton, MA



LANDSCAPE IMPROVEMENTS
Preliminary Plan

Seating
4 ft. and 6 ft.



July 20, 2021

LANDSCAPE IMPROVEMENTS

Preliminary Planting Palette

Juniper



Rose of Sharon



Mugo Pine



Hydrangea



Fothergilla



Deutzia



Inkberry



Spiraea



Yew



Paper Birch



Ninebark



Holly



Serviceberry



Crabapple



Viburnum

Site Elements

Benches

Victor Stanley FR-7 (TBD)

(9) @ 4 ft.

(3) @ 6 ft.

IPE wood slats or recycled plastic

Black arm rests

Plantings

(1) Shade Tree:

(3) Flowering Trees

(6) Large Shrubs

(50) Shrubs

(20) Evergreen shrub

Groundcover + Perennials: 1200 sq.ft. = 300 plants @ 24" o.c.

Lawn



Paving

Brick :approx. 250 sq. ft.

Concrete: 750 sq. ft. walk/ 300 sq. ft. terraces

Paint Colors

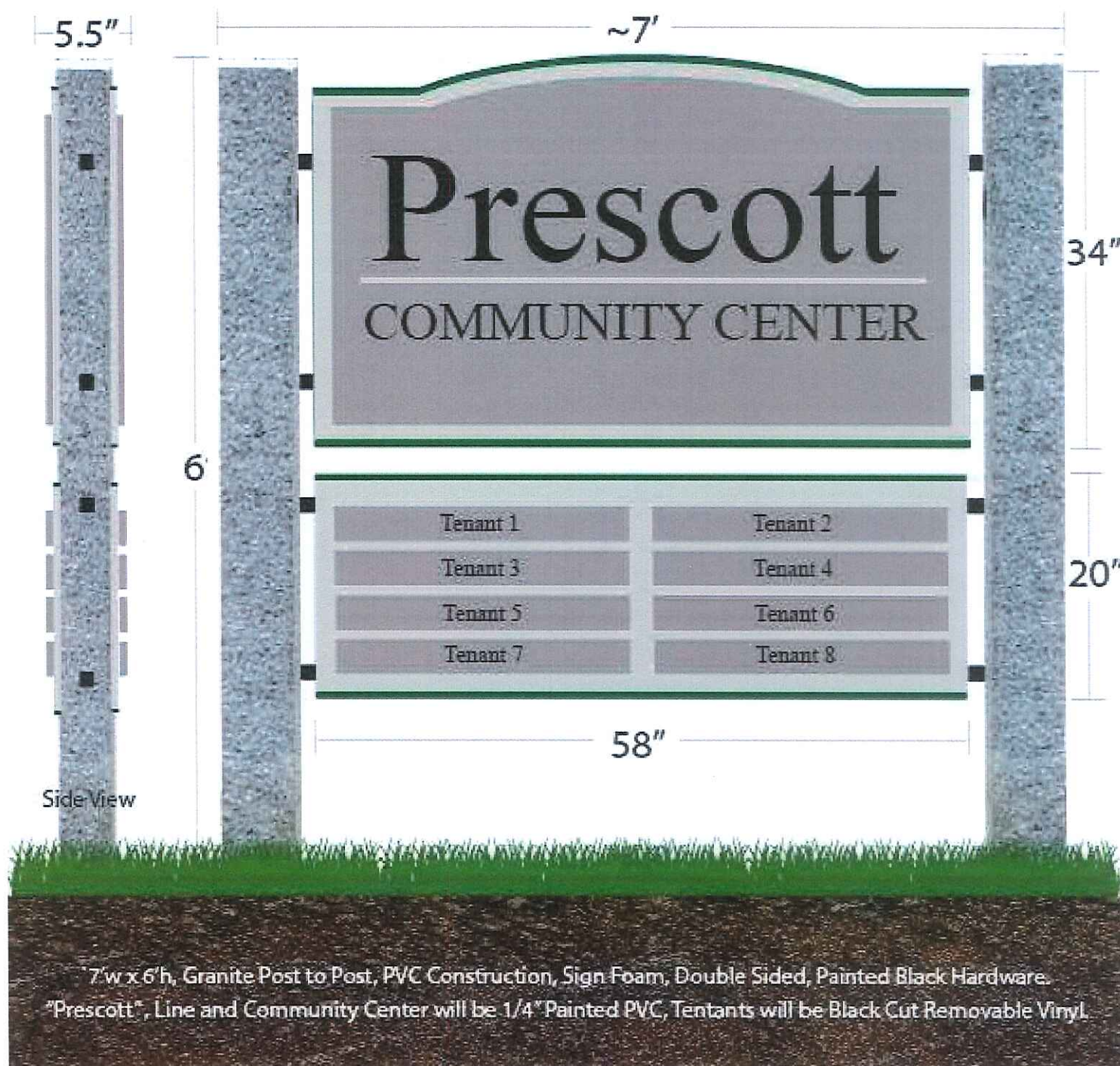
Benjamin Moore Light Beige (1004 Desert Light)

Benjamin Moore Dark Tan (1006 Creekbed)

Benjamin Moore Deep Green (567 Balsam)

All lettering and brackets will be Black

Option 1







Town of Groton
Sign Permit Application
Code of the Town of Groton - Chapter 196 Signs

Permit # 2021-07
Date Received 6/24/21
Check # Fee waived
PER MARK HADDAD

Applicant Friends of Prescott
Address 145 Main Street
Groton, MA 01450
Telephone (978) 877-6933
Cell phone (207) 347-9703
Fax number _____
E-mail prescottscc@gmail.com
Signature: Epa

Landowner Town of Groton
Address 173 Main Street
Groton, MA 01450
Telephone (978) 448-1100
Cell phone _____
Fax number _____
E-mail _____
Signature: Mark Haddad

Please check one:

☒ New Sign ☐ Replacement Sign ☒ Permanent Sign
☒ Free Standing Sign ☐ On-Building Sign ☐ Temporary Sign

Zoning/Historic District:

☒ RA ☐ RB ☐ VCB ☐ HDC
☐ NB ☐ GB ☐ Industrial
☐ O ☐ P ☐ TCOB

Application Fees:

_____ \$100 Business/Manufacturing _____ \$30 Residential/Agriculture (2-6 SF)
_____ \$50 Residential/Business (6-20 SF) _____ \$100 Multiple Occupancy Sign (20 SF)
_____ \$250 Unique & Special Commercial _____ \$100 Unique & Special (Residential)
_____ \$30 Agricultural/Exempt Use Directional Sign (plus cost of installation by the DPW)
_____ Temporary signs are free

Sign Information / Drawing(s)

Applications must include a sign layout, design specifications, size of sign and placement location on the lot.

Name or Title on sign: Prescott Community Center/ Groton Visitor Center
Property address for sign 145 Main Street, Groton, MA Assessors Map 113 Parcel 43
Sign location – Road #1: Main Street If at an intersection – Road #2 _____
Anticipated sign posting date: Fall 2021 Anticipated removal date (if temporary): _____

8:20pm 7/20/21

Land Use Department Approval

☐ Approval ☐ Disapproval

X _____ Approval Date: _____

Comments: _____

Sign Committee Approval

☐ Approval ☐ Disapproval

X _____ Approval Date: _____

Comments: _____

Planning Board – Site Plan Review Approval

☐ Approval ☐ Disapproval

X _____ Approval Date: _____

Comments: _____

Historic Districts Commission Approval

☒ Approval ☐ Disapproval

X _____ Approval Date: 7/20/21

Comments: _____



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450-123
Tel: (978) 448-1109

Office of the:
Historic Districts Commission

Cert.# 2021-06

CERTIFICATE OF APPROPRIATENESS

Pursuant to Chapter 40C of the General Laws of Massachusetts and the Historic Districts Bylaw of the Town of Groton, the Groton Historic Districts Commission (GHDC) hereby issues a Certificate of Appropriateness for the work described below at noted location:

Applicant (or owner): Friends of Prescott Telephone: (978) 877-6963

Address: 145 Main Street

Location of work: 145 Main Street Map 113 Parcel 43

Agent (if any):

Agent's Address:

Description of Proposed Work and reason for Certificate In accordance with the provisions of Massachusetts General Laws, Chapter 40C, the Groton Historic Districts Commission (GHDC) will hold a Public Hearing on **Tuesday, July 20, 2021, at 8:10 pm at Town Hall, 173 Main Street, Groton, MA 01450**. This meeting will be held to consider the application submitted by Applicant, **Friends of Prescott**, seeking a Certificate of Appropriateness for **145 Main Street, Assessors Map 113-43-0**, to add new walkways connecting to the existing and landscape design. **Applicant: Friends of Prescott, 145 Main Street, Groton, MA 01450 Assessors Map 113-43-0**. Copies of the application and supporting materials are available for review by contacting the GHDC via the Land Use Dept, 2nd floor of the Town Hall.

Conditions, requirements, recommendations: Per plans attached

The Applicant may proceed with the proposed work provided that all other approvals have been obtained, including a Building Permit, or Sign Permit where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension or renewal of the Certificate may be granted at the discretion of the Commission. If a property changes ownership during the time that the Certificate is in force, the new owner who wishes to continue the authorized work must have a new Certificate issued in his/her name.

Application received on: June 24, 2021 **GHDC Meeting Date:** July 20, 2021

Continued to

Certificate approved by: _____ **Certificate Date:** July 20, 2021

Peter Benedict, GHDC Chair

Copies to: Applicant, Agent (if any), Building Commissioner, GHDC File



TOWN OF GROTON

173 Main Street
Groton, Massachusetts 01450
Tel: (978) 448-1100
Fax: (978) 448-1113

Office of the:
Historic Districts Commission

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

(Date received: 6/24/21, for GHDC)

Site Address 145 Main Street, Groton, MA 01450 Map 113 Parcel 43

Owner's Signature *Mark W. Haddad* Date

Owner's Name Town of Groton Applicant's Name Friends of Prescott

Address 173 Main Street, Groton, MA 01450 Address 145 Main Street, Groton, MA 01450

Telephone (978) 448-1100 Telephone (978) 877-6963

Description of Proposed Work

New walkways connecting to the sidewalk, new plantings including 12 benches, a new a

Shade Tree, (3) Flowering Trees, (6) Large Shrubs, (50) Shrubs, (20) Evergreen shrubs,

Groundcover, Perennials and Lawn. (See plan attached)

To complete this application, include all of the supporting information noted below (as applicable). You must provide enough material so that the Commission will be able to see, in detail, how the changes you intend to make will appear when finished. Incomplete applications will not be reviewed. If you are in doubt as to whether your application is complete, please contact the Commission support staff. Submit the completed application and supporting materials to the GHDC in Town Hall NO LATER THAN ONE WEEK PRIOR TO THE MEETING (meetings are generally held the 3rd Tuesday of every month at 7:30 PM in Town Hall - verify meeting date, time & location with the GHDC support staff in Town Hall or by calling at 978-448-1109).

Scaled drawings (site plan, floor plans & elevations) of changes, showing relation to existing structure(s): 1 set of "to scale" drawings, 3 reduced copies not to exceed 11" x 17"; Photographs of the project site; Paint color cards/chips from manufacturer; Material color samples (e.g. roof shingles, etc.); Manufacturer's brochures and/or samples for materials (e.g. windows, doors, light fixtures, etc.).

Supporting Materials to be provided with this Application:

****Product samples to fit in a standard business envelope****

The Rules and Regulations pamphlet is available in Town Hall via GHDC support staff.

DATE REVIEWED: : APPROVED / with 10 DAY WAIVER

NOT-APPLICABLE (reason:) / WITHDRAWN / DENIED

SET PUBLIC HEARING ☒ / CONTINUED to:

CERTIFICATE ISSUED # 2021-06 / DATE: 7/20/21

8:10pm - 7/20/21

VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Groton, Massachusetts (the "Town"), certify that at a meeting of the board held August 9, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were passed by a vote of ____ in favor, ____ against, and ____ abstaining, all of which appear upon the official record of the board in my custody:

Voted: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the Florence Roche Elementary School project authorized by a vote of the Town passed on May 1, 2021 (Article 8), excluded from the limitations of Proposition 2½ (so-called) by a vote of the Town passed May 25, 2021 (Question 1), not being paid by the school facilities grant is at least \$49,992,359 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

Further Voted: that the sale of the \$7,330,000 General Obligation School Bonds of the Town dated August 17, 2021 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$8,071,818.22 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$245,000	5.00%	2032	\$380,000	3.00%
2023	260,000	5.00	2033	390,000	3.00
2024	270,000	5.00	2034	405,000	3.00
2025	285,000	5.00	2035	415,000	2.00
2026	300,000	5.00	2036	425,000	2.00
2027	315,000	5.00	2037	430,000	2.00
2028	330,000	5.00	2038	440,000	2.00
2029	345,000	2.00	2040	910,000	2.00
2030	355,000	4.00	2041	465,000	2.00
2031	365,000	4.00			

Further Voted: that the Bonds maturing on August 15, 2040 (the "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due August 15, 2040

<u>Year</u>	<u>Amount</u>
2039	\$450,000
2040*	\$460,000

* Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 27, 2021, and a final Official Statement dated August 3, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds, for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that

no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: August 9, 2021

Clerk of the Select Board

93956807v.2



TOWN OF GROTON

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Joshua A. Degen, *Member*
John F. Reilly, *Member*

Town Manager
Mark W. Haddad

To: *Select Board*

From: *Mark W. Haddad – Town Manager*

Subject: *Proposal to Change Town Clerk Position from Elected to Appointed*

Date: *July 30, 2021*

Michael Bouchard has served honorably as our Town Clerk since 2008. He was first appointed in January, 2008 to fill a vacancy in office caused by the resignation of Onorina Maloney. He has been (re)elected six times since being appointed (2008, 2009, 2012, 2015, 2018, 2021). In each of these elections, Michael ran unopposed. Michael recently informed me that he intends to retire at the end of the year. While he did run unopposed for a new three-year term in May, he did so to assist the Town through a very important local election (Florence Roche Elementary School Debt Exclusion) and help plan for a transition to a new Town Clerk. I have had the privilege to serve with Michael for thirteen (13) years and I cannot thank Michael enough for everything he has done for the Town.

That said, Michael's intention to retire gives the Town the unique opportunity to examine the Town Clerk's position in detail and determine if the time is right to change the position from Elected to Appointed. As a matter of fact, the Town of Harvard took advantage of the elected Town Clerk's retirement to change the position to appointed, and the Town of Middleton is planning on making the change to appointed when the current Town Clerk retires. The purpose of this memorandum is to propose to the Select Board that the Board present a Special Act to the 2021 Fall Town Meeting to change the Town Clerk's position from elected to appointed.

Since Michael was first appointed in 2008, the Town Clerk's position has changed dramatically. It has become an extremely technical job with many responsibilities that requires experience that is not always available through an election. Specifically, over the last two years, the Commonwealth of Massachusetts has completely overhauled election laws. This overhaul requires Town Clerks to understand and implement constant changes in the law. They are much more technical with more and more regulations and responsibilities. Records retention and management laws have changed over the last decade, as has the Open Meeting Law and Conflict of Interest Law. Town Clerks are now called upon more and more for advice and enforcement of these Laws. In addition, Town Clerks have the responsibility of budget development, customer service to residents, communications to boards and committees, public communications, cash management, staff management and they must be bondable. In my opinion, all of this requires the ability to vet (appraise, verify, and check for suitability, etc.) candidates for the position. An election does not provide for the same vetting process as an appointment provides. To help the Board understand the complexity of the Town Clerk's job, we have prepared the attached job description for your review and consideration.

To further help you consider this proposed change, Michael has prepared the following analysis comparing Elected Versus Appointed:

**Select Board
Proposal to Change Town Clerk Position
July 30, 2021
page two**

TOWN CLERK - ELECTED OR APPOINTED?		
	<u>Elected Position</u>	<u>Appointed Position</u>
Candidates	Candidates for election are committed; qualifications may be unknown Election process may deter some; unlike "applying for a position" Must be a Groton registered voter	Candidates go through an interview process; qualifications can be assessed by appointment authority Interview process is a more customary method of searching for a position No residency requirement
Responsibilities	Many prescribed by state Law; no formal job description Work products include town clerk operations, elections management, town meeting records, department head functions, advice regarding state laws (e.g. Open Meeting Law, Public Records, Conflict of Interest) customer service to residents, communications to boards and committees, public communications, cash management, staff management; must be bondable	Many prescribed by state law; supplemented by town's job description
Managing Elections/Open Meeting Law, Etc.	Abide by state law	Abide by state law
Accountability	via Election or Recall Dependent upon budgetary policy to execute position responsibilities	via Appointing Authority
Personnel policies	Not part of typical employment system; Eligible for health insurance; no specified vacation / sick time; no workers compensation or unemployment Salary via Town Meeting (political process) Not elected as a department head Certifications: optional	Union, bylaw employee or personal services contract Salary via administrative process Formal department head responsibilities Certifications could be required
Incentives / Performance	Public service; Reelection	Public service; Goals as negotiated
Massachusetts	Approximately 2/3rds of Clerks elected; trending towards appointments State and localities lean towards appointed clerks to facilitate succession planning, recognizing recent increases in position complexity	
Commentary	Election and town meeting do not consider line responsibilities and additional contributions	Appointed position would encourage professional operation and development via goal setting
History in Groton	Elected position since 1655; prior to 1923 ballot contests and vote tabulation not recorded Since 1923: 1 year terms until 1966 (43 elections). 1966 introduced 3 year terms (21 elections) Since 1923: 9 Town Clerks have served. Average term length is 10.8 years. Longest 25 years; shortest 5 years. Since 1923: 4 contested elections (1940, 1941, 1990, 1997) Since 1923: 5 Clerks appointed due to resignation or death prior to running for office (1965, 1979, 1989, 2003, 2008)	

What is very interesting about this analysis is the History of Groton. You can see that in the last 98 years (1923 – 2021) there have been 64 elections for Town Clerk. Of those 64 elections, only four were contested (6.4%), and there has not been a contested race in the last 24 years. In the contested races (1940 & 1941; 1990 & 1997) the same incumbent was challenged. Coupling this observation with the fact that 5 of the 9 Clerks who served in the past 98 years were appointed to fill a remaining term, Groton, essentially, has a de facto appointed Town Clerk. In addition, Melisa Doig conducted a survey of Massachusetts Towns to find out how many Towns have appointed Town Clerks versus elected Town Clerks. What we found was of 116 Towns surveyed, 47 are appointed and 69 are elected. Of the 69 elected, three of those towns are moving to appointed, bringing the total to 50. The trend is moving in the direction of appointed given the reasoning outlined earlier in this memorandum.

Select Board
Proposal to Change Town Clerk Position
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Should the Select Board agree to bring a proposal to Town Meeting to make this change, we would recommend that it be done this Fall and not next Spring given the process to fill a vacancy of an elected position. As you know, to fill an elected vacancy, the Select Board would appoint someone until the next election at which time the remaining term of the Office (in this case two years) would be on the ballot. The individual appointed by the Select Board to fill the vacancy need not be a Groton resident, but to run for the remaining term, one would have to be a resident of Groton. If the Town waited until the Spring Town Meeting to make the change to appointed, the enabling legislation would not go into effect for two years because the Legislature will not overturn an election.

In addition, we would need to decide who would be the appointing authority. There are three schools of thought. One would be to have the Select Board as the appointing authority. While this makes sense on the surface, given the fact that the Town Clerk oversees elections and the Select Board is the Chief Elected Board in Town, there may be a perception that the Select Board would have undue influence on elections. Second would be to have the Town Clerk appointed in the same manner as the Police Chief and Fire Chief. The Town Manager would conduct the search and bring two finalists to the Select Board and they would appoint the Town Clerk from the two finalists. This does not completely change the influence perception, but it does provide another step. Third and final, would be to have the Town Manager appoint the Town Clerk. Of the 45 Towns we surveyed that have appointed Town Clerks, the Town Manager appoints 31 of the them. It seems to be the prevalent way to appoint the Town Clerk and it removes the Select Board from having any influence in the appointment process, other than ratification, which the Board does for all other Department Heads (except Police Chief and Fire Chief). Given our research, should the Board agree to bring this to Town Meeting, I would recommend that the Town Manager be the appointing authority.

I have reached out to Town Counsel and asked for his opinion on how the Town would present this issue to Town Meeting. According to Town Counsel, the way to handle this is by a Special Act. The reason for the Special Act is the way the elected incumbent would be handled. Essentially, the Special Act would abolish the elected position and make the current elected Town Clerk the first appointed Town Clerk. That person would then stay in office as the appointed Town Clerk until the expiration of the elected term, or his resignation from Office, whichever came first. If we followed this process, this would require Michael to stay in office until the Legislature and Governor approve the Special Act. I have discussed this with Michael and he would be willing to stay as long as it did not take months and months to pass. Once passed, he could resign the Office and the Town Manager would then appoint a new Town Clerk. We would need to work closely with our elected Representative and Senator to fast track this proposed Special Act. The Towns of Upton, Ayer, Edgartown and Weston used this process to make the change. The Warrant Article would read as follows:

"ARTICLE: SPECIAL LEGISLATION – CHANGE TOWN CLERK TO APPOINTED

To see if the Town will petition the Senate and House of Representatives of the Commonwealth of Massachusetts to enact special legislation authorizing the position of Town Clerk in the Town of Groton to be appointed as follows:

AN ACT RELATIVE TO THE TOWN CLERK IN THE TOWN OF GROTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. *Notwithstanding any general or special law to the contrary, the office of town clerk in the town of Groton shall be appointed by the town manager, subject to ratification by the Select Board. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town clerks. The town manager may establish an employment contract with the town clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.*

SECTION 2. *Notwithstanding section 1, the position of elected town clerk shall be abolished upon the effective date of this act and the term of the elected incumbent terminated provided, however, that the elected incumbent shall then become the first appointed town clerk and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or sooner resignation, retirement or removal. Thereafter, appointments to the position of town clerk shall be made by the town manager under said section 1.*

SECTION 3. *This act shall take effect upon its passage.*

or to take any other action relative thereto."

I look forward to discussing this in more detail with you at your meeting of August 9th.

MWH/rjb

cc: Michael Bouchard – Town Clerk
Melisa Doig – Human Resources Director
Bud Robertson – Chair, Personnel Board
enclosures

TOWN CLERK

Position Purpose:

The purpose of this position is to provide administrative, supervisory and technical work in connection with the keeping of official municipal records, the issuing of various licenses and official documents, the direction of election and census activities; performs all other related work as required. The Town Clerk is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

Supervision:

Supervision Scope: Exercises independent judgment and initiative in the planning, administration and execution of services, and in the interpretation and application of laws, regulations and procedures. Performs a variety of responsible functions in accordance with state statutes and local bylaws.

Supervision Received: Works under the general direction of the Town Manager in conformance with applicable provisions of the local ordinances, Massachusetts General Laws, and federal laws and with accountability to town voters.

Supervision Given: Provides supervision to town clerk office staff and numerous part-time seasonal and election workers.

Job Environment:

Work is performed under typical office conditions; work environment is moderately noisy.

Operates computer and general office equipment, such as calculator, copier, printer, facsimile machine, and telephone. Also operates vote tabulation equipment on occasion.

Makes frequent contacts with the public, federal and state agencies, town departments, vendors, and the Mass Clerks Association. Most contacts require an information exchange dialogue. Contact can be by phone, email, mail or in-person. The town clerk's phone number is the main phone number for town and many incoming calls are screened for appropriate forwarding.

Uses office software and web-based applications to process most office functions. Maintains paper files as needed.

Has access to confidential information pertaining to residents, which requires the application of appropriate judgment, discretion and professional protocols.

Errors could result in delay and confusion in the provision of services, and have significant legal and/or financial repercussions.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Groton Town Clerk job Description
DRAFT – July 28, 2021 – Rev 2.0

Serve as Chief Election Official. Plans, organizes, publicizes, conducts, certifies and prepares reports on all elections. Establishes, reviews and updates all election procedures, subject to statutory requirements. Prepares and issues notifications regarding election activities, schedules and locations. Recruits, trains, schedules and supervises election workers. Distributes and receives absentee ballots. Prepares and certifies official election results and related reports.

Manages voter registration and certification, including amendment of status, deleting and maintaining voter lists.

Oversees elections which includes preparing the warrant and voting machines, testing machines, hiring and scheduling personnel, and reporting election results.

Serves as a member of the Board of Registrars. Responsible for annual registrar appointment process.

Serves as a Department Head. Interacts with the Town Manager, other town departments and Select Board. Interacts with other elected and appointed town boards, committees and officials.

Manages the department of the Town Clerk and supervises Assistant Town Clerks and other staff as may be assigned.

Responsible for the financial management of budgets which provide the resources necessary for the department to function properly.

Prepares and files various local, state and federal reports as required by law.

Maintains the Central Voter Registry Information System (VRIS) as outlined in Massachusetts General Laws.

Records a variety of documents and issues certified copies, to include births, deaths, and marriages in the Town Clerk office. Prepares and certifies town documents as required by statute or as reasonably requested.

Maintains files for Planning Board and Zoning Board applications and decisions; issues Letters of No Appeal when legally appropriate upon request.

Serves as the Licensing Officer, responsible for birth, death and marriage certifications, dog licenses and business certificates. Prepares monthly reports for the Bureau of Vital Statistics on births, deaths and marriages.

Attends town meetings; records minutes; certifies votes; submits Town Meeting votes to Attorney General for approval of general bylaws or zoning bylaws. Manages the codification of the town's bylaws and policies.

Serves as the Public Records Access Officer to accept requests for public records and manage the town's responses. This activity involves collaborating with other town departments to search, segregate and process records, and communicating with the requestors.

Groton Town Clerk job Description
DRAFT – July 28, 2021 – Rev 2.0

Custodian of official town records, including elections, Town Meeting, Bylaws and records of elected and appointed administration, including oaths of office and required training and certification documents.

Manages the organization and access to files; manages the retention schedules and develops procedures for the disposal of obsolete records; maintains the physical condition and control of records preservation for the town clerk department. Advises other town departments on records retention issues.

Posts public meeting agendas in accordance with the Open Meeting Law. Assign meeting locations. Maintain archive of meeting minutes.

Serves as the town's focal point for the Open Meeting Law, Conflict of Interest Law and Public Records Law. Records public disclosures and training certificates as prescribed by statute.

Communicates with press and the general public with written press releases and oral presentations. Promote town wide communication strategies using web site, social media and traditional media.

Responsible for cash management and departmental turnovers.

Performs similar or related work as required, directed or as situation dictates.

Recommended Minimum Qualifications:

Education and Experience:

High school education, Bachelor's degree preferred. Degree or experience in in public administration, government or related field; or three to five years' experience in business management desirable.

Special Requirements:

Ability to be bonded

Apply for Notary Public

Attain Massachusetts Clerk Association Certification

Knowledge, Ability and Skill:

Knowledge:

Thorough knowledge of local, state and federal laws, regulations and procedures applicable to the duties and responsibilities of a town clerk's office. Must be comfortable working with computers, office software applications, web-based applications and general internet usage. Working knowledge Microsoft Office products and other state software. General knowledge of office procedures and the ability to supervise support staff in an effective and harmonious manner.

Ability:

Ability to interact effectively and appropriately with the public and other personnel, assess situations and formulate appropriate resolutions. Ability to deal with disgruntled members of the public. Ability to apply legal interpretations and precedents to current problems. Ability to communicate effectively in written and oral form. Ability to establish and maintain complex recordkeeping systems. Ability to manage and prioritize multiple tasks in a detailed and organized manner. Ability to work with frequent interruptions.

Groton Town Clerk job Description
DRAFT – July 28, 2021 – Rev 2.0

Skill: Effective leadership skills, diplomacy in dealing with the public. Proficient written and oral communication skills and administrative skills. Skill in computers and appropriate software applications. Skill in working with numbers and details. Excellent customer service skills and skill in working with details. Able to plan and manage multiple projects simultaneously.

Physical Requirements:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Regularly required to walk, stand, sit, talk and hear; operate objects, tools, or controls; pick up paper, files, and other common office objects. Ability to view computer screens and work with details for extended periods of time. Ability to operate a keyboard and calculator at an efficient speed. Ability to communicate on telephone.

Some movement of heavy or bulky objects is occasionally required.

(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)

ARTICLE 13: AMEND ZONING BYLAW – MARIJUANA RETAIL ESTABLISHMENTS

To see if the Town will vote to amend Chapter 218 of the Zoning Bylaw as follows:

To amend Chapter 218 of the Town By-Laws (Zoning By-Laws)

- A. By adding the following to Ch. 218-10.4 "Marijuana Establishments" D(3) "Special Permit Requirements":
- d. Marijuana product manufacturer
 - e. Marijuana retailer
 - f. Marijuana transportation or distribution facility
 - g. Any other type of licensed marijuana related business
- B. By amending Ch. 218-5.2 "Schedule of Use Regulations" By deleting Line 112 "Marijuana establishments; any other type of licensed marijuana-related business" in its entirety and insert the following:

	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
112	Marijuana establishments; any other type of licensed marijuana-related business:								
	Marijuana cultivator, but not including craft marijuana cultivator cooperative	N	N	N	N	PB	PB	N	N
	Marijuana product manufacturer	N	N	N	N	PB	PB	N	N
	Marijuana retailer	N	N	N	N	PB	N	N	N
	Marijuana testing facility	N	N	N	N	PB	PB	N	N
	Marijuana transportation or distribution facility	N	N	N	N	N	PB	N	N
	Marijuana research facility	N	N	N	N	PB	PB	N	N
	Any other type of licensed marijuana- related business including marijuana micro business	N	N	N	N	N	PB	N	N
	On-site consumption of marijuana at licensed marijuana establishment	N	N	N	N	N	N	N	N

Note: The **PB** shown in bold represents proposed changes from "N".

or take any action relative thereto.

SELECT BOARD



TOWN OF GROTON

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

SELECT BOARD

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

Town Manager
Mark W. Haddad

MEMORANDUM

To: *Mark W. Haddad, Town Manager*
From: *Dawn Dunbar, Executive Assistant to the Town Manager*
Subject: *Marijuana Allowed Uses & Zoning Timeline*
Date: *July 29, 2021*

I have completed, as requested, research on the history of allowed marijuana uses and zoning that was put in place by the Town for both medical and recreational marijuana establishments.

As you will recall, this topic came about based on Groton Voters voting in favor of Question 4 on the State Election Ballot to legalize, regulate and tax Marijuana back in November of 2016. From here, the Town went to various Town Meetings and held multiple Elections to define and regulate both medical and recreational marijuana allowable uses, define zoning districts where the allowable uses would be able to be permitted and create zoning to regulate such allowed establishments.

I have provided, attached to this memo, a timeline and summary of the chain of events that has led to where we are today in terms of voted on allowed uses and zoning that is in place for both medical and recreational marijuana. I have also attached copies of the various town meeting minutes and election results to back up the summary.

Please let me know if there is anything else I can provide you and the Select Board with relative to a potential 2021 Fall Town Meeting Warrant article to discuss changes in allowable marijuana uses and zoning in advance of the August 9, 2021 Select Board Meeting.

MARIJUANA ALLOWED USES & ZONING TIMELINE: 2016 – 2018

Date	Summary of What Occurred
November 8, 2016 State Ballot	<p>Voters were asked on Question 4 of the State Election Ballot about “Legalization, Regulation & Taxation of Marijuana”. Groton Voters voted with 3,798 in favor and 2,952 against (62 blanks) to legalize marijuana.</p>
2017 Spring Town Meeting	<ul style="list-style-type: none"> • Article 22 of the Warrant – Amend Chapter 218 – Zoning – Medical Marijuana Dispensary – The proposed Bylaw changes defined two types of medical marijuana dispensaries and identified specific locations for cultivation, dispensing, and administration of medical marijuana. <i>This article passed at Town Meeting by a 2/3’s Majority vote.</i> • Article 25 of the Warrant – Temporary Moratorium on Recreational Marijuana – Because the Commonwealth had not set regulations for the use of recreational marijuana, the Select Board recommended to the Voters that they adopt a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. This moratorium was proposed to be in effect through June 30, 2018 or until such time the Town adopted a Zoning Bylaw amendment that regulated recreational marijuana. <i>This article passed at Town Meeting by a 2/3’s Majority vote.</i>
2018 Spring Town Meeting	<ul style="list-style-type: none"> • 8 Non-Binding Referendum Questions were included in the Warrant in advance of the 2018 Spring Town Election asking Voters if these 8 different marijuana establishments should or should not be allowed in Groton. • Article 20 of the Warrant – Extend Temporary Moratorium – The purpose of this article was to extend the Temporary Moratorium placed on recreational marijuana from June 30, 2018 to December 31, 2018. This allowed the Town additional time to consider adopting appropriate zoning measures to regulate marijuana establishments. <i>This article passed at Town Meeting by a 2/3’s Majority vote.</i> • Article 21 of the Warrant – Amend Chapter 218 – Zoning – Recreational Marijuana – The proposed Zoning Bylaw amendment defined the types of recreational marijuana establishments authorized under M.G.L. Ch. 94G, identified the zoning districts where such establishments would be allowed and specified the provisions under which such establishments may be permitted. There was zoning already in place for medical marijuana establishments. <i>This article passed at Town Meeting by a 2/3’s Majority vote.</i> • Article 22 of the Warrant – Local Option Recreational Marijuana Excise Tax – By accepting this statute, should recreational marijuana sale be allowed in Groton, The Town would receive a 3% excise tax on sales of recreational marijuana. <i>This article passed at Town Meeting by a Majority vote.</i>

May 20, 2018 Annual Town Election	<p>8 Non-Binding Referendum Questions were included on the Ballot of the 2018 Spring Town Election asking Voters if these 8 different marijuana establishments should or should not be allowed in Groton.</p> <ul style="list-style-type: none"> ▪ Question 2 – Marijuana Cultivation – Not in favor ▪ Question 3 – Marijuana Cooperatives – Not in favor ▪ Question 4 – Marijuana Manufacturing – Not in favor ▪ Question 5 – Retail Sale of Recreational Marijuana – Not in favor ▪ Question 6 – Marijuana Research – In favor ▪ Question 7 – Marijuana Testing Laboratories – In favor ▪ Question 8 – Marijuana Transporters – Not in favor ▪ Question 9 – Marijuana Microbusiness – Not in favor
October 1, 2018 Special Town Meeting	<ul style="list-style-type: none"> • Article 3 of the Warrant – Amend Zoning Bylaw to Ban Certain Uses of Recreational Marijuana – Based on the results of the 8 Non-Binding Referendum Questions placed on the 2018 Spring Town Election Ballot, the Town was in favor of allowing cultivation, testing and research only of recreational marijuana. The purpose of this Article was to amend the Zoning Bylaw adopted at the 2018 Spring Town Meeting by banning all other uses of Recreational Marijuana. <i>This article passed at Town Meeting by a 2/3's Majority vote.</i>
November 6, 2018 Special Town Election	<p>Voters were asked on Question 1 of the Ballot, based on the passing of Article 3 of the October 1, 2018 Special Town Meeting, to vote:</p> <ol style="list-style-type: none"> 1. to allow commercial cultivation, testing facilities and research facilities for Recreational Marijuana in the “General Business and Industrial Zoning Districts” of the Town; 2. to prohibit commercial cultivation, testing and research facilities for recreational marijuana outside of the “Districts”; 3. to prohibit all types of commercial recreational marijuana uses to include product manufacturing, retail, craft marijuana cultivator cooperatives, microbusinesses, and other licensed marijuana related businesses; 4. would not affect state law that authorized the personal consumption or growth of recreational marijuana on private property. <p>Groton Voters voted with 3,127 in favor and 2,554 against (50 blanks) to allow for the above.</p>

Attachments:

- November 8, 2016 State Election Ballot Question Results
- 2017 Spring Town Meeting Minutes for Articles 22 & 25
- 2018 Spring Town Meeting Minutes for Non-Binding Referendum Questions and Articles 20, 21 & 22
- May 22, 2018 Groton Annual Town Election Ballot Results for Non-Binding Referendum Questions
- October 1, 2018 Special Town Meeting Minutes for Article 3
- November 6, 2018 Groton Special Town Election Results to Amend Zoning Bylaw

**SELECT BOARD MEETING MINUTES
MONDAY, JULY 26, 2021
UN-APPROVED**

SB Members Present: Rebecca H. Pine, Chair (via remote participation); Alison S. Manugian, Vice Chair; Peter S. Cunningham, Clerk; Joshua A. Degen, Member; John F. Reilly, Member
Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant;

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

ANNOUNCEMENTS

Mr. Cunningham reminded folks that the fireworks were that evening commencing at dusk behind the Library at Town Field.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that he had appointed Stephen Jones to the Golf Staff and Kathryn Paveglio as a Lifeguard at the Groton Country Club. He respectfully requested that the Select Board consider ratifying these appointments.

Mr. Degen made the motion to ratify the appointments. Mr. Reilly seconded the motion. Roll Call: Cunningham-aye; Manugian-aye; Degen-aye; Reilly-aye; Pine-aye

2. Mr. Haddad said that he was very pleased to report to the Board the Fiscal Year 2021 Final Budget of the Groton Country Club. He said that in Fiscal Year 2019, for the first time in over 20 years, the Club returned a profit of \$48,291. He said that they had expected that trend to continue in Fiscal Year 2020, however, the Pandemic hit and they had to shut the Club down, essentially eliminating the two biggest revenue months of the Fiscal Year (May and June). Mr. Haddad said that due to this, instead of returning a profit, the Club lost \$147,770 (total expenses of \$471,481; total revenues of \$323,711). He said that thanks to the excellent planning and adaptation of Pandemic Protocols, their General Manager, Shawn Campbell was able to turn the Club around in one year. He said that in Fiscal year 2021, the Club made a profit of \$149,741 (total expenses of \$514,967; total revenues of \$664,708). He said that they were able to balance the budget with no taxpayer subsidy over a two-year period. Mr. Haddad said that over three years, the Club had actually returned a profit to the Town of \$50,262. He said that they would continue to manage the Club in the most cost-effective way to the benefit of the taxpayers and residents of Groton. Mr. Haddad said that Mr. Campbell had done an outstanding job and the Town was extremely lucky to have him as their General Manager/Head Professional.

Mr. Degen congratulated Mr. Campbell and thanked the public for supporting the club. Mr. Cunningham shared the same sentiments.

3. Mr. Haddad said that even with the pandemic, there was nothing but good news FY21 budget wise. He said that expenses were frozen as well as a hiring freeze put into place early in FY21. He said that they didn't fill positions in the highway, police department and library due to the hiring freeze. He said that departments had done a great job limiting their spending as directed. Mr. Haddad said that on the revenue side, there were three categories where they took in more money than they anticipated; motor vehicle excise, even though they scaled back the revenue projection; local meals tax, they took in \$44K more than what they had anticipated; PILOTS, a couple of PILOTS came in in FY21 and not FY20; building permits were higher than anticipated; GELD made 5 payments in FY21 toward their share of expenses and the country club revenue was more than they ever imagined. Mr. Haddad said that their free cash position would be higher than last year because of these factors.

Mr. Robertson said that this was a great report for many different reasons and provided his interpretation of the report.

4. Mr. Haddad reviewed the Board's schedule for the next few weeks.

SELECT BOARD ITEMS FOR CONSIDERATION

1. Mr. Haddad asked the Board to formally vote their goals for FY22 and reviewed the proposed goals.

Mr. Cunningham moved that they adopt the proposed goals for FY22. Mr. Degen seconded the motion.

Mr. Cunningham asked about including marijuana on goal #4 having to do with promoting economic development. Ms. Pine said she didn't remember having the conversation specifically about marijuana. Mr. Cunningham said it

was something he thought the Board should consider as a potential warrant article. Mr. Degen said that if they had a warrant article drafted to review, they should consider adding it. He said that people were going to the neighboring towns and didn't think they should dismiss the possibility of allowing this in Groton as a source of potential revenue. Ms. Manugian said she thought it made sense to talk about it but wasn't sure there was going to be enough time to present it to the Town this fall but was worth talking about it. Ms. Pine said she thought the way the goals were written; it could be included as a means of finding potential revenue means.

Roll Call: Cunningham-aye; Degen-aye; Pine-aye; Manugian-aye; Reilly-aye

2. Mr. Haddad said that the Zoning Board of Appeals had three vacancies for full members. He said that the ZBA was recommending that the Board elevate the three alternates on the ZBA to full member status. Mr. Haddad respectfully requested that the Board make the following appointments (with the term expirations as designated):

Jenepher Spencer - Term to Expire on June 30, 2023

Dan McLaughlin - Term to Expire on June 30, 2023

Jack Petropoulos - Term to Expire on June 30, 2024

Mr. Haddad said that they now had four alternate vacancies on the ZBA that they would have to fill. He said that they would advertise them and hope to have them filled as soon as possible. Mr. Degen asked how the terms were chosen. Mr. Haddad said that the members chose the terms.

Mr. Cunningham moved to appoint Jenepher Spencer - Term to Expire on June 30, 2023, Dan McLaughlin - Term to Expire on June 30, 2023, Jack Petropoulos - Term to Expire on June 30, 2024 as full members on the ZBA. Mr. Degen seconded the motion. Roll Call: Cunningham-aye; Degen-aye; Pine-aye; Manugian-aye; Reilly-aye

REPORT FROM SUSTAINABILITY COMMISSION

Ms. Alison Dolbear said that their latest project was a pollinator project at the Senior Center. She said that they started it last year and hoped to finish it next year. She said that they recently joined the Climate Change Committee and were now part of 11 towns who had joined, which made them eligible for possible grants for climate change. She said that they were busy working on the garden and were concentrating their efforts of that for the summer season.

Mr. David Southwick said he had joined the Committee and attended his first meeting. He said that he thought that the Sustainability Commission and Recycling Committee should be joined together as an idea he had. He said that sustainability started with the youth and should be promoting that. He said he thought it was an important committee and was excited to be involved.

Ms. Manugian said that some feedback from the Commission on projects would be helpful. Mr. Degen suggested talking to the Recycling Committee about merging to see if it made sense. Ms. Pine asked if the Commission asked for and/or received money from the Town budget. Mr. Haddad said that they did not receive money. Ms. Pine said that mosquito spraying alternative(s) might be something the Commission wants to work with the Board of Health on.

REPORT FROM GREENWAY COMMITTEE

Mr. Adam Burnett said that last year was a tough year for them. He said that Riverfest had been cancelled for the last two years adding it was their biggest yearly event. He said that they had four members currently and were certainly looking to add more or merge with another, as had been suggested under the last report with a committee, with someone like the Trails Committee. He said that Riverfest was a huge effort and required a lot of volunteers to plan it and run it. Mr. Burnett said that the old Nod Road dump had never been closed correctly but had been thinking of things they could do with that parcel. He said that trees had grown on top of the cap which had caused trash to be exposed and, in some cases, end up in Nod Brook. He said that they would like to work with the Trails Committees on possible opportunities as well as homeowners along the river front and possible vernal pools.

127 MAIN STREET - BEER AND WINE LICENSE APPLICATION PUBLIC HEARING

Mr. Haddad read the public hearing notice into the record at 7:45pm.

Mr. Degen moved to open the public hearing and continue it to the conclusion of this agenda item. Mr. Cunningham seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-aye

REPORT FROM GREENWAY COMMITTEE – Cont.

Mr. Degen said that the Nod Road dump was an important issue adding they should maybe look into a green communities grant or state/federal grants for doing an analysis. He said that this was an important issue. Mr. Degen said that they should reach out to Mass Fish and Game to identify habitats. Mr. Reilly said he appreciated the work that both the Greenway Committee and Sustainability Commission were doing. He said that they would keep advertising for help.

127 MAIN STREET - BEER AND WINE LICENSE APPLICATION PUBLIC HEARING – Cont.

Mr. Degen moved to reopen the public hearing. Mr. Cunningham seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-aye

Attorney Paul Alphen was present with Mr. Patel and Mr. Roma. He said that Indralock, Inc. was interested in selling beer and wine adding that their client had inquired about the sale of alcoholic beverages. He said that his clients would be TIPS certified and said that he had provided his clients with a copy of the ABCC regulations. He said that there was plenty of parking at the rear of the property.

Mr. Haddad said that the Board received comments from the Police Chief, Fire Chief and Building Commissioner in their packet relative to this application.

Mr. Cunningham asked that they would be doing inside the store to accommodate the inventory. Mr. Patel said that he wasn't going to renovate right now but instead use the existing coolers. Mr. Degen asked what percentage of the store would be dedicated to beer and wine. Mr. Patel said around 20-25%. He said he would get rid of some of the items that don't sell to make room for wine. Attorney Alphen said that Mr. Patel would also purchase a new cooler at some point too. Mr. Reilly asked if either had experience selling alcohol. Mr. Patel said he had worked in a store that sold beer and wine before. Mr. Cunningham asked if they had considered how many different types of beer and wine they would carry. Mr. Patel said that he was planning on starting off slow. Mr. Cunningham asked if the sale of alcohol had picked up, if he would change his business model. Mr. Patel said he was not sure what the future was going to mean. Mr. Haddad said that all employees needed to be TIPS certified as a point of order. Ms. Pine asked how long Mr. Patel had been the owner. Mr. Patel said he had owned the store since 2014 and had worked their prior. Ms. Pine said that one of the neighbors expressed concern with loss of grocery items and asked what he was going to stop selling. Mr. Patel said that he had dog and cat food that were not selling and would cut down on some of the candy he sold. Ms. Pine said that the license was going to list Mr. Roma as the Manager. Attorney Alphen said that Mr. Roma was the director of the business but would be the manager listed. Ms. Pine said that Mr. Roma would only be there 25% of the time and asked who would be there the other 75% of the time. Mr. Patel said he would be there the rest of the time. Mr. Roma said he had not been involved in the retail sales of alcohol before. Ms. Pine asked about the hours of operation. Mr. Patel said they would be open from 6:00am-9:30pm. Ms. Pine said she assumed they would like to do this to increase their business and asked about their parking expectation. Mr. Patel said that the parking would be enough adding the beer and wine customers would be after 4pm at which time the other businesses slowed and closed down. Mr. Cunningham said that there was also parking on the street and along the side of the building. Mr. Degen pointed out that if granted, the license would be limited to the area they occupy only.

Mr. Russ Harris said that Mr. Patel was a resident of the Town, had a child(ren) in the school system and thought it was important to know that having a good solid convenience store in the center of town was important. He encouraged the Board to help a local businessman to offer a solid service.

Ms. Manugian said that the size of the building was her only concern but had no issue with trying this out. Ms. Pine said that increased litter was raised at a prior hearing and asked the applicant what their plan was for proper disposal. Ms. Manugian said this was no different than debris from Dunkin Donuts. Attorney Alphen said that drinking on the premise was not allowed.

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

Ms. Pine asked if the letters of objection would be included in the record. Mr. Haddad said that they would include them with the minutes.

Mr. Cunningham moved that they grant a license for a new wine and malt off premise package store license for Indralock, Inc. with Mr. Romulo Roma as manager. Mr. Degen seconded the motion.

Mr. Reilly asked that extra care be given to not selling to underage children from the local schools that travel there on their bikes.

Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-aye

Ms. Pine's connection was interrupted at 8:12pm.

Mr. Cunningham offered an amendment to the previous motion to include hours of operation set as Monday-Saturday 8am-9:30pm and Sunday 10am-9:30pm. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-not available for this motion

Mr. Cunningham re-moved that they grant a license for a new wine and malt off premise package store license for Indralock, Inc. with Mr. Romulo Roma as manager with the hours of operation set as Monday-Saturday 8am-9:30pm and Sunday 10am-9:30pm. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-not available for this motion

OTHER BUSINESS

Mr. Cunningham said they had heard that the EPA might be able to provide some remediation to the GEMS site.

Ms. Pine reestablished her connection.

MINUTES

Mr. Cunningham moved to approve minutes of regularly scheduled meeting of July 12, 2021. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-aye

Mr. Degen moved to approve minutes of workshop meeting of July 19, 2021. Mr. Cunningham seconded the motion. Roll Call: Manugian-aye; Degen-aye; Cunningham-aye; Reilly-aye; Pine-aye

Ms. Manugian adjourned the meeting at 8:16pm.

Approved: _____
Peter S. Cunningham, Clerk

respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: