

# Select Board Meeting Packet

January 31, 2022

*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, JANUARY 31, 2022**  
**AGENDA**  
**VIRTUALLY ON ZOOM AND THE GROTON CHANNEL**  
**PURSUANT TO THE OPEN MEETING LAW**  
**ZOOM ID: 823 3479 0053**

- 7:00 P.M.      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. Update from Town Manager on COVID Protocols
  3. Update From Town Manager on Cost of Engineering Design Plans for Center Sewer District Improvements
  4. Consider Accepting the Town Manager's Nomination of Heidi Charlebois, Darlene Deschambeault and Sheila Devereaux for Appointment to the Trails Committee and Make Said Appointments
  5. Update on Fiscal Year 2023 Proposed Operating Budget
  6. Update on Select Board Meeting Schedule Through Spring Town Meeting
- II.      7:10 P.M.      Items for Select Board Consideration and Action
- (No Items for Consideration)
- III.      7:15 P.M.      Report from the Wild and Scenic Rivers Stewardship Council

### OTHER BUSINESS

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
- D. Bystander Training (Feb. 8<sup>th</sup>, Feb. 24<sup>th</sup> & March 16<sup>th</sup>)
- E. Mask Mandate
- F. Electric Car Charging Stations

### SELECT BOARD LIAISON REPORTS

- IV.      Minutes:      Regularly Scheduled Meeting January 24, 2022

### 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:** *January 31, 2022*

### 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 is one item scheduled on Monday's Agenda. Stacey Chilcoat of the Nashua River Wild and Scenic Stewardship Council will be in to provide the Board with an update of their activities. Enclosed with this report is the written report from the Council.
2. Town employees returned to work on January 31<sup>st</sup> and Town Hall returned to appointment only. All employees were tested when they returned to Town Hall. I will provide the Board with an update on any infections at Monday's meeting. In addition, the Center in West Groton has also opened and is offering limited services while complying with Social Distancing Guidelines. We will continue to monitor infection rates. At this time, I would like to keep the Town Hall at appointment only until the end of February. We can revisit this issue when the Board considers the issue of continuing remote meetings. I will provide the Board with any additional update at Monday's meeting.
3. Environmental Partners has estimated that the cost to design and put out to bid the improvements to the Center Sewer District to support our MassWorks Grant Application is \$385,000. I would respectfully request that the Board authorize and approve the use of ARPA funds for this purpose. As you will recall, the Board had previously authorized up to \$520,000 of ARPA Funds for Center Sewer District improvements. This expense is within that authorization. I look forward to discussing this with the Board in more detail.
4. The Trails Committee has requested that I nominate for appointment Heidi Charlebois, Darlene Deschambeault and Sheila Devereaux to the Committee. Please consider this as my nomination of these individuals for appointment. I would respectfully request that the Board accept these nominations and appoint them to the Trails Committee.
5. I have set aside time on the Agenda for the Board to discuss any follow-up from Saturday's Budget meeting.

**Select Board  
Weekly Agenda Update/Report  
January 31, 2022  
page two**

6. Please see the update to the Select Board's Meeting Schedule through the Spring Town Meeting:

Monday, February 7, 2022	Regularly Scheduled Meeting
Monday, February 14, 2022	Regularly Scheduled Meeting
Monday, February 21, 2022	No Meeting (Holiday)
Monday, February 28, 2022	-Review First Draft of the Warrant
Monday, March 7, 2022	Regularly Scheduled Meeting
Monday, March 14, 2022	-Public Hearing on Spring Town Meeting Warrant
Monday, March 21, 2022	No Meeting
Monday, March 28, 2022	Regularly Scheduled Meeting
Monday, April 4, 2022	Regularly Scheduled Meeting
Monday, April 11, 2022	-Finalize Warrant for 2022 Spring Town Meeting
Monday, April 18, 2022	No Meeting (Holiday)
Saturday, April 30, 2022	2022 Spring Town Meeting

**ITEMS FOR SELECT BOARD CONSIDERATION AND ACTION**

None as of the writing of this report.

MWH/rjb  
enclosures

## Update to Town Select Boards – November 2021

This report highlights some of the accomplishments in an exciting and productive first year of the Nashua, Squannacook, and Nissitissit Rivers Wild & Scenic Stewardship Council.

### Community Grants Program

In 2020, we kicked off the Community Grants Program that offers small grants to support projects demonstrating commitment towards protecting the rivers' resources and building local stewardship in accordance with the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan. We issued an RFP and application form in December and received many excellent applications. In April 2021, we awarded \$20,000 in funding to six projects. Grant recipients have made the following progress to date:

- Ayer Conservation Commission received \$4,800 for Public Education Signage for Ayer's Waterways and Ponds. This project will place attractive and informative signs along roads and on bridges to help residents and visitors see and appreciate the ponds and streams of Ayer. They have finalized the draft sign designs w graphic designer, set up QR code pages, identified and marked ten locations for signs, and worked with MA DOT to make sure sign designs meet all guidelines. They plan to install the signs by the end of October.
- Bolton Conservation Commission received \$2,550 for the Forbush Mill Still River Trail, which will connect a newly acquired 43-acre property to an existing sports field and parking area. An intern completed mapping and GPS tracking, created signage, and cleared the trail along Forbush Mill Road and the Still River. Temporary educational signs were installed. The Conservation Agent is finalizing the connection between the two properties by coordinating with adjacent property owners and installing permanent signage along the trail.
- Brookline Conservation Commission received \$3,300 for the Nissitissit River Tree Project. Funding will be used to plant maple trees along a section of the Nissitissit River to enhance the tree canopy and help maintain the coldwater fishery. The Commission is waiting to coordinate with a sidewalk installation project.
- Pepperell Select Board received \$4,000 to start up the Pepperell Invasive Plant Advisory Committee. The funded project has been completed and a final grant report submitted. The newly-formed Advisory Committee completed training in identification and management, purchased equipment for invasive plant removal, and finalized a Strategic Management Plan.
- The Town of Townsend received \$3,850 to protect the Squannacook River by restricting motor vehicle access along the riverbank at Adams Dam and encouraging pedestrian access from the public parking lot at Jefts St. Permitting has been completed, DEP file number obtained, and Orders of Conditions received. The Cemetery & Parks Department is preparing to begin gate installation.

- Townsend Historical Society received \$1,500 to support preservation and revitalization of the Spaulding Cooperage, a historical and cultural landmark on the Squannacook River. The Society has interviewed several historical architects in their search for a restoration contractor.

The Stewardship Council is offering the grant program again this year. Applications will be due on February 1, 2022. You may visit our website, [www.wildandscenicnashuarivers.org](http://www.wildandscenicnashuarivers.org) for more information.

### **Forest Legacy**

The Stewardship Council has submitted an application to the federal Forest Legacy Program (FLP). This program, administered by the U.S. Forest Service and The Massachusetts Department of Conservation and Recreation (DCR), identifies and conserves important forest areas threatened by conversion, through acquisition of conservation easements or fee interests.

Al Futterman, Project Coordinator for the Stewardship Council and NRWA Land Programs and Outreach Director, and Janet Morrison, Land Conservation Consultant, presented the proposal to the Massachusetts Forest Legacy Committee on July 21, 2021. The state committee endorsed the application, which was submitted for review at the national level on October 18, 2021.

The FLP application is by far the most intensive and impactful project undertaken by the Stewardship Council. The FLP Steering Committee reached out to landowners and identified almost 2,500 acres comprised of 25 tracts to include in the application, for a total land value estimated at \$14.4 million. Seven of the Wild & Scenic River towns have tracts included in this application. Many partners were involved in this effort, including the NRWA, watershed towns, local land trusts, DCR, and the Massachusetts Department of Fish and Game.

### **Other Highlights**

The Stewardship Council hosted Conservation Network Breakfasts, in which regional experts from state agencies and environmental businesses delivered well-received talks via Zoom for Conservation Agents and other conservation professionals. Topics included habitat protection, fluvial geomorphology, headwater streams, and Sucker Brook restoration in Pepperell.

Council members engaged in several land stewardship projects, including a brochure for riparian landowners, outreach and signage to control ATV use on conservation lands, an invasives "tool kit" for towns and interested citizen groups, and continued effort to identify a suitable canoe launch on the Nashua River in Ayer.

The March issue of the National Park Service's publication *River Currents* featured New England Partnership Wild & Scenic Rivers, including an article about our Shoreline Surveys on the Nashua, Squannacook, and Nissitissit Rivers.

The Council reviewed and approved comment letters from the NRWA on several local projects that affect our watershed, including support for fish passage in the FERC license renewal for the Mine Falls dam and repairs to the Jackson Mills dam in Nashua; and support for funding the National Park Service's budget for Partnership Wild & Scenic Rivers by the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies.

Council members also attended hearings for the Stratton Hill Subdivision in Ayer and the proposed restoration of approximately 180 acres of the Squannacook Wildlife Management Area to barren habitat by the Division of Fish and Wildlife.

The Stewardship Council meets every third Thursday of the month at 7:00, currently by Zoom. Meetings are open to the public. For more information, visit the Wild and Scenic Rivers website: [www.WildandScenicNashuaRivers.org](http://www.WildandScenicNashuaRivers.org).

Nashua River Wild & Scenic River Stewardship Council, c/o Nashua River Watershed Association, 592 Main Street, Groton, MA 01450 | 978-448-0299

**SELECT BOARD MEETING MINUTES  
VIRTUAL MEETING  
MONDAY, JANUARY 24, 2022  
UN-APPROVED**

**SB Members Present:** Rebecca H. Pine, Chair; 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 to the Town Manager; Melisa Doig, HR Director; Megan Foster, Principal Assistant Assessor, Patricia Dufresne, Town Accountant; Hannah Moller, Tax Collector/Treasurer

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

**ANNOUNCEMENTS**

Mr. Cunningham recognized the passing of John Walsh a lifelong member of the community. He said he was active in Groton as a Reserve Officer and a Firefighter/EMT and went on to run the EMS. He said his service was appreciated during those times. Mr. Cunningham said that the calling hours were going to be on Wednesday from 4-7pm at McGaffigan Funeral Home.

Ms. Pine read an email into the record from Anna Eliot regarding the Select Board's Executive Order to close the Senior Center to the public. Ms. Pine said by means of a response, the Select Board has no control over GELD, the Library, public schools or the Prescott Program. She said that the Fire Station and Police Station were open because they were essential services. She said that the Country Club has also ben closed. She said that as frustrating as it was to see programs cancelled, they continued some of the services such as meals on wheels and van services. She said that the seniors were a vulnerable population during this pandemic and their decision was done in an effort to protect public health. Mr. Cunningham said he agreed adding that the numbers were surging pretty dramatically when they made the decision to close the Center and Town Hall.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that while they continued to have employees infected with COVID-19, it appears to have hit a peak. Mr. Haddad said that they were scheduled to return to work on Monday, January 31<sup>st</sup>, unless the Board had an objection. He said that Town Hall would return to "Appointment Only" and the Center in West Groton would resume in-person programming on a limited basis on that date. Mr. Cunningham said that he thought this was a good plan. Ms. Pine said she agreed adding she assumed meetings would still be held on Zoom for the time being.
2. Mr. Haddad said that last week he had written the Board on a proposal to seek a MassWorks Grant this summer to make improvements to the Center Sewer District. He said he submitted an Expression of Interest to the Commonwealth of Massachusetts for such a project. He said he specifically stated that the Deluxe Property was being redeveloped into a mix-used development that would have both a business and residential component, including affordable housing. He said that they would need approximately \$4 million to complete the project and that the Town had already conducted a study to determine the need and had set aside a significant portion of its ARPA Funds for the project. He said that they would partner with the Developer of the Deluxe Property for a successful project. Mr. Haddad said that while there was no guarantee that it would be successful, the Commonwealth stated that there were a couple of state funding programs that may be able to fund this project, including the MassWorks Program, which funded the Four Corner Sewer Project. Mr. Haddad said that the Four Corners project was successful because it was shovel ready, had both a business and residential component and, most importantly, had a significant private contribution (Mickey Higgins contributed \$100,000 for the project and Dave Moulton contributed \$60,000). Mr. Haddad said that in order to be competitive, in the infrastructure category, the Feedback states that "the project will need to be advanced in design and permitting, while also leveraging a private development that is imminent and closely linked to the public improvements. He said that the Full Application would require details about shovel readiness, scope of construction work, project cost and timeline, etc., for both the public infrastructure projects and the specific private development." Mr. Haddad said that it was his understanding that this project would be submitted to the ZBA for a Comprehensive Permit sometime in February adding this would meet the permitting requirement.

Mr. Haddad said that the second criteria was that the project had to be shovel ready. He said he believed that it would make sense to use the ARPA funds to have Environmental Partners design the project and have it ready to go out to bid, while asking the Developer if they would provide a financial contribution to the project. Mr. Haddad said that since it would create housing, including affordable housing, and a potential business component (the property was in the GB Zone), he believed that this application would be highly competitive. Mr. Haddad said that they could go to

Town Meeting in the Spring with an article appropriating the \$4 million, but have it contingent on receiving the Grant. He said that this was exactly what they had done with the Four Corners project and it did not cost the tax payers or rate payers one dime. Mr. Haddad said that he had met with the Sewer Commission and Developer and they had both indicated their interest in pursuing this plan. Mr. Haddad said that he asked their Sewer Engineer to develop an exact cost estimate on designing the project. He said he was very excited about the prospects of this grant and hoped the Select Board would support pursuing said grant.

Mr. Degen said that a public/private partnership in this was important but thought the developer needed to put some skin in the game on this also adding they should match the Town's portion to upgrade this pump station. Mr. Cunningham said he was also in favor of this and thought they should start the process. Ms. Manugian said she also agreed and asked what the timeframe was on a design cost. Mr. Haddad said he was waiting for the design cost still and would bring it forward to the Board as soon as he received it. Mr. Haddad said regardless of the new development coming at the Deluxe property, the pump station would have to be upgraded eventually. Mr. Haddad thanked the Board adding he was excited to start this process.

3. Mr. Haddad said that the Agreement between himself and the Town was due to expire on June 30, 2022. He said that according to Article 1(B) of the Agreement, "the Board shall notify the Employee in writing on or before February 15, 2022, whether or not it intends to renew this Agreement. Failure of the Board to give such written notice shall result in automatic renewal of the Agreement for a one-year period, subject to appropriation and the availability of funds. Should this Agreement be automatically renewed, the same terms and conditions shall apply unless modified by written agreement of the parties." Mr. Haddad respectfully requested that the Board consider renewing this Agreement and enter into negotiations with him for a new three (3) year Agreement.

Mr. Degen said he thought Mark had done a good job and that his work warranted them to open negotiations for up to a 3-year contract.

*Mr. Degen moved to open negotiations with Mr. Haddad for up to a 3-year contract. Mr. Cunningham seconded the motion.*

Ms. Pine asked the Board to read the existing contract and gear up to negotiating. She thought they could wait until he was done negotiating with the unions when some of his time freed up. Mr. Degen said that their negotiations with the Town Manager could be used as a template with union negotiations.

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

Ms. Pine said that they should meet in executive session by themselves to discuss negotiations sometime in the next couple of weeks.

4. Mr. Haddad said that the Recycling Committee had requested that he nominate Nancy Ohringer for appointment to the Committee. He asked the Board to consider this as his nomination of Ms. Ohringer for appointment and respectfully requested that the Board accept this nomination and appoint Ms. Ohringer to the Recycling Committee.

*Mr. Degen moved to appoint Nancy Ohringer to the Recycling Committee term to end June 30, 2022. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Cunningham-aye; Degen-aye; Pine-aye*

5. Mr. Haddad said that with regard to the FY 2023 Proposed Operating Budget, he noted that the Board would be meeting in Joint Session with the Finance Committee on Saturday, January 29, 2022 beginning at 8:30a.m. He said that the meeting would be broadcast on Zoom. He asked the Board if they needed anything prior to Saturday. The Board was all set.
6. Mr. Haddad provided the Board with an update on their meeting schedule. Ms. Pine that if the Board wanted to hear a report from any committee, to let her know.

#### **SELECT BOARD ITEMS FOR CONSIDERATION**

1. Mr. Haddad said that he, Town Counsel, and Ms. Dunbar had concluded Negotiations with UC Retail, LLC and New England Craft Cultivators on Host Community Agreements. Mr. Haddad said that should the Board find them acceptable, he respectfully requested that the Board vote to approve them and authorize him to sign them. Mr. Haddad said that they would receive a payment of \$1,500 from each vendor to help cover Town Counsels costs. He said that they had agreed upon a 1.5% impact fee for the five years of the agreement, unless the law changed and

found these impact fees not allowable. He said that this would be in addition to the 3% tax the Town would get from sales. Mr. Haddad said that the only difference between the 2 was wording having to do with the potential zoning change for the proposed location at Mill Run Plaza.

Ms. Pine said she was concerned about the vendors having in person outreach meetings because they did not allow public meetings themselves just yet and asked what the timeline was for them holding their community outreach meetings. Mr. Haddad said that he would ask the vendors but said it was the vendors meetings. Mr. Degen said that they could hold a webinar.

Mr. Degen said that with the 1.5% impact fee, the amount the Town would see would be less than anticipated. He said that if the court overturned the impact fee, he asked if the Town would retroactively owe the vendor back. Mr. Haddad said no. Mr. Degen said that language should be added to that effect then. Mr. Haddad said he was not counting on any revenues until next year adding he was very conservative in his estimates going into FY24.

*Ms. Manugian moved to approve the 2 host agreements with UC Retail, LLC and New England Craft Cultivators and authorize the Town Manager to execute them on their behalf. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Cunningham-aye; Degen-aye; Pine-aye*

2. Mr. Haddad said that as requested, Town Counsel had drafted a Warrant Article to amend the Marijuana Zoning Bylaw to change the 500-foot requirement from property boundary to door to door. He said that should the Board find it acceptable, he respectfully requested that the Board vote to add the Article to the 2022 Spring Town Meeting Warrant and authorize him to send it to the Planning Board to hold a hearing.

*Ms. Manugian moved that the Board vote to add the Article to the 2022 Spring Town Meeting Warrant and authorize the Town Manager to send it to the Planning Board to hold a hearing. Mr. Cunningham seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Cunningham-aye; Degen-aye; Pine-aye*

Ms. Manugian said the way it was written, if a preschool wanted to open, would it be prohibited. Mr. Haddad said that the cannabis would have been there first in that case so they couldn't open a preschool.

3. Mr. Haddad respectfully requested that the Board appoint Diane Carson as the Alternate Representative to the Wild and Scenic River Stewardship Council.

*Mr. Cunningham made a motion to appoint Diane Carson as an Alternate Representative to the Wild and Scenic River Stewardship Council. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Cunningham-aye; Reilly-aye*

## **OTHER BUSINESS**

Ms. Pine said that they had a request from Mr. Degen to reconsider the date for the Spring Town Meeting. Mr. Degen said that the April 30<sup>th</sup> date was a problem for him and could not make it work after all. He said that he could not change his plans and wanted to be there for Town Meeting. He asked if they could move the date of Town Meeting. Ms. Pine said that the date of the election changed when they moved the date of Town Meeting. She said that they needed to stick with a Saturday with the possibility of having to hold it outdoors. Mr. Haddad said that moving it to the 7<sup>th</sup> of May, put the election out to May 31<sup>st</sup>, which caused issues setting up for Town Meeting. Mr. Haddad said that Mr. Bouchard had already notified the State and put an ad in the newspaper therefore he needed to know the Board's decision as soon as possible.

Ms. Pine said that there had been times in the past where not everyone had been there. She said that their positions were registered ahead of time. Ms. Pine said she wished they could accommodate him, but thought there were some logistical issues with moving it. The Board decided to stick with the date of April 30<sup>th</sup>.

Ms. Pine said that Mike Sulprizio was appointed to the Finance Committee last week and pointed out that there were now 3 Finance Committee members serving on the Capital Planning Advisory Committee. She said that this was something they had never discussed and wanted to put this discussion on a future agenda and see if the makeup of the Capital Planning Advisory Committee should be changed.

## **ON-GOING ISSUES**

C: Mr. Haddad said that they were starting to estimate the cost of the Flo Ro project and were starting to see some effects of Covid. He said that the track money set aside might not be enough. He said that he may consider going back to the CPC and

asking them for additional funds through an out of cycle application. He said he would have a further update at a future meeting but wanted to let the Board know what they were seeing already. Ms. Pine said she was in favor of asking the CPC.

D: Mr. Haddad said that Ms. Dunbar had done a great job with Bystander training adding they had issued a press release for the training.

E. Mr. Haddad said that The Board of Health would be meeting on February 7<sup>th</sup> to discuss the mask mandate as it was due to expire on February 10th.

**MINUTES**

*Mr. Cunningham moved to approve the minutes of the special scheduled meeting of January 5, 2022. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Degen-aye; Cunningham-aye; Pine-abstain*

*Mr. Degen moved to approve the minutes of the regularly scheduled meeting of January 10, 2022 as written. Mr. Cunningham seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Degen-aye; Cunningham-aye; Pine-aye*

Ms. Pine adjourned the meeting at 8:08pm.

Approved: \_\_\_\_\_  
Peter S. Cunningham, Clerk

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

Date Approved: