

**BOARD OF SELECTMEN MEETING
MINUTES MAY 12, 2014
APPROVED**

Present: Peter S. Cunningham, Chairman; Josh A. Degen, Vice Chairman; Anna Eliot, Clerk; Stuart M. Schulman,

Absent: John G. Petropoulos

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Cunningham called the meeting to order at 5:00pm.

Mr. Haddad said that Old Groton Meeting House Advisory Committee was working towards getting the First Parish Church on the National Historic Register. He said that he had drafted a letter of endorsement and asked the Board to approve it. Mr. Cunningham asked if there were any downsides to putting it on the National Register. Mr. Allen King said there were no drawbacks unless they wanted to tear it down.

Mr. Cunningham said he would entertain a motion to authorize the Chairman to sign a letter to petition having the Old Groton Meeting House on the National Historic Register. Mr. Degen made the motion. Ms. Eliot seconded the motion. The motion carried unanimously.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that he had placed a discussion on the Open Meeting Law on the agenda at the Chairman's request. Mr. Haddad read Town Counsel's email into record. Mr. Cunningham said that a complaint had been filed by Mr. Art Campbell of the Groton Line. He said since the fire occurred at Blood Farm there had been outpouring of support by many. He said that he had contacted members of the Board individually, unbeknownst to the Blood Farm family, to ask if they would be in favor of waiving the building permit fee. 2 members were not in favor of the gesture and the issue died at that point. He said that if everyone thought it was a good idea, he would have taken it to the next step. His attempt was to identify a tangible level of support. Mr. Cunningham said that he would freely admit if there was a technical violation of the Open Meeting Law but didn't feel as if there was. He said that in the 24 years he had served on various Boards and Committees he had never violated the Open Meeting Law. He said that the Board has been asked to make a determination and follow-up with the Attorney General's (AG) office. Ms. Eliot said that she would like to see Town Counsel's determination. Mr. Haddad said that the Board needed to determine whether there was a violation or not and forward that to the AG. Mr. Degen asked if they needed to discuss the alleged violations in the complaint. Mr. Cunningham read aloud the complaint that had been filed by Mr. Campbell.

Mr. Degen said that Mr. Cunningham's description was very accurate. He said that he did tell Mr. Cunningham that he didn't want to discuss this outside of an open meeting adding that he thought the intention was very good but didn't want to discuss it further outside of an open meeting. Mr. Schulman said that no good deed goes unpunished. He said he thought this was the biggest to do over nothing. He said that the idea that a Board of Selectmen member can't contact him to bounce an idea was unthinkable. He said that he didn't see how this was a violation. Ms. Eliot said that she was all for an open and transparent governance and didn't remember an issue with waiving the Groton Electric Light Department permit fee. Mr. Cunningham said that waiving the fees was an admin function. Mr. Haddad said that he was the only one that could waive fees. Mr. Degen said that he didn't think this was going to hit their agenda because they didn't have jurisdiction. Mr. Cunningham said that he hadn't given it much thought because it didn't percolate into anything. Mr. Schulman said that he had asked the Town Clerk to send him the Open Meeting Law. He said that he was not a lawyer and admitted that he had a hard time figuring out the language but surmised that a deliberation was defined as done by a majority of the Board. Mr. Cunningham said that they could invite the Town Clerk into a meeting to discuss the Open Meeting Law. Mr. Haddad said that he didn't think a serial deliberation occurred. Mr. Cunningham said that he didn't want to draw Blood Farm into this. Ms. Eliot said that she was not qualified to make a determination adding that they should ask the AG in to conduct a workshop on the Open Meeting Law. Mr. Degen said that he didn't support this adding

that he didn't want to make a determination against himself. Mr. Cunningham said that it was against him. Mr. Degen said that based on that he supported going to the AG.

Mr. Schulman moved that they inform the AG that they don't understand the law enough to render a judgment and if they felt it necessary they could come in and educate the Board. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Haddad reiterated that he was the only one that could waive fees and only waived fees for town departments and the Housing Authority. Mr. Haddad added that the Groton School, Lawrence Academy and 128 Main Street either paid their fees or will have to pay fees.

2. Mr. Haddad said that the First Parish Church had requested a one day beer and wine license for Saturday, May 31st from 7pm-10pm for an Evening of Storytelling for Grown-ups. He asked the Board to approve the request.

Mr. Degen moved to approve the one day beer and wine license for the First Parish Church as explained by the Town Manager. Ms. Eliot seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that he was going to ask the Board to withdraw article 22 that night. There were no other Town Meeting related issues to discuss.

TARBELL SCHOOL

Mr. Rasmussen said that he and his partner wanted to come to an amicable agreement with the Town over the termination of the purchase and sale agreement. Mr. Rasmussen thought that \$3,000 was a fair amount given all the hours they had put in and testing they had done. Mr. Degen asked if that was \$3,000 of the deposit. Mr. Rasmussen said that it was in addition to the original deposit of \$5,000. Mr. Degen asked if they would be able to use the reports. Mr. Rasmussen said "yes." Mr. Cunningham asked if they were aware going into this that there would be some sort of out of pocket expenses they would have to make. Mr. Rasmussen said that he hoped the Board would see this as a fair offer. Mr. Cunningham asked if the Town had the money. Mr. Haddad said that they would probably need to request a reserve fund transfer from Finance Committee. Mr. Degen said that Country Kids was a good partner and good business but looked at this as a business deal. He said that inspections had been done prior to him buying his home adding that he knew they needed to spend tens of thousands of dollars they couldn't recover. He said that he understood how much they had spent but business is business and he wasn't in a position to spend taxpayer money. Mr. Schulman said that it sounded as though reports would be useful and could potentially sell them to the next buyer and re-coop taxpayer money. Mr. Schulman said that he was in favor of buying the reports. Mr. Schulman said that he was asked by Mr. Petropoulos before he left to relay his opinion which was that they shouldn't pay for the reports but maybe they could buy them at a later date. Ms. Eliot said she didn't mind paying for reports. Mr. Cunningham asked if the reports were time sensitive. Mr. Rasmussen said that he was unsure.

Mr. Schulman moved to accept the applicants offer for them to purchase for \$3,000 the reports and terminate the purchase and sale amicably. Mr. Degen seconded the motion and asked if it could be done in 2 motions. Mr. Schulman retraced his motion.

Mr. Schulman moved to purchase the reports for \$3,000 (asbestos survey and fuel tank report) and authorize the Town Manager to seek a reserve fund transfer from the Finance Committee subject to receipt of copies of the invoices. Ms. Eliot seconded the motion.

Ms. Eliot asked about the invoices. Mr. Rasmussen said that one invoice was for \$2,200 for the asbestos report but there was no charge for the fuel report.

Mr. Schulman moved to modify his original motion for an amount not to exceed \$2,200 based on this new information. Ms. Eliot seconded the motion.

Mr. Degen asked if the purchaser was willing to accept the offer and withdraw without prejudice. Mr. Rasmussen said that he would have to check with his partner.

The motion carried 3-1 in favor with Mr. Degen opposed.

Mr. Haddad said that Town Counsel recommended that they return the \$5,000 deposit. Mr. Degen asked if they terminate the purchase and sale would the \$5,000 be: 1.) Contingent on approval of the \$2,200 reimbursement and 2.) would they withdraw without prejudice.

Mr. Schulman moved to terminate the purchase and sale agreement and refund the \$5,000 deposit contingent upon agreement of \$2,200 being accepted by the buyer and withdrawing without prejudice mutually. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Rasmussen added that he was in favor but would need to hear from his partner.

MINUTES

Mr. Degen moved to approve the Regular Session meeting minutes of April 7, 2014. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Cunningham said that he would entertain a motion to approve the Executive Session meeting minutes of April 14, 2014 and not release. Mr. Schulman made the motion. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Degen moved to adjourn to Town Meeting at 5:53pm. Mr. Schulman seconded the motion. The motion carried unanimously.

Approved: _____

Anna Eliot, Clerk

respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 6/2/14