

**BOARD OF SELECTMEN MEETING  
MINUTES JULY 14, 2014  
APPROVED**

**Present:** Josh A. Degen, Chair; Anna Eliot, Vice Chair; Stuart M. Schulman, Clerk; Peter S. Cunningham, Member; John G. Petropoulos, Member

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

Mr. Degen called the meeting to order at 7:00pm.

**TOWN MANAGERS REPORT**

1. Mr. Haddad said that it was time to call for the 2014 Fall Town Meeting and recommended that the Town Meeting be held on Monday, October 20, 2014. He also requested that the Board vote to open the warrant that day and close it on August 28<sup>th</sup>.

*Mr. Cunningham moved to call for the 2014 Fall Town Meeting to be held on Monday, October 20, 2014.*

*Mr. Schulman seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to open the warrant that evening, Monday, July 14, 2014 at 7:10pm and close the warrant on Thursday, August 28, 2014 at the close of business. Mr. Schulman seconded the motion. The motion carried unanimously.*

Mr. Haddad asked the Board to consider putting the meals tax option on the warrant as well as to consider the sale of the Prescott School. Mr. Cunningham asked that that meals tax option discussion be added to a future agenda. Mr. Degen asked that the local businesses be contacted and invited to attend the meeting where this was to be discussed.

2. Mr. Haddad said that there were a couple of line items transfers that the Finance Committee had determined necessary to close out the FY14 budget. It was requested that \$632 be transferred from Library General Expenses to Library Salaries and \$401 be transferred from Police and Fire Communication General Expenses to Police and Fire Communication Wages.

*Mr. Schulman moved that the requested \$632 and \$401 be transferred to the appropriate accounts as described. Mr. Cunningham seconded the motion. The motion carried unanimously.*

3. Mr. Haddad said that the Finance Committee had 2 open seats with the resignation of Mr. Steve Webber (whose term was due to expire on 6/30/15) and Mr. Joseph Crowley (whose term was due to expire on 6/30/2016). The Finance Committee had met with both Mr. Prest and Mr. Bacon on July 8<sup>th</sup> and was recommending to the Board that these 2 gentlemen be appointed to the Finance Committee. Mr. Haddad said that he had received notice on Friday from another candidate interested in serving on the Finance Committee; Marlena Gilbert. Mr. Degen said that the Finance Committee had met and made their recommendation and in fairness to Mr. Bacon, who was not present that evening and expecting to be appointed he wanted to hear from the Board. Mr. Schulman said that the typical procedure would be to hear from the committee making the recommendation. Mr. Gary Green said that the Committee had not had an opportunity to interview Ms. Gilbert adding that the committee unanimously voted at their last meeting to recommend that Mr. Bacon and Mr. Prest be appointed. He said that they had interviewed 2 extremely qualified candidates adding that there would have to be a compelling reason for him to change his decision at this point. Mr. Petropoulos said that he preferred to have the committee make the recommendation but asked if the committee could get together again and interview. Mr. Bud Robertson said that he didn't think it was whether they could get together but didn't think it was the right way to do this. Mr. Cunningham said he tended to agree adding that they should look at their policy moving forward. Mr. Degen asked that this be added to their goals and objectives meeting and asked that that meeting be scheduled.

*Mr. Cunningham moved to appoint Mark Bacon to the Finance Committee with a term to expire on June 30, 2015. Ms. Eliot seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to appoint Arthur Prest to the Finance Committee with a term to expire on June 30, 2016. Ms. Eliot seconded the motion. The motion carried unanimously.*

4. Mr. Haddad said that he had great news for the Board. He said that they had recently gone out to bond to refinance an existing debt and for \$2M for GELD's construction of their new building for an amount totaling \$3.9M. He said that the Bond Agency tells you where you stand as far as health, growth, etc. of the Town. He said that the crises with the School District and how the Town was able to handle it gave the Town the bond increase to AAA. He said that the local economy was strong, the strong budgetary flexibility, the strong budgetary performance, the very low reliability on state aid and the very strong management conditions, strong revenue, monitoring throughout the year and the long-term capital plan were factors that helped them achieve the highest bond rating. He thanked his finance team adding it was great news for the Town. Mr. Degen congratulated the finance team and Mr. Haddad for all the hard work. Tax Collector/Treasurer, Mr. Michael Hartnett, said that with the AAA bond rating, he went out to the Bond Market and received 5 bids that day on the bond. He said that with the Board's approval they could accept the low bid with an interest rate of 2.43%. He said that with this low rate, they could save \$162K and actually received \$4,033,573 which would pay for things like the underwriter, bond counsel, printers etc. He said that a vote of the Board that night was required to get this moving the next day. Mr. Haddad said that the Board would be voting to sell the bonds.

*Mr. Cunningham moved to authorize the sale of the bonds to the winning bid of 2.43% received by Robert Baird of Eastern Bank. Ms. Eliot seconded the motion. The motion carried unanimously.*

5. Mr. Haddad said that there were 3 individuals interested in serving on the Pipeline Working Group; Richard Hewitt, Dennis Eklof and Bob Ordemann. He also said that the Conservation Commission had recommended that Peter Morrison be appointed to the Working Group as the representative from the Conservation Commission with Takashi Tada to serve as back-up for any meeting held during the day.

*Mr. Cunningham moved to appoint Peter Morrison of the Conservation Commission to the Pipeline Working Group with Takashi Tada as backup. Ms. Eliot seconded the motion. The motion carried unanimously.*

Mr. Degen said that because Mr. Eklof was the only one present, he invited him to explain to the Board was he was interested in serving. Mr. Eklof said that he was currently serving as a representative on the Intertown Working Group with Mr. Schulman. He said that he was interested in serving as he was against the pipeline and had a lot of knowledge and background in the subject matter. He said that he had been in the energy business for 40 years and brought a lot of background with him. Mr. Cunningham said that he was familiar with Mr. Eklof's experience. Mr. Petropoulos said that he found his knowledge and informed objection quite valuable. Ms. Eliot said that all applicants were dedicated to the dilemma they were facing. Ms. Eliot asked Mr. Eklof how he would guide them. Mr. Eklof said that with 6 Governors in favor and a long term investment to be made by Kinder Morgan he thought they needed to think logically and about what they could do such as alternatives available to them. Ms. Schulman said that he had been working with Mr. Eklof on the consortium with the other towns and said that there could be some overlap which might be helpful. Mr. Degen said that Mr. Eklof would serve the working group well.

*Mr. Cunningham moved to appoint Dennis Eklof to serve as a member at large position on the Pipeline Working Group with a term to expire on June 30, 2015. Ms. Eliot seconded the motion. The motion carried unanimously.*

Mr. Schulman said that he along with Mr. Eklof and other municipal officials had had 2 meetings so far which had about 10 towns representation. He said that they had come up with their mission statement, and

held elections to which he was elected to be a co-chair along with Andy Sheehen, Town Administrator of Townsend. He said that they had also discussed and agreed to send a letter to FERC asking them to delay the process until the Town's gather more information. He said that they had also established a sub-committee to gather and make information available to everyone. He said that their next meeting was scheduled for Monday morning at the Tynngsboro Town Hall at 10am. Beverly Woods would be at their next meeting to discuss the pre-approval process. Mr. Nick Miller asked if it was safe to assume they had no budget. Mr. Schulman said yes, they were all just volunteering their time.

6. Mr. Haddad said that there had been a request made by a resident in Groton for the Board to deny Kinder Morgan permission to survey property owned by the Town to include right-of-ways. Town Counsel, David Doneski, said that they could deny access but it would be more symbolic than anything else. Mr. Degen asked if surveying on Conservation land would require them to vote to deny or allow access. Mr. Haddad said yes, the Board only needed to vote on the roads and right-of-ways. Ms. Diane Hewitt said that the School District had voted to rescind prior authorization allowing them access. Mr. Petropoulos said that he had concerns denying access on public property. He said that he supported the efforts but thought it set precedence and couldn't support this. Mr. Cunningham said that he thought they could add that Kinder Morgan needed to provide FERC with an alternative which they had not done thus far. He said that he supported the measure to deny access.

*Mr. Schulman moved that they deny access to the public roads and right-of-ways to Kinder Morgan. Mr. Cunningham seconded the motion. The motion carried 4-1 in favor with Mr. Petropoulos opposed.*

7. Mr. Haddad said that a Request for Proposal for Real Estate Marketing Services had been issued in the late spring which received no responses. He said that because it was under \$25K quotes could be requested. He said that the working group decided to contact 10 realtors and remove some of the language in the RFP had generated a bid from John Carver, broker/owner of E-Realty. He said that the broker would be responsible for listing the properties in MLS and Loopnet and would receive a 5% or \$5K (whichever was greater) commission should that individual successfully sell either the Prescott and/or Tarbell School buildings. He asked the Board if 1 bid was enough or if they wanted him to proceed differently. He added that there was a clause in the RFP that if the Town had already brought a buyer to the table and it was decided that that buyer was the one to purchase the building, they did not have to pay the realtor a commission. Mr. Degen said that he didn't see a downside to accepting the bid. Mr. Cunningham asked how the commission would be paid. Mr. Haddad said that the money would have to be appropriated at Town Meeting. Mr. Cunningham asked if Mr. Carver had commercial experience. Mr. Haddad said that that was one of the requirements removed. Mr. Petropoulos said that in full disclosure, Mr. Carver was the one who brought this issue forward at Town Meeting. Mr. Haddad said that the commission didn't get paid until closing. Ms. Eliot said that they had a potential buyer and wanted to be able to put this on the Fall Town Meeting warrant. She said that the bid needed to be timely at least for Prescott. Mr. Haddad said that Mr. Yanchenko has kept his bid on the table adding that this bid could still be used. Ms. Marlena Gilbert said that a marketing company, like the one selling homes at Academy Hill, was a less costly option.

*Mr. Cunningham moved to accept the RFP for Marketing Services identifying John Carver as the bidder. Mr. Schulman seconded the motion.*

Mr. Cunningham added that he would like to learn more about a marketing company vs. a real estate broker.

*The motion carried unanimously.*

8. Mr. Haddad said that the Groton Dunstable Superintendent had reached out to him expressing a desire to work collaboratively with Groton and Dunstable Town Officials to review the districts and town's priorities and budget. He said that the suggested makeup of the committee was the Superintendent, Director of Business and Finance, Chairperson of the School Committee, A Representative from the Budget and Finance Sub-Committee (GD School Committee Member), A Representative from the Groton Board of

Selectmen, A Representative of the Dunstable Board of Selectmen, A Representative from the Groton Finance Committee, A Representative from the Dunstable Finance Committee and the Town Manager of Groton and Town Administrator from Dunstable. He said that the only thing he would request was additional meetings during budget season. Mr. Cunningham agreed adding that more frequent meetings were important. Mr. Degen agreed adding that they needed to be proactive with their needs. Mr. Haddad said that at the first meeting on September 24<sup>th</sup> all of this could be discussed. Superintendent Rodriguez was open to suggestions. Mr. Robertson, the representative to serve on behalf of the Finance Committee said that he thought quarterly reviews of the FY15 budget should be done too. Mr. Cunningham said that he agreed. Mr. Haddad also agreed adding that this would also help them plan for FY16. Mr. Haddad asked the Board if they wanted to designate an individual to serve. Ms. Eliot said that she could as the GD School liaison. Mr. Degen said that he was happy to do it as well.

*Mr. Schulman moved to appoint Mr. Degen to the Tri-Board Budget Committee. Mr. Cunningham seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.*

9. Mr. Degen said that the Board was in receipt of a letter from the Attorney General regarding a complaint filed citing an Open Meeting Law violation. He said that Town Counsel had reviewed the complaint and didn't think a violation had occurred but the Attorney General's office thought differently. They said that the Board did in fact violate the Open Meeting Law adding that Mr. Cunningham the Chair at that point, had brought forward an idea to waive building permit fees for a local business and should not have done so in the manner in which he did. Mr. Degen said that the Attorney General decided to take no action and felt that Mr. Cunningham had taken action to correct the wrong doing. Mr. Cunningham said that he took no exception, that he wouldn't dispute the Attorney General adding that there was always room for improvement in their operation. Mr. Degen said that there was Open Meeting Law training available and proposed that a representative from the Attorney General's office be contacted to come out and provide that training. He said that maybe the training could be attended or viewed by a video. He thought that anyone that served on a Board, Committee or Commission should be required to complete this. Mr. Cunningham thought they could be invited to attend. Mr. Degen said that a couple of members had expressed concern and why he suggested watching a video in place of attending training. Mr. Cunningham said that when volunteers take an oath they are being asked to comply with the Open Meeting Law and didn't see a need for everyone to participate in training. Ms. Eliot said that she didn't mind training but was sure about making it mandatory. Mr. Green said that the Open Meeting Law wasn't obvious adding that it was critical that training be made available. Mr. Prest said that he would like to see training where questions could be asked.

*Mr. Cunningham moved to reach out to the Attorney General's office – Division of Open Meeting Law to arrange for a training session. Ms. Eliot seconded the motion.*

Mr. Petropoulos amended the motion to include that all Boards and Committees be made to attend or view the training. Mr. Cunningham said that he would not support the amendment. Mr. Petropoulos withdrew the amendment.

*The original motion made by Mr. Cunningham carried unanimously.*

*Mr. Degen moved that the Attorney General's office offer training and that it be required that the training be attended or viewed via video tape by all Boards and Committees and a form be returned to the Town Clerk as evidence of compliance. Mr. Petropoulos seconded the motion.*

Mr. Haddad asked if they wanted all support personnel to also be required to complete the training.

*Mr. Degen amended the motion "to include all support personnel." Mr. Petropoulos seconded the amendment.*

Mr. Haddad asked how they Board could compel other elected Boards to do something like this.

*Mr. Degen withdrew his original motion and moved that any Board of Selectmen or Town Manager appointed Board, Committee or Commission and support staff attend or view videos on Open Meeting Law training and provide a form back to the Town Clerk as evidence of compliance. Mr. Schulman seconded the motion.*

Mr. Schulman asked that “any elected that chooses also” be added.

*The motion carried 4-0-1 in favor with Ms. Eliot abstaining.*

### **LIAISON REPORTS**

Mr. Degen said that he had an update in regard to creating a communications officer. He said that he and the Town Clerk had met a couple of times and thought that the Town Manager should communicate to the press through his position and they shouldn't speak on his behalf. Mr. Degen added that he was exploring other ways of getting information out these.

### **OTHER BUSINESS**

Mr. Haddad said that the Lost Lake Sewer Advisory Committee had a meeting that day to discuss the future of the Committee. He said that the consensus was that they needed to continue but as the Lost Lake Watershed Committee and impacts of the entire watershed needed to be looked at. He said that the current committee was willing to continue to serve. He said that they would like to expand the committee to 7 members adding that interest forms should be submitted to the Town Manager's Office by July 28<sup>th</sup>.

Mr. Haddad said there was a scrivener's error in the minutes of June 10, 2013. He said that Mr. Jay Prager and Ms. Alison Manugian were appointed to 3 year terms at that meeting but it wasn't recorded correctly. He asked the Board to reaffirm those appointments effective July 1, 2013 with a term to expire on June 30, 2016.

*Mr. Schulman made the motion. Mr. Cunningham seconded the motion. The motion carried unanimously.*

### **MINUTES**

*Mr. Cunningham moved to approve the Executive Session meeting minutes of June 23, 2014 and not release. Ms. Eliot seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to approve the Regular Session meeting minutes of June 23, 2014. Ms. Eliot seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to adjourn at 9pm. The motion carried unanimously.*

Approved: \_\_\_\_\_

Stuart Schulman, Clerk

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respectfully submitted,  
Dawn Dunbar, Executive Assistant

Date Approved: 9/8/14