

**BOARD OF SELECTMEN MEETING  
MINUTES AUGUST 18, 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 5:12pm.

Mr. Degen said they were present to discuss their goals and objectives.

Mr. Haddad said that he thought they had continued to improve on the structure of government and continued to improve upon the delivery of services. Mr. Petropoulos asked how the goals were measured. Mr. Haddad said that they measured their goals by doing what they were supposed to be doing. Mr. Schulman said that they measured their goals by reaching their benchmarks. Mr. Petropoulos asked if they had a measurement of cost savings. Mr. Haddad said that it was hard to do that this year with having to fund the school budget. Mr. Cunningham added that they had received a AAA bond rating which could be used as a measurement. Mr. Petropoulos agreed it was a response to a fiscal crisis was that there had to be a way to measure adding that they couldn't go back to the tax payer and say they saved anything. He said that goals needed a measureable outcome to be effective. Mr. Cunningham said that they used free cash to offset the tax rate. Mr. Haddad said improving services takes spending money sometimes. He said that how they deliver services was not always a cost savings. He said that not everything they do is always a measureable.

Mr. Schulman said that he was not crazy about the structure of the document. Mr. Degen asked what he would like to see changed. There was discussion about adding a way to measure the goal and a strategy for being able to measure it.

Mr. asked where they were with committees. Mr. Haddad said that they had eliminated a few and renamed some. Mr. Cunningham thought the PILOT program should be a goal.

Mr. Haddad said that communication with the public was difficult to measure. He said that they had set up a Twitter account, improved the website and the categories on the pages. Mr. Petropoulos agreed that it was tough to measure adding that he also agreed a lot had been done to improve communication with the public.

Mr. Haddad said that they had completed 50% of their Natural Resources Improvements goal with the treatment of Lost Lake. Ms. Eliot said that she would like a review of the Surrenden Farm Management Plan to be added as a goal. Mr. Haddad agreed that the management plan needed to be updated.

Mr. Haddad said that the Affordable Housing Production Plan had been approved by DHCD and Ms. Stanley had done a great job marketing the affordable housing units. He said that they continued to make steps towards their housing numbers. Mr. Schulman suggested that this goal be expressed by percentage rather than a one year goal.

Mr. Haddad said that they were very close to reaching their goal of selling town-owned buildings. He said that they had sold the old Fire Station, Squannacook Hall and were only 8 votes away from selling Prescott School. He said that the Planning Board was brining several zoning changes to Town Meeting which would expand the Town Center Overlay District to include Prescott. Mr. Cunningham added that they had also had discussion about municipal parking.

Mr. Haddad said that with the category Town Infrastructure they had reinstated the Lost Lake Sewer Advisory Committee as the Lost Lake Watershed Advisory Committee to continue to look at issues in the watershed. They

had also taken steps to improve things at the Country Club. He said that they finished last FY with the same deficit but so far this year pool memberships and camps were up 40% from last year. He said that they had also brought in a consultant to help market golf. He added that functions were up to adding that he had hired Ruth Stevens to redo the bride room and bathroom to help bring in more functions.

Mr. Petropoulos asked about underground utilities. Ms. Eliot said that she would like that to remain a goal. Mr. Haddad said that the Groton Inn was looking to place the utilities underground. Mr. Petropoulos said that the 4 corners area should also be a goal for next year.

Mr. Haddad said that improvements at Sargisson Beach had been made and were on-going. He said that the bid opening was scheduled for August 28<sup>th</sup> and the CPC had voted in favor of considering an out of cycle application for additional funds to be voted on at Town Meeting. Mr. Degen said that the opening of the beach didn't occur but only because the schools required additional funds. Mr. Giger added that the beach did open but only without the use of lifeguards.

Mr. Haddad said that they continued to excel in the category of Information Technology. He said that the Division of Local Services said that Groton was a leader in IT. He said that the creation of the web developer position had been very successful and because of that the Fire and Police websites had been updated adding that the Country Club webpage was being worked on now. Mr. Petropoulos asked if they could add a visitor counter to the website to track how many visitors, etc. Mr. Schulman asked if they could see how many IT tickets requests had been closed also.

Mr. Haddad asked the Board for goals they would like to see added for the next year. Mr. Degen asked if they should keep their goal timeline the way it was or sync their goals with the Town Manager's goals which were done in February. Ms. Eliot said that they had always done their goals around the elections. Mr. Petropoulos said that when starting out as a selectman you are not in a position to establish goals a month after an election. Ms. Eliot said that it also had to do with the end of the FY. Mr. Haddad said that some of their goals were financially tied. Mr. Haddad suggested finalizing both the Board's goals and his goals in November, the same time of year all other departments are finalizing their goals. Mr. Haddad said that they could set their goals in September or October followed by his review in November which is all prior to the start of budget season. Mr. Degen thought that the suggestion made a lot of sense. He suggested that they come up with a draft that evening and set their goals in September. Mr. Degen said that from now on the Board would set their goals and objectives in September and the Town Manager would set his goals in November. Mr. Degen asked if anyone had goals or objectives they could like to see added to submit them to the Chair.

Mr. Haddad said that his goals were set in February and included completion of the fire station, to sell town-owned properties, finalize the budget, prepare warrants and begin negotiations with the 7 unions. Mr. Degen asked if Mr. Haddad was involved in the teacher's collective bargaining. Mr. Haddad said that Dunstable had the vote on collective bargaining this year. Mr. Petropoulos said that a couple of Mr. Haddad's goals were part of the everyday job while the other 3 were goals. Mr. Degen said that these were looked at in February as part of Mr. Haddad's goals and the objective that evening was to look at their own goals and objectives. Mr. Petropoulos said that the needed to set Mr. Haddad's goals. Mr. Degen said that Mr. Haddad set his own goals. Mr. Haddad agreed adding that his department heads set their own goals and reviewed them with him before he signed off on the review.

## **2015 GOALS**

Mr. Cunningham said that the charter should be reviewed. Mr. Haddad said that the charter stated a review should be done every 10 years upon adoption. Mr. Haddad said that a review was done in 2010 adding another should be done in 2018 or 2020. Mr. Cunningham said that they should start the review process and discuss adding language that states the Board should not intervene in the day to day operations of the Town. That's the reason they have a Town Manager.

Mr. Petropoulos said that he was like to see the PILOT program raised by 10% by the end of FY15. He said that he would like to have exit interviews and the role of the Personnel Board in those interviews added as a goal. Mr. Schulman said that he thought that would be part of the charter review. Mr. Cunningham said he wasn't sure it needed to be a standalone goal. Mr. Petropoulos disagreed adding that over the last 3 years exit interviews had been a problem. He said that the Personnel Board was there to advise them. Mr. Cunningham said that he didn't think everyone perceived this as an issue. Mr. Haddad said that he needed clarification on the problem. He said that he had recently conducted an exit interview with their IT Director who suggested that I change the way I manage the incoming IT Director. He suggested that I have a weekly meeting with the IT Director. He said that being able to conduct those exit interviews help him as a manager. Mr. Schulman said that he didn't see a problem with the way in which exit interviews were done now. Mr. Petropoulos said that he had never seen the results of an exit interview adding that there should be no surprises to a manager. Ms. Eliot said that the HR Director should play a key role in them also. Mr. Haddad said that the HR Director was involved in them also. Mr. Petropoulos said that the likelihood that something new would come out to a manager was unlikely. Mr. Cunningham said that he was not against having the Personnel Board weigh in on what they thought but thought Mr. Petropoulos might be the only one that perceived this as a problem. Mr. Cunningham, Ms. Eliot and Mr. Schulman all said that they didn't see this as a problem or the need for it to be a goal of the Board. Mr. Degen said that all Board appointed committees should report to the Board once a year to check-in. Mr. Haddad said that they did through their annual reports.

Mr. Petropoulos said that he would like another goal to be that they limit the growth rate of the budget to be equal to or less than the growth in revenue. Mr. Schulman said that it didn't sound like a goal but more so a directive. Mr. Petropoulos said that Mr. Cunningham and Ms. Eliot agreed to it at candidate's night. Mr. Cunningham said that he agreed he wouldn't spend more money than what they take in. Mr. Haddad said that he thought he had always kept his budgets to less than 3% increases. Mr. Degen asked Mr. Haddad if he could take a look at the last 5 budgets.

Mr. Petropoulos said that he would like to poll the residents about the effectiveness in communicating adding that he would like to see a 20% improvement. Mr. Petropoulos said that he would like to look at revising the process for reviewing and appointing committees, he would like to implement and adopt a media policy, find resolution to the pool and golf center and look at parking and pedestrian safety. Ms. Eliot said that she would like underground utilities to remain on their list. Mr. Schulman said that they should add pipeline goals and OPEB goals. Mr. Haddad said that OPEB would be part of his budget presentation.

Mr. Cunningham moved to recess at 6:45pm until 7pm. Mr. Petropoulos seconded the motion. The motion carried unanimously.

The Board reconvened at 7pm. Mr. Degen reviewed the agenda.

Mr. Haddad said that he was pleased to have the new Fire Chief present to be sworn in. He thanked the many members of the Fire and Police Departments who came out to show their support. He thanked Chief Bosselait for his help during the transition. Chief McCurdy thanked the Board and introduced his family. Town Clerk, Mr. Bouchard swore in Chief McCurdy. Chief McCurdy said that he was honored and humbled to be in Groton as the Fire Chief. He said that he was looking forward to working with members of the community and the fire department and meant a lot to him that so many people came out that evening. Mr. Haddad said that they had settled on a date for the new Fire Station Dedication and Open House; Saturday, September 13<sup>th</sup> at 10am and was open to the public. He said that the dedication would include the passing of the torch from one chief to the next as well as a dedication of the World Trade Center Memorial. Mr. Degen said that he thought that on behalf of the Board he wanted to submit his most sincere thanks to Chief Bosselait for his 14 years of service and wished the Chief his best.

Chief Palma said that he wanted to make residents aware that the department would be at the range that week for full department training during the day. He said that they may need a day or 2 the following week also. Chief Palma added that they would also be conducting their 2<sup>nd</sup> town wide Code Red test either the next day or on Wednesday.

Mr. Degen asked if there was an opt-in for cell phones. Chief Palma said that he could be contacted to get more information.

### **TOWN MANAGER'S REPORT**

1. Mr. Haddad said that at the Board's meeting on July 14<sup>th</sup>, the Board voted to deny Kinder Morgan surveying rights on town property and rights of ways. Mr. Haddad said that they had met with Terra Frederick a former Acton Board of Selectmen that afternoon. Mr. Schulman said that there were more legal and appropriate ways to address surveying on town property. He said that they should rescind their previous vote and use the following suggested language that was more legally appropriate.

*Mr. Schulman moved, that no Private Company or Corporation shall be allowed to conduct surveying activity on any public way within the Town of Groton for the purpose of a natural gas pipeline project, without the express written consent of the Board of Selectmen, until such time as a Public Interest Determination has been made in accordance with the applicable Federal Energy Regulatory Commission application process for such project." Ms. Eliot seconded the motion.*

Mr. Schulman said that this wording attempted to take the advantage of home rule. Ms. Eliot said that had they known this on July 14<sup>th</sup>, they would have implemented this. Mr. Degen said that Town Counsel had reviewed this motion and added that no municipality had taken this position yet. Mr. Cunningham said that he thought the vote could still be symbolic at this point adding that there were more invasive ways to survey. Mr. Schulman said that they were making a statement adding that they could get positive results. Mr. Petropoulos said that he had not heard this motion prior to the meeting. He said that his response was his usual that he would like to have the opportunity to read it and consider it. He said that if the motion was not substantially different and just more legal, he would have the same position. Mr. Petropoulos asked if they had spoken to the Police Chief. Mr. Degan said that they had not. Mr. Petropoulos said that if they took this vote, it could have side effects such as civil liberties, hampering people they would be negotiating with at some point or they could come back with eminent domain. Mr. Schulman said they were denying them anything only that they needed to demonstrate the public need first. Mr. Petropoulos asked what their expectation was. Mr. Degen said that they would need to get a permit that shows public need before they could survey. Mr. Petropoulos said that his objection had been noted. Ms. Eliot said that they needed to send a message that Kinder Morgan hadn't shown them a location, if it was feasible, what rates are, etc.

Mr. Haddad said that he contacted the Police Chief who was now present. Mr. Degen updated the Chief on the discussion. Chief Palma said that he would need to research whether or not he could enforce the Board's motion. He said that at face value no crime was being committed adding that it might be tough to prove trespass on public ways. He said that he would have to talk to the District Attorney or the Attorney General about it first. Discussion ensued.

*Mr. Schulman moved to rescind the July 14<sup>th</sup> motion that prohibited Kinder Morgan from surveying on Town property and right of ways. Mr. Cunningham seconded the motion. The motion carried unanimously.*

*Mr. Cunningham said that he would like to offer an amendment to Mr. Schulman's first motion that no town funds or resources be expended. Mr. Petropoulos seconded the motion.*

Mr. Haddad said that there were not any town funds planned for in the budget for this.

*Mr. Degen offered a further amendment to say "without a vote by the Board of Selectmen."*

Ms. Eliot said that that would have to be discussed as a Board anyway. Mr. Cunningham withdrew his motion.

*Mr. Schulman's motion carried 4-1 in favor with Mr. Petropoulos opposed.*

2. Mr. Haddad said that at the request of the Cable Committee, he has appointed Robert Piché of 29 Vose Avenue to the committee to fill a vacancy caused by Dorothy Davis. He respectfully requested that the Board vote to ratify the appointment.

*Mr. Schulman moved to ratify the Town Manager's appointment of Robert Piché to the Cable Committee with a term to expire on June 30, 2015. Ms. Eliot seconded the motion. The motion carried unanimously.*

### **Local Option Meals Tax**

Mr. Haddad said that at the request of the Board, he had invited all businesses in Town that would be impacted by this meals tax to come in and discuss possibly placing this on the warrant for Town Meeting vote. Mr. Haddad said that the local meals excise tax would add .75% to a patron's meals bill. He said that this .75% would be in addition to the 6.25% meals tax we all pay now. He said that the business establishment would submit the .75% to the Commonwealth along with the 6.25% they already submit and the Town would be reimbursed the .75%. He said in FY13 the Town would have received \$100K and in FY14, based on the trends, the Town would have received \$110K. He said that 182 towns including Devens had voted to approve the excise tax. Pepperell was the only town surrounding Groton that had not. Ms. Eliot asked if this affected the Cherry Sheet. Mr. Haddad said that it was separate from the Cheery Sheet adding that the Town would be paid quarterly.

Rick of Johnson said that the tax rate did affect the small people adding it was a burden. He said it was another cost on the small guy. He said it would be a pain for them adding that food costs had already gone up. Ossie Filho of Filho's said that he had been a small business in town for a while and the increase to 6.25% hurt them. He said that an extra .75 doesn't seem like a lot but it was. He said that people eat at his establishment because it's affordable and convenient. He said that this would hurt them adding customers won't come in.

Ms. Eliot said that everything was more expensive adding that they had to look at the benefit to the Town. Mr. Degen said that he was also a small business owner. He said that yes, it was a tax but didn't think it would affect the local businesses. He said that it would be an additional 75 cents on a \$100 bill. He said that people would continue to support local businesses adding that this money would go to support town government and the schools. He said that this would need to be approved by the Town Meeting voters. Mr. Schulman said that he wasn't sure how he felt about it adding that the lottery was originally designed to support the arts. He said that for the purpose of the discussion he thought it should be added to the warrant so that the Town could decide.

Mr. Haddad asked if the collection of the tax would put a burden on the business. Mr. Filho said "no" it would just be a change in his system.

*Ms. Eliot moved to place the local option meals tax on the Fall Town Meeting warrant. Mr. Schulman seconded the motion. The motion carried unanimously.*

### **TOWN MANAGER'S REPORT CONTINUED**

3. Mr. Haddad said that he had been working with John Carver to sell the Prescott School. He said that bids were due on September 10<sup>th</sup>. He said that regardless of whom the Board decided to consider selling the building to, they needed to rezone the property. Mr. Haddad said that the Board needed to work with the Planning Board to determine whether to add the building to the Town Center Overlay District or rezone the parcel to B-1. Mr. Haddad said that his recommendation to the Board would be to rezone the property into the Town Center Overlay District. Mr. Haddad said that the Planning Board would need to make the proposal at Town Meeting. Mr. Haddad said that a rezone to B-1 would prohibit housing as a use. Mr. Giger said that the Planning Board was proposing breaking out the B-1 zone into 3 different business zones. Mr. Schulman asked if the Planning Board had discussed the proposal to place this in the overlay district. Mr. Giger said that they would have to provide a report to Town Meeting. Mr. Petropoulos asked if they wanted to open Prescott to the overlay district to allow for potential housing by a buyer. Mr. Cunningham said that if a proposal for residential came in, they wouldn't accept it.

*Mr. Cunningham moved to petition the Planning Board to place Prescott School into the Town Center Overlay District. Mr. Schulman seconded the motion. The motion carried 4-1 in favor with Ms. Eliot opposed. Ms. Eliot would rather see it zoned as B-1.*

4. Mr. Haddad said that he and Ms. Eliot had an outstanding meeting the week before with representatives from both Bank of America and Citizens Bank about a proposed shared parking lot. Mr. Haddad said that the bump-outs in front of Town Hall had been completed as well as the curbing on Station Ave. He complimented the DPW adding that they had done a really nice job.

**OTHER BUSINESS – MEDIA POLICY**

Ms. Eliot said that as requested she had gone to the Town Clerk and in keeping with the statute requirements for records drafted what the Board had been provided. She said that this policy would require that requests be made in writing or by email through the Clerk’s office. Mr. Degen asked if they could try to get it shortened to a couple of paragraphs long. Mr. Cunningham said that state policy was not short adding that he thought the proposed policy spelled it out pretty well. Mr. Petropoulos said that he was not troubled by the length but did think that 10 days to respond was too long. He said he would like to amend this to a shorter time period and suggested 1-2 days. Mr. Cunningham said that with a public records request they had 10 days to respond. Mr. Petropoulos said that there had been some complaints whereas the media had not been given access to information. Mr. Degen agreed with Mr. Cunningham that the state said 10 days to respond. Ms. Eliot said that 99% of information could be delivered within hours but this was to protect the town and requests from delays. She asked why they should respond quicker than the State does. Mr. Bouchard said that he always tries to respond as quickly as possible adding that he disagreed with limiting it to 2 days. Mr. Degen said that it needed to be a level playing field adding that he didn’t think they should comply any faster than the State.

*Mr. Schulman moved to accept the policy as written. Mr. Cunningham seconded the motion. The motion carried unanimously.*

**LIAISON REPORTS**

Mr. Cunningham said that he attended the Council on Aging’s meeting. He said that the Chief Palma and Detective Waite had painted the Senior Center over the weekend and thanked them for their volunteer time.

Mr. Petropoulos said that the Lost Lake Watershed Advisory Committee met the week prior. He said their now 7 member committee welcomed Art Prest and Mark Deuger to the committee where they discussed the focus moving forward.

**MINUTES**

Ms. Eliot moved to approve the Regular Session meeting minutes of July 18, 2014. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved to approve the Regular Session meeting minutes of July 28, 2014. Mr. Cunningham seconded the motion. The motion carried 4-0-2 in favor with Mr. Schulman and Mr. Degen abstaining.

Ms. Eliot moved to approve the Executive Session meeting minutes of July 18, 2014 and not release. Mr. Cunningham seconded the motion. The motion carried unanimously.

*Mr. Cunningham moved to adjourn at 8:45pm. Mr. Schulman seconded the motion. The motion carried unanimously.*

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

Stuart Schulman, Clerk

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respectfully *submitted*,  
Dawn Dunbar, Executive Assistant

Date Approved: 9/22/14