

**BOARD OF SELECTMEN MEETING  
MINUTES SEPTEMBER 22, 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.

Mr. Haddad said that Mr. & Mrs. McElroy were present with their Attorney Bob Collins, to ask the Board to sign off on closing documents for the Station Ave Fire Station. Mr. Haddad said that they sold the building for \$100K of which \$85 was owed to the Town. He said that the McElroy's had provided the Town with the final checks adding that he had the closing documents and Quitclaim Deed for the Board to sign.

*Mr. Cunningham moved to enter into and sign the Quitclaim Deed and development agreement for the Fire Station on Station Ave. Mr. Schulman seconded the motion. The motion carried unanimously.*

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that he presented the Board with a recommendation the week before to release various Executive Session meeting minutes. Mr. Haddad said that Mr. Petropoulos objected to him making the recommendation as he stated it was not his job but the Boards. Mr. Haddad said that Town Counsel said that the Chair could designate that someone other than the Board make a recommendation. Mr. Haddad said that he was again providing the Board with his recommendation. Mr. Degen said that that at Open Meeting Law training the question had been raised adding that the Board could designate someone or do it themselves. He said that he didn't have any issues with Mr. Haddad reviewing the minutes and making a recommendation. He added that if the minutes had to do with the Town Manager, the Board would review those minutes. Both Mr. Schulman and Mr. Cunningham were fine with the Town Manager making the recommendation. Mr. Petropoulos said that he didn't know that the Board could designate someone. He said that best practice would be to review them quarterly and review all minutes not previously released. He proposed that they create a policy and thought that having the Town Manager review the minutes was a conflict of interest and that they should have Town Counsel review them and make the recommendation. Mr. Cunningham said that he disagreed adding that the process was being overcomplicated. He said that he didn't have a problem with someone like the Town Manager providing a recommendation adding that having Town Counsel conduct the review would cost money. Ms. Eliot said that they review the minutes each and every time and vote to release or not. She said that the minutes were theirs and it was their obligation to review and decide. Mr. Schulman said that Mr. Petropoulos was making something into nothing. He said that it was their responsibility to review and thought this was getting out of hand. Mr. Degen said that he saw no need to go to Town Counsel. He said that anything personnel related was subject to Board review and would not be released.

*Mr. Schulman moved to release Executive Session meeting minutes from 8/26/13, Part 1; 8/26/13, Part 2; 9/9/13; and 9/30/13, Part 1. Mr. Cunningham seconded the motion. The motion carried unanimously.*

Mr. Degen said that they could adopt a policy where minutes were reviewed quarterly but he didn't think they should go back beyond recent history. Mr. Petropoulos said that there should be a qualifier for when it does come back up for review.

2. Mr. Haddad said that the Board requested that the Fire Chief be invited in to discuss the request for an additional \$13K for training. Chief McCurdy said that the additional funds being requested were to conduct officer training for things such as leadership skills. He said it would be great for the Town for risk

prevention adding that the training would be 40 hours and taught by a college professor. Chief McCurdy said that this would give his officers the tools to do their job effectively. The \$13K would cover the cost of training, prep time, materials and training. Mr. Degen asked if the request was approved, would the Chief be looking for the same amount of money in his future budget requests. Chief McCurdy said that he would for both entry and management level needs. Ms. Eliot asked who would be eligible for the training. Chief McCurdy said that this training would be for all officers. Mr. Cunningham said that he was in support of this as they had not spent nearly enough on training. Mr. Schulman was also in support of the request.

3. Mr. Haddad said that the Lost Lake Watershed Advisory Committee had proposed some changes to the original Charge of the Committee and asked the Board to approve the revised charge. Mr. Petropoulos said that the committee was a little concerned about the wording as it sounded like they had been asked to look into this like there was a problem. He said that the committee wanted to start with a clean slate and determine if there was a problem. Ms. Eliot thought that a lot had been done so far and to ignore that and start fresh was repetitive and negated the hundreds of thousands of dollars they had spent on studies already. Mr. Petropoulos said that they didn't want to start with the assumption. Ms. Eliot asked that the charge include wording that said that existing info would also be reviewed.

Susan Horowitz said that they started the committee with the assumption that they had to go by the 1989 study. She said that they expanded their knowledge and membership to 7 adding that they had learned the hard way and not have to do it the correct way. Art Prest said that they had gone back and collected data from the 1970s. He said that water quality tests were done in 2011 and 2014 whereas the 1989 data was statistical. He said that quantitative data needed to be gathered and thought the watershed was a prime problem.

*Mr. Cunningham moved to adopt the amended charge of the committee. Mr. Petropoulos seconded the motion. The motion carried unanimously.*

#### **PUBLIC HEARING CONTINUATION**

*Mr. Cunningham moved to reconvene the public hearing. Mr. Schulman seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to adjourn the public hearing. Mr. Schulman seconded the motion. The motion carried unanimously.*

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

4. Mr. Collins asked if they could postpone the discussion on Tarbell School until October 6<sup>th</sup>. Mr. Degen said that the Board had a lot of questions. He said that from what he knew, Mr. Lyman had offered to purchase the building for \$30K whereas he had plans to house 1-4 business of an education matter that would not require rezoning. Mr. Collins said that the plan was in fact for education or other exempt uses; instructional sorts of businesses. Mr. Degen asked if they would be businesses that would put the building back on the tax role. Mr. Collins said "yes." Mr. Degen asked if Mr. Lyman had a line of credit or loan agreement for renovation work. Mr. Lyman said that it would be a cash purchase and he had spoken to bankers who wanted commitment from potential renters. Mr. Collins said that the banks were ready, willing, and able to work with Mr. Lyman adding he had the ability to obtain funding. Ms. Eliot said that there was not enough information for her to accept the offer at this time and asked that the buyer come back in with a more definitive plan. Mr. Collins said that they didn't want the opportunity to pass them adding that they might not be ready at this time. He asked for additional time to fine tune their plans and present it at a future meeting.

Mr. Petropoulos asked if there was a business plan. Mr. Lyman said that it would house his own business with an apartment for him. He would obtain a home occupation permit for his certified firearms safety courses to be given. Mr. Petropoulos asked if there would be firearms in the classroom. Mr. Lyman said yes that there would be firearms in the classroom but no ammunitions. Mr. Degen suggested that they take 2 weeks to further develop their plan and if not ready at that time maybe withdraw without prejudice.

### **PUBLIC HEARING CONTINUATION**

*Mr. Schulman moved to reopen the public hearing. Mr. Cunningham seconded the motion. The motion carried unanimously.*

Mr. Haddad said that the Police Chief was present to discuss the request. Chief Palma said that with the recent change in emergency medical requirements for dispatchers, the need was there to have 2 dispatchers on duty. He said that they operate 24/7 and not only dispatch for the Town of Groton emergency service but for Dunstable Police, Fire and EMT's but for the Highway, Light Department and Water Department after hours. He said that when a call comes in, that dispatcher is committed to that call and can't answer another call. He said that they had been trying to reach NFPA standards and this new position would help them in reaching that goal. He said that State was also trying to consolidate more and more adding that they had received substantial grant money over the year, close to \$600K because they had moved toward regionalization. He said that the dispatchers receive between 1,800 and 1,900 911 calls per year out of the 42,000 call they receive overall. Chief Palma said that at the Boards last meeting, it was suggested that maybe for the non-emergency calls a number like 611. Chief Palma pointed out that anything from 211-911 was already being used for various things like Dig Safe and a help line for the State. Chief Palma said that they were growing; that they were very busy and didn't think that the suggestions made the previous week were viable.

Mr. Degen asked what the budget impact would be on the new dispatcher position. Mr. Haddad said \$44K this year adding that FY16 would depend on collective bargaining. He added that there would also be an additional \$4K-16K for benefits also. Chief Palma said that a lot of any overtime would be paid for out of the grant adding that the grant could not pay for benefits. Chief Palma said that the projections were slightly higher than last year. Chief Palma said that at some point they would get overwhelmed. He said that they currently aimed to pick up calls before the 2<sup>nd</sup> ring adding that after 4 rings the calls went to Pepperell. Mr. Petropoulos asked what the consequence was if a call rolled over. Chief Palma said that it was just an extra step. He said that Pepperell has to call to make sure Groton was okay because they didn't answer the call and to let Groton know that they are taking the calls for them. Mr. Cunningham asked if Pepperell called Groton's dispatch or calls our ambulance directly. Chief Palma said that Pepperell would call our dispatch or our radio. Mr. Haddad said that it was a vicious cycle. Mr. Petropoulos asked if there was data available on the rollover calls. Chief Palma said that he didn't have any with him adding that it didn't happen more than once or twice a year.

Mr. Haddad said that a position was added in FY13 and a second one was supposed to be added in FY14 but was pulled out due to the budget issues with the school. Ms. Eliot said that she had trouble putting the position in this fall adding that she was not convinced that they should be using the resources now. Mr. Haddad said that the need was just as significant now as in the spring. Mr. Degen asked what would happen to the relief dispatchers if the position was added. Chief Palma said that the relief dispatchers would remain within the terms of the contract adding that they were pre-diem and not always available. Mr. Degen asked if they could assume they would receive grant money again. Mr. Haddad said that no, they could never assume they will get it every year. He added that the grants were structured as reimbursable grants whereas they had to spend the money first. Ms. Eliot asked what happened if they didn't get the grant. Mr. Haddad said that they would still have to fully fund the salaries.

Mr. Haddad said that the other part of the article was to replace 2 aging servers at the Public Safety Building. Chief Palma said that the current system was 25 plus years old. He said that they had been paying a lot of money in upkeep. He said that the original quote to upgrade the system to IMC was \$150K and when re-quoted this past

spring was \$40K. Mr. Schulman agreed that with constant advances in technology, the costs do change. Chief Palma said that the risk in losing data from 2001 back was there.

Mr. Haddad said that another item to discuss was whether or not to join Central Mass Mosquito Control Project. He asked if the Board wanted to re-open the warrant and add it. Mr. Degen said that it was cut in the spring after being approved at the Fall 2013 Town Meeting. He said they would have to vote on it now to be able to start the treatment in the spring. Mr. Haddad suggested that if they decided to place it on the warrant, they could place it after the local meals tax option article and if the meals tax article passes, that could be their funding source for the mosquito control program. Mr. Cunningham said that he was not in favor of putting this on the warrant and wouldn't support it. He said that there were too many unknowns about the school budget. Mr. Petropoulos agreed adding that he also didn't want to look at the meals tax as a way to fund this. Ms. Eliot also agreed with Mr. Cunningham and Mr. Petropoulos. Mr. Schulman said that he liked Mr. Haddad's suggestion and was in favor of supporting based on that suggestion. Mr. Degen agreed that Mr. Haddad's suggestion was a good one and respected the other's positions. He said that it was not their decision how to spend money and thought it should be left up to the voters to decide. Jason Weber, Chairman of the Board of Health, said that the original commitment made to them was that it would be put back on the warrant. He said that it was an important matter that should be addressed. He said that he didn't think the schools were relevant this time because of the commitment made to the Board of Health adding that the mechanics of the funding should also be kept separate. Mr. Robertson said that he personally wouldn't spend money on it but thought the town should be able to vote on it. He added that they shouldn't tie it into the meals tax.

*Mr. Schulman moved to re-open the warrant for the expressed purpose of restoring the mosquito control project. Mr. Cunningham seconded the motion. The motion carried 4-1 in favor with Ms. Eliot in opposition.*

*Mr. Schulman moved to add an article to the Fall Town Meeting Warrant to request funding for the Central Mass Mosquito Control Project. Mr. Cunningham seconded the motion.*

Mr. Cunningham said that even though he would most likely speak against this, he agreed it should be placed on the warrant. Ms. Eliot thought it should be placed on the warrant in the spring. Mr. Schulman supported having it placed on the warrant.

*The motion carried 3-2 in favor with Ms. Eliot and Mr. Petropoulos voting in opposition.*

*Mr. Schulman moved to close the warrant. Mr. Cunningham seconded the motion. The motion carried unanimously.*

## **ZONING ARTICLES**

Ms. Collette said that the Planning Board held their first public hearing the week before and continued the hearing till October 2<sup>nd</sup>. She said that the proposed changes would create 3 business districts and all information had been placed on the Town's website. Ms. Collette said that they were also looking at updating the definitions.

Mr. George Barringer said that the Board was looking to replace the B-1 district with 3 districts; the Village Center Business, Neighborhood Business, and General Business districts. He said that all districts would have size and use limitations. Ms. Collette said that the Planning Board had unveiled this plan to all Business zoned properties at a meeting held in February. She said they had a discussion with the Groton Board of Trade and had done other outreach as well.

Mr. Degen applauded them for being proactive. Mr. Schulman asked if there was any grandfathering. Ms. Collette said that she was not aware of any adding that they tried to be very careful in identifying all businesses. Ms. Collette said that the Planning Board hearing held on September 18<sup>th</sup> had been continued to October 2<sup>nd</sup>. Ms. Eliot asked how the overlay would impact businesses. Ms. Collette said that the overlay was an option. Mr. Barringer said that it gave another layer of opportunity.

## **CONTINUATION OF PUBLIC HEARING**

Article 1 - Mr. Haddad said that 2 additional unpaid bills had come in that day. The Board was unanimous in support of the article.

### Article 2

- The Board was unanimous in support of the \$4,500 increase in BOS expenses for the Trails grant.
- The Board was 3 against (JP, JD, AE), 2 in support (SS, PC) of the reclassification and increase in hours of Town Accountant position.
- The Board was 3 against (JP, JD, AE), 2 in support (SS, PC) of the reclassification of the Tax Collector/Treasurer office Payroll Coordinator position.
- The Board was 3 against (JP, JD, AE), 2 in support (SS, PC) of the increase in hours and reclassification of the IT Department Desktop specialist position.
- The Board was unanimous in its support of the request for training funds (\$13K) made by the Fire Department.
- The Board was 3 in support (SS, PC, JD), 2 against (AE, JP) of the request for a new dispatcher. Ms. Eliot said that she would like to see additional information and a plan for the dispatchers. Mr. Petropoulos said that to spend \$66K to not have 2 calls roll over was not a good reason to add a position. Mr. Degen said that concern had been for funding public safety all along adding that in his opinion the Police Chief had demonstrated a public need.  
Mr. Degen asked if the motions could be broken out. He said that he would support the reclassification but not the increase in hours. Mr. Haddad thought that breaking out the motions would be very confusing on the floor of town meeting adding that they could always amend the motion to reduce the amounts requested.
- The Board was 4 in support (JD, JP, PC, SS), 1 against (AE) the request the transfers within the Country Club's wages and expenses.

Article 3 – Mr. Haddad said that he would like to request \$400K to place in the Capital Stabilization Fund. Mr. Degen said that he would like to amend the amount requested to \$335K. Mr. Petropoulos seconded the amendment. After a brief discussion Mr. Haddad asked if they could compromise at \$365,500, the amount they transferred last year. Discussion ensued. The Board was unanimous in support of requesting that \$365K be placed in the Capital Stabilization Fund.

Article 4 – The Board was unanimous in support of requesting that \$150K be placed in the Stabilization Fund.

Article 5 – Mr. Haddad said that he was recommending they request \$150K to offset the tax rate. He reminded the Board that it was a one-time revenue source and asked the Board not to go higher. The Board was 3 in support (AE, PC, SS), 1 against (JD) stating he was opposed because he wanted to request \$200K and 1 at Town Meeting (JP).

Article 6 – The Board was 4 in support (PC, JP, AE, JD) and 1 at Town Meeting (SS).

Article 6A – Mosquito Control - The Board was 3 in against (PC, JP, AE), 1 in support (JD) and 1 at Town Meeting (SS) on bringing back mosquito control for debate.

Article 7 – The Board was 4 in support (PC, JD, JP, SS) and 1 at Town Meeting (AE).

Article 8 – The Board was unanimous in support of the article.

Article 9 – Mr. Haddad said that he and Mr. Degen had a meeting the week before with Mr. Yanchenko to discuss whether or not he could accommodate the schools department and were trying to set up a meeting for them to discuss the particulars. Mr. Degen asked how they could go about limited housing and asked if a deed restriction

could be drafted. Ms. Eliot said that she didn't want to see a deed restriction put on the property adding it might look like a problem. Ms. Collette said that the Town Center Overlay District provisions were subject to a Planning Board special permit for proposed use. She said that any subsequent owner would need to follow the authorized use or request a new hearing with the Planning Board. Ms. Eliot said that Mr. Yanchenko could accommodate the school department on one floor. Mr. Degen said that they had talked about ½ of the first floor. Mr. Schulman said that the need for housing may be different in 5-10 years adding that he would prefer to leave it up to the Planning Board and their process should that need arise. He didn't think a deed restriction was necessary. Mr. Degen said that Mr. Schulman's point was valid. Mr. Barringer added that it was very hard to deny an owner use because of the needs of the town. He said that they would end up in court. The Board was unanimous in its support of Article 9.

Article 10 – The Board was unanimous in their support this this article.

Article 11 - The Board was unanimous in their support this this article.

Articles 12-13 – The Board will take positions at Town Meeting.

Article 14 – The Board was 3 in support (JD, PC, SS) and 2 against (JP, AE) this article. Mr. Degen asked that wording be added that said “the committee come back to the Board of Selectmen for approval of spending.”

Article 17-18 – The Board would discuss this at their next meeting.

Article 19 – The Board was unanimous in their support of this article.

Article 20 – The Board was unanimous in their support of this article.

Article 21 – The Board was unanimous in their support of this article.

Article 22 – The Board was unanimous in their support of this article.

Article 23 – The Board will take positions at Town Meeting.

Article 24-25 – The Board would take positions after the public hearing on October 6<sup>th</sup>.

Article 26 – The Board was unanimous in their support of this article.

*Mr. Schulman moved to close the public hearing. Mr. Cunningham seconded the motion. The motion carried unanimously.*

#### **MINUTES**

*Mr. Cunningham moved to approve the minutes of August 18, 2014. Ms. Eliot seconded the motion. The motion carried unanimously.*

*Mr. Schulman moved to adjourn at 10:20pm. The motion carried unanimously.*

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

Stuart Schulman, Clerk

respectfully submitted,  
Dawn Dunbar, Executive Assistant

Date Approved: 11/10/14