

**BOARD OF SELECTMEN MEETING  
MINUTES NOVEMBER 3, 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. Degen asked for a moment of silence for Mayor Menino to observe his recent passing and reflection on his many years of service.

Mr. Degen reminded residents that the next day was Election Day and where each precinct should go to vote.

Mr. Degen said that the Pipeline Summit meeting was going to be held on Saturday, November 15<sup>th</sup> at Monty Tech High School in Fitchburg and encouraged people to visit the Town's website for updates on the pipeline and various meetings.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that at the recent Town Meeting, a new dispatcher position had been approved. He said that he would like to bring Catherine Myers forward as the chosen candidate for the position. He said that Ms. Myers had been hired as a relief dispatcher where she had been for the past year training and really risen to the top. He said that Sergeant Sheridan was present on behalf of the Chief. Mr. Haddad asked the Board to ratify the appointment.

*Mr. Cunningham moved to affirm the appointment of the Town Managers of Catherine Myers as a full-time dispatcher effective 11/3/14. Mr. Schulman seconded the motion. The motion carried unanimously.*

2. Mr. Haddad said that he wanted to take a couple of minutes to review the FY15 first quarter financial report that was prepared by the Town Accountant. He thanked Ms. Dufresne for the report and added that revenues were right on target with 23% of revenues having been collected as of now. Mr. Haddad said that some revenues like motor vehicle excise were calendar issues and the reason they might look low. He said that as far as expenses went, pension was something that is paid up front and why it's showing at 60% already. He said that public safety was right on target at 25%; that they pay Groton Dunstable quarterly and snow and ice hadn't been hit yet because of the time of the year. Mr. Haddad said that they were right on target with expenses and thought the financial picture was very healthy. Mr. Hartnett added that they receive a 2% discount on the pension costs if they pay for it up front.

Mr. Petropoulos said that this was very much in line with what he had been looking for. He added that a written write-up would be good for additional explanation. Mr. Schulman thought this was a useful report and thought the end of the year was what really counted. Mr. Robertson asked if they had a breakdown of where the Town was at this same time last year to have a year to year comparison. Ms. Dufresne said that she did not have those numbers with her but they were very close to where they were last year and agreed to make them available in subsequent reports.

3. Mr. Haddad said that one of the Board's goals was to determine the annual growth of the municipal budget. He said that the Board would establish a goal that would determine what growth, if any, they would like to see in the Municipal Budget on an annual basis. Mr. Haddad said that the chart provided to the Board in their packet shows where he thought they would be next FY. Mr. Haddad said that he was anticipating an additional \$922K in levy capacity; he was anticipating a \$28K decrease in state aid; with the approval of the local option meals tax, he was anticipating \$100K in FY16; he level funded local receipts; with new

growth being certified at \$27M, and with \$5.3M of that being new personal property (which generated \$40K in tax capacity), he was anticipating having \$253K in unexpended tax capacity or being \$253K under the levy limit. He also proposed level funding the EMS fund at \$175K. He said that the total of the difference between FY15 and FY16 was \$1,247,393 or a 4% increase. He stressed to the Board that he didn't want to see a goal tied to an arbitrary number. He asked the Board to allow his Finance Team to budget the way that had been doing it. Mr. Haddad added that because of preliminary discussions with the school department, this was the earliest he had an estimate from them which allowed him to have a better idea of what they would be looking for from Groton.

Mr. Petropoulos said that growth rate had been historically at 3.5%. He said that his proposal would be to not to allow the grow rate of expenses more than the growth rate of revenue. He said that they should cap municipal spending at revenue growth allowing the schools to raise growth at the same percentage. Mr. Haddad said that he disagreed adding that he had always set aside 2 ½% for the schools because they don't set their budgets until after he is required by statute to have his budget to the Board. Mr. Cunningham said that in general he appreciated the exercise. He said that the budget process was very dynamic and if they tried to establish a certain number it might not be adequate for the needs. He said that what they have been doing was more relevant to what they present to town meeting. Mr. Degen said that he understood Mr. Petropoulos's concerns but there were a tremendous amount of this that can impact meeting a goal. Mr. Petropoulos said that they should constrain municipal growth to revenue growth and allow schools to increase that much adding that he didn't know why a goal couldn't be set. Mr. Degen said that meetings held during budget preparation could monitor that.

4. Mr. Haddad said that three additional Open Meeting Law sessions had been held. The additional sessions were held on three different days at three different times (one morning, one afternoon and one evening) to accommodate members' schedules. 40 board/committee members had not fulfilled the training requirement. Mr. Haddad said that Mr. Schulman would like the Board to reconsider the mandatory training and asked the Board for direction.

Mr. Schulman said that he learned three things from the training. 1.) That the answer to a question depends on a lot of follow-up questions; 2.) That a few dozen towns had been found to be in violation of the Open Meeting Law; and 3.) That many features were at the discretion of the Attorney General. He said that the law was very well intended but hard to follow.

*Mr. Schulman moved that they continue with the training but that it not be required. Mr. Cunningham seconded the motion.*

Mr. Degen said that he read some of the complaints that had come in and respected the comments adding that it didn't dismiss the responsibility. He said that Open Meeting Law training was available online which was a good viable alternative; something that could be done a member's leisure. He said that one committee member had sent a manual from the Ag's website that had a certification they could sign at the end. Ms. Eliot said that maybe the Chairs of committee's could go through the training and watch over their members. She added that there were a lot of committee's that are not policy setting committees. Mr. Petropoulos said that he thought they learned a lot especially that there are consequences for violating the Open Meeting Law. He said that he saw more discussion after the meeting and an increase in sensitivity. He said that he liked Ms. Eliot's suggestion but thought the State might think differently. Mr. Cunningham asked if when people were sworn in, they received a copy of the Open Meeting Law. Mr. Haddad said yes and acknowledge acceptance of it. Mr. Haddad said that returning a certification that they read the guide might be the best way moving forward.

Lee Davy of the Recycling Committee said that he attended one of the sessions at Legion Hall and found it difficult to see the recording. Mr. Degen said that he could make a request for a copy of the disk. Alison Manugian said that there were definite quality issues adding that there was no way to effectively make sure committees were abiding by the law. She suggested that there be an initial course for all members and a more in depth course for the Chairs. Mr. Schulman said that there were issues with that also since chairmanship changes every year. Mr. Schulman moved to continue the discussion to the next week and not take any action that night.

5. Mr. Haddad said that Fire Chief McCurdy had filed a disclosure with the Board concerning his need to participate in discussing with and making a decision about the vendor to use for testing Fire Department pumps, training the Department's pump operators and the fact that he would need to enter into a contract with the selected vendor. He said that one of the vendors that would compete for this business was owned by his father. He said that the Ethics Commission advised the Chief to make this disclosure to the Board. He asked the Board to consider approving the disclosure. Mr. Haddad added that he would make the final decision on a contract not the Chief in this case. Mr. Cunningham asked if this was a company the department had used before. Mr. Haddad said that it was.  
*Mr. Schulman moved to accept this disclosure. Mr. Cunningham seconded the motion. The motion carried unanimously.*
6. Mr. Haddad said that now that Town Meeting had rejected the Board's proposal to sell Prescott School to Mr. Yanchenko, he wanted to discuss next steps with the Board. He said that a group of residents calling themselves the Groton Development Committee for Prescott School had filed a CPA application seeking funding to hire an architect to plan a phased restoration of the building that would take into consideration the School Department as an anchor tenant. He questioned whether or not they could request the approval of the Board if they are not an appointed committee of the Board. Mr. Haddad said that he had a few ideas he wanted the Board to consider. He suggested that the Board consider designating two members of the Board to meet with him and the school department to discuss whether or not they wanted to remain in the building. He said that once they determine what school department wants to do, he said that he would propose they take two tracks simultaneously. The first thing would be to re-issue an RFP that would be amended to state that any prospective buyer would need to enter into a long term lease with the school department to remain in the building. A second RFP would be issued at the same time seeking tenants for the building. He said that he would also propose that they schedule a Special Town Meeting that would have articles on the Warrant to provide the Town Meeting with a choice to either sell the Building to a selected developer or appropriate the necessary funding to hire an architect to develop renovation plans and put the project out to bid. He said that he realized this was an aggressive proposal but asked the Board to consider the proposal.

Mr. Cunningham said that while the vote at Town Meeting only failed by two votes, he took that to mean that the voters didn't think it was a bad plan. He said that he thought the comment made by the CPC chair that there was \$600K available in CPA account was very misleading. Ms. Eliot said that she was open to any discussion adding that she was very disappointed in the vote and would have liked to see if put back on the tax role. She said that they had used CPA money to hire an architect to complete a \$35K study. Mr. Petropoulos said that he didn't want to jump into this adding that this was not what he heard at Town Meeting. He said that they should be exploring the possibility of moving the Senior Center to Prescott, etc. Mr. Schulman said that what was missing was a vision. He thought it was pointless to hire an architect without a vision. Mr. Haddad said that the way for them to develop a vision was to talk to the schools, find out their needs and plans, seek proposals from outsiders wishing to rent space and thought an architect could help them meet this goal.

Mr. Degen said that the first step was for them to sit down with the school committee and come up with a long term plan. He said that he saw a CPC application from an outside group happen before (the Groton Grange) which only bettered the facility. He said that in this case the application from the citizens for a building under the Boards control was a little premature. He suggested they designate a couple of Board members to work on this. Mr. Petropoulos and Ms. Eliot said they would be interested.

Mr. Green thanked Mr. Haddad for putting his proposal on the table and thanked the Prescott Reuse Committee for their five years of work. He said that from what he took away from Town Meeting was what the best use of the building was. Mr. Green said that they could use four times this building based on what he heard. He thought the municipal plus school needs needed to be looked at before they gave the building away. He said that Mr. Haddad had a lot of good ideas on how to move forward. Mr. Degen suggested that they reconstitute the Municipal Building Committee adding it was time to move forward.

Ms. Alison Manugian thought that it was unfortunate that these proposals were coming forward now. She said that speaking as Chair of the School Committee; the devil was in the details. She said that they had a financial responsibility to keep in mind as well as the fact that they needed to look at the stability of the central office. She said that each RFP that gets issued put them in limbo. She said they were more than open to a discussion but at this point, if no formal proposal was made, they were looking at having to move out at the end of their current lease Mr. Degen asked that they meet with the Board and Town Manager to have a serious negotiation. Mr. Degen asked if they could have an initial discussion by the end of the following week.

Halsey Platt said that as a member of the Reuse Committee for the past five years, he thought that they had done a lot of work. He said that their work was predicated on the fact that the school district was leaving and that it needed to be cost neutral for the Town. He said that the Committee moved so quickly to put in an application with the CPC due to the deadline. He said that he disagreed with the notion of taking two tracts and asked the Board to allow the townspeople to move forward with the Town's vision. Ms. Becky Pine said that she endorsed what Mr. Platt said. She asked the Board not to put out an RFP to sell the building adding that the sale of the building was what was defeated twice, not the proposal. Ms. Berta Erickson said that she agreed with the others and asked where the school department would go. She said that they needed to look at the needs of the school department beyond 2-3 years. She said that the committee established has a strong standing in the community and that it was impossible to work against the town's plans.

Mr. Degen said that he understood the concerns expressed. He said that the Board had a responsibility adding that the structure was aging. Mr. Bob Pine said that a lot of visions had been expressed adding that it was essential that some group appointed by the Board think of the best use for the Town. Mr. Greg Sheldon said that he volunteered to be on such a committee to come up with the best use. He said that the application was submitted as a placeholder for that night's discussion adding that the citizens were saying that they needed to have a discussion. He said that they shouldn't be a divided community as it was a town asset. Mr. Degen restated that he suggested they appoint a Municipal Building Committee. Mr. Degen suggested they continue this to their next meeting. Mr. Cunningham said that the first step was a meeting with the schools. Ms. Erickson asked about the Prescott Reuse Committee. Mr. Degen said that he couldn't speak to that right now adding that they may need to have a fresh set of eyes look at this. Mr. Cunningham asked the Town Manager to put a charge together for the Board to review.

7. Mr. Haddad said that there were a few other goals that required the action by the Board.
  - a. Charter Review Committee – He said that the Board set as a goal to appoint a Committee by December 1<sup>st</sup> to review the charter and report its recommendations to the spring town meeting. He said that the committee shall consist of 7 members (BOS shall designate 3, Finance Committee shall designate 2,

and the GDRSD and Moderator shall designate 1 each). Mr. Haddad said that he would also like to ask the Board to put him on that committee. He said that he has intimate knowledge of the Charter and how it works and believed that he would be an important member of this committee. Mr. Degen said that he was not interested in serving on this committee as he was already committed to quite a few things. It was suggested that Mr. Cunningham would be an excellent designee. Mr. Petropoulos said that he also would like to serve. Ms. Eliot said that they should wait to discuss this until they have received interest forms.

*Mr. Schulman moved to convene the committee. Mr. Cunningham seconded the motion. The motion carried unanimously.*

- b. Town Manager/Selectmen's Relations - Mr. Haddad said that the Board set as a goal to schedule a workshop between the Board of Selectmen and Town Manager to review Sections 3 and 4 of the Charter and establish any policies necessary to ensure compliance. He said that he would like to ask the Board to work with him to schedule a date. Mr. Degen suggested Wednesday, December 3<sup>rd</sup> at 5:00pm. Mr. Petropoulos asked if it could be at 5:30pm.
- c. Annual Appointment Policy – Mr. Haddad said that the Board set as a goal to revise the committee appointment process to ensure that all candidates for various committee openings are given the same opportunity to apply and be considered. The Board wanted to appoint a committee made up of two members of the Board, the Town Manager, the Town Clerk and the Executive Assistant to recommend a new process. He asked the Board to designate two members so that they could begin their development of the new process. Mr. Degen said that he would like Mr. Petropoulos to do this. Mr. Schulman said that he would like to participate.
- d. Media Policy – Mr. Haddad said that Mr. Petropoulos had drafted a media policy that he wanted to review with the Board for their consideration. Mr. Petropoulos said that the policy was what they see. He said that he obtained some input from members of the community as well. He said that a request would come in to the Town Manager or the Chair and the request would be responded to within one day. He said that in the case of matter of an emergency, the Town Manager must receive permission from the Chairman of the Board to distribute information. Mr. Degen said that if there was an emergency, the Town Manager didn't need permission from the Chair. Mr. Haddad said that he always communicated with the Board. Ms. Eliot stated that she was asked to come up with a policy adding that she worked with the Town Clerk to develop one. She asked what the difference between the media policy and public records request was. Mr. Petropoulos said that the media was complaining that they are not responded to quickly. Ms. Eliot said that the media requests were for public information. She said that if the media were to call her up she wasn't obligated to give a comment. Mr. Petropoulos said that the policy didn't say they had to give their opinion. Mr. Haddad asked for an example of when they hadn't responded with the 10 day period as set forth by the Attorney General. Mr. Petropoulos said that 10 days was not quick enough. Mr. Haddad said that it takes time to generate the information requested adding that they always try to get it out quickly but all depends on the request. He said that he couldn't be directed to respond to a question that could hurt the Town adding that it was also putting an undue burden on the office. Mr. Haddad said that he was opposed to this adding that Mr. Petropoulos was trying to make it more stringent than the public records request. Mr. Schulman agreed that some questions could not be answered. Mr. Petropoulos said that the policy eliminated opinion. Ms. Eliot said that she had yet to hear from the media that requests hadn't been fulfilled. Mr. Degen said that there were a number of times that inquiries from certain media outlets were not answered. Mr. Haddad said that he was not required to provide his opinion. He added that he had been in contact with a reporter from the Groton Line that weekend answering some questions she had. Pierre Comtois of the Lowell Sun said that his questions always got answered adding that he had no issues. Connie Sartini of the Groton Herald said that she expressed the same opinion as Pierre

adding that she had no difficulties. She said that she always made document requests to the Town Clerk and Ms. Dunbar and never received a delay in response. She said she was not sure what the problem was they were trying to fix. Art Campbell of the Groton Line said that in general the Town did an adequate to good job in responding to requests. He said there were some that he received no response on. He said that he had talked to both Mr. Cunningham and Mr. Degen as Chairs adding that he thought they should take 2 weeks to look at the policy and even suggested that they have Town Counsel review it and respond. Mr. Cunningham said that it happened very often that info was received in a timely manner adding he didn't think this policy was needed. Mr. Haddad said that he didn't have to respond to a question of his opinion but always responded to a public records request.

Ms. Sartini said that there must be expectations of the media also and wondered what the Board expected of them. Mr. Degen said that it was very easy to publish stories without hearing the other side. He said that he would love to see the phone ring asking for the other side of the story. Mr. Petropoulos said that the Groton Line hadn't received a good response. Mr. Cunningham said that it was amazing to him that people sitting in the same room could be hearing different things. He said that he heard that the Groton Line was satisfied with obtaining information. Mr. Degen asked if they could look at what Ms. Eliot developed and see if there was a compromise. Mr. Degen said that he was hearing there wasn't an appetite for this policy adding that he didn't hear from the media that there were problems with things the way they were.

- e. PILOT Strategy – Mr. Haddad said that the Board had adopted a policy to set a growth goal in what they receive for PILOT payments. He said that the recommended level was anywhere from 10% to 25% of the assessed valuation. He said that in order to meet this goal, the Finance Team met with Chairman Degen to determine the best way to achieve this. He said that it was decided that a letter would be drafted and sent to every entity that is currently providing a voluntary PILOT along with all other non-profit, tax exempt businesses including churches. He said that the letter provided them with what the 25% of their assessed value would be and asked if they would consider contributing their voluntary PILOT at that level. He said that the results had been mixed adding that Seven Hills had agreed to increase their PILOT while the Groton School declined to increase theirs. He asked the Board to allow him additional time to work on this with Mr. Hartnett.
- f. Adherence to Vote Policy - Mr. Haddad said that the Board set as a goal to adopt a policy that states when the Board of Selectmen takes a vote on a matter at a Selectmen's meeting, all members of the Board, whether or not on the prevailing or losing side shall adhere to the vote. He said that he had drafted a policy and asked the Board to review it and let him know if they would like to see any changes. He said that he needed to know from the Board what any consequences may be should a member violate the policy. Mr. Petropoulos said that he was concerned that it removed the right of elected officials to follow the will of the residents. Mr. Cunningham said that they were elected members of the Board adding that they could tell their constituents that they expressed their opinion but the outcome they may have been looking for was not the will of the Board. Mr. Degen asked Mr. Haddad for an example of the kind of behavior that the policy would prevent. Mr. Haddad cited the submission of a Citizen's Petition to reinstate the Personnel Board as an example. Mr. Haddad said that he had written the policy based on the direction of the Board. Ms. Eliot confirmed that. Mr. Schulman said that he liked the idea of running it by Town Counsel.
- g. Policy on Meeting with Various Boards – Mr. Haddad said that the Board had set as a goal to meet with all advisory Committees of the Board at least once a year. He said that he had drafted a policy for their review and consideration. Mr. Schulman said that he was okay with the policy. Ms. Eliot asked if the whole committee would be invited in. Mr. Haddad said that the Chair of designee could be

invited or simply a written report requested. Mr. Haddad said that he would update the policy to include written report.

*Mr. Schulman moved to adopt he policy as amended. Mr. Petropoulos seconded the motion.*

Mr. Schulman retracted his motion and the policy was to be brought back to the next meeting.

Mr. Haddad said that the Fire Chief had come to him to discuss the possibility of installing a back-up radio control center at the new Fire Station. He said that the cost was estimated at \$35K adding that it would come out of the fire station construction budget. Mr. Cunningham asked if they could use that money to pay down the debt service. Mr. Haddad said that you could not and added that the only thing you could do was repurpose it. Mr. Degen said that he was not in favor of the proposal. Mr. Degen asked if they could make it a capital request. Mr. Schulman liked the idea of putting it in the capital plan.

#### **LIAISON REPORTS**

Mr. Schulman said that the pipeline coalition had met and expressed concern that Kinder Morgan had obtained gold membership from the Chamber of Commerce. He said that the Jason Kauppi assured him that the Chamber had not taken a position on the pipeline but there was still concern. Mr. Degen said that he had recently joined the NVCOG but asked for his money back the week before when he heard they had accepted Kinder Morgan adding that he was very upset with the Chamber. Mr. Cunningham said that he felt as though it was feel good money and wouldn't benefit the Chamber long term. He didn't think they needed to get involved.

#### **MINUTES**

*Ms. Eliot moved to adopt the meeting minutes of September 15, 2014. Mr. Cunningham seconded the motion.*  
Mr. Degen asked if they could bring these minutes.

*Mr. Schulman moved to adjourn at 9:50pm. Mr. Cunningham seconded the motion. The motion carried unanimously.*

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

Stuart Schulman, Clerk

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respectfully *submitted*,  
Dawn Dunbar, Executive Assistant

Date Approved: 12/8/14