

**BOARD OF SELECTMEN MEETING
MINUTES NOVEMBER 24, 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 announced that Officer Irm Pierce had decided to retire and his last day would be Friday, December 5th. He said that Officer Pierce had been a town employee for the past 37 years and was a great face for the department. He thanked him for his many years of service.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that Ray Lyons was present to speak to the Board about his client Lee Edmands who was planning on selling property she owns on McCanns Hill Road to both the West Groton Water District and the Division of Fisheries and Wildlife. WGWS D has no immediate plans for the property however will use it to build a replacement water tower in the future. The land is currently classified under Chapter 61 of the General Laws and in order to remove the land, the Town has 120 days to exercise its right of first refusal to purchase the land. Mr. Haddad said that the Board was being asked to consider releasing that right. Mr. Haddad said that both the Planning Board and the Assessors' had voted to recommend release of the land. Mr. Haddad asked the Board to follow suit and release the Town's first right of refusal. Mr. Degen said that this had been on their radar for a long time. Mr. Lyons said that the WGWS D was already in the process of acquiring an acre and a half next door to this property that they already had legal access rights to.

Ms. Eliot moved that they waive their first right of refusal on the property located at McCann's Hill Road so it can be purchased by the West Groton Water Supply District. Mr. Schulman seconded the motion. The motion carried unanimously.

2. Mr. Haddad said that the Board of Appeals had recently approved a special permit and a variance from Section 218-6B of the Zoning Bylaw which authorized the reconstruction of an abandoned non-conforming structure located at 101 Lost Lake Drive. He said that the Planning Board believed that the ZBA did not have the right to grant this variance since the building has not been used as a dwelling for more than 2 years. The Planning Board voted last week to appeal the decision. Since Town Counsel will have to defend the ZBA, the Planning Board would need special counsel to file their appeal. Due to the timing of the appeal and the fact that the Board did not meet the week prior, the Chairman of the Board and he authorized special counsel to the Planning Board. The Planning Board retained the services of Richard Gallogly of Rackemann Sawyer and Brewster.

Mr. Cunningham asked what the hourly rate was, if there was a not to exceed number and if this was to come out of the legal budget. Mr. Haddad said that it would come out of the legal budget. Mr. Degen said that he didn't know the rate at the time but was taken aback by the rate. He thought it made sense to add a not to exceed limit and find obtain an estimate on what this could cost the Town. Mr. Schulman said that it was pretty unusual for one board to sue another and asked if was possible for the parties to get together and work things out. Mr. Haddad said that the Planning Board stated this was a non-conforming structure on a non-conforming lot that had been abandoned for many years whereas it would lose its status. Bob Cadle of the ZBA was present and said that a non-use case was very tricky adding that they had been looking to amend the bylaw for some time to make things clearer. George Barringer said that the Planning Board's interpretation of the non-use clause was black and white. He said the property had not been in use for more than 50 years. Mr. Degen said if they voted to approve this in order to allow things to keep moving, they should limit it to \$5K for both sides.

TAX CLASSIFICATION HEARING

7:20pm – Mr. Haddad read the Tax Classification hearing notice into the record.

Ms. Eliot moved to open the public hearing. Mr. Schulman seconded the motion. The motion carried unanimously.

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

Mr. Cunningham suggested that they ask the Town Manager to arrange a meeting of those involved and see if it can be worked out. Mr. Petropoulos thought throwing an arbitrary number out there was arbitrary and suggested no legal costs be incurred until there are known costs. Alison Manugian of the ZBA said that between non-use and use and wasn't as clear as stated. She said there was no Planning Board appearance at any of the meetings and questioned a better process in the future. Ms. Eliot said that the BOH was the one that decided to bring this to the next level but couldn't do so on their own. The Planning Board stepped in to help them.

Ms. Eliot moved to approve an amount not to exceed \$5,000 including money spent to date on legal counsel, Richard Gallogly, with the condition that the parties get together for a meeting. Mr. Schulman seconded the motion.

Mr. Cunningham offered an amended motion on the amount of not to exceed money. He moved that no additional money be spent until the parties have a chance to sit down. Mr. Schulman seconded the amended motion. All were in favor of the amended motion.

TAX CLASSIFICATION HEARING - CONTINUED

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

Mr. Haddad said that the Board of Assessors' and the Town Accountant had worked really hard on the certifying the tax rate. He said that the Town of Groton was 93% residential and 6% commercial. He said that the estimated tax rate was \$18.27 and didn't make any sense to have anything but a single tax rate. Mr. Haddad suggested that they adopt a single tax rate for 2015. Ms. Swezey said that the Board of Assessors' at their meeting the previous Wednesday night to recommend a single tax rate.

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

Ms. Eliot moved to adopt a single tax rate for the Town of Groton for FY2015. Mr. Cunningham seconded the motion. The motion carried unanimously.

TOWN MANAGER'S REPORT - CONTINUED

3. Mr. Haddad said that he was pleased to report they had successfully negotiated successor agreements with five of our Unions. He said that had settled 3 year contracts with AFSCME, Local 93-Town Supervisors; NEPBA, Local 53 – Superior Officers Association; IAFF, Local 4879 – Professional Firefighters; Groton Patrolman's Association; and IBPO, Local 522 – Groton Communications Officers. He said that he provided the Board with a breakdown of the agreements and respectfully requested that the Board consider ratifying these agreements.

AFSCME

- 3 year – July 1, 2015 – June 30, 2018
- 2% each year for 3 years
- FSA – deferred compensation account if 30% of town employees commit to doing it.

- Increase vacation max by 1 week
- Add clothing reimbursement for Conservation Administrator
- Reimbursement for glasses if broken while at work
- HRA for another 3 years

Cost of the 3 year contract - \$40,000

FY16 impact - \$13,383

Mr. Degen said this was a good contract for all.

Mr. Cunningham moved that they ratify the contract between the Town of Groton and AFSCME, Local 93 – Town Supervisors for a term of July 1, 2015 – June 30, 2018. Mr. Schulman seconded the motion. The motion carried unanimously.

Superior Officers

- They are currently paid on a 37.5 hour work week but are working 40 hours. They accumulate and get deducted in 8 hour increments. The officers want to be paid for 40 hours. This request would freeze the hourly rate for 3 years because the cost would be all up front. The OT rate would also stay the same for 3 years.
- Uniforms – increase \$100 for each of the 3 years of the contract
- Increase private detail rate to \$48. This is paid by private contractors, not the Town.
- Stipend for specialty positions – increase \$1,000 - \$750 max per person.
- 1 box per month of ammunition would be provided to be used on their own time. If they didn't use it, they had to return it.

Cost for the 3 year contract - \$27,656

FY16 impact - \$20,856

FY17 impact - \$3,400

FY18 impact - \$3,400

Mr. Degen said that they would be paid 0% over the next 3 years. Mr. Haddad said yes but that the increase to 40 hours averaged out at about 6% adding that this was being front loaded in FY16.

Mr. Cunningham moved to adopt the contract between the Town of Groton and the Superior Officers for a term of July 1, 2015 – June 30, 2018. Ms. Eliot seconded the motion. The motion carried unanimously.

IAFF

Mr. Haddad said that he wanted to comment on how well negotiations went with the firefighters and that the tenure of the negotiations was outstanding. He said that the relationship between management and the firefighters was excellent. He said that this contract didn't change too much.

- 3 year contract – 2%, 2%, 2%
- All new firefighters would be required to attend the academy
- Added a longevity clause in year 3 – 5 year level - \$250
- Department sanctioned training – allow OT to be paid to those working on OT at that point
- Increase in clothing allowance

Cost for the 3 year contract - \$29,779

FY16 impact - \$8,702

Mr. Cunningham moved to adopt the contract between the Town of Groton and the IAFF with a term of July 1, 2015 – June 30, 2018. Ms. Eliot seconded the motion. The motion carried unanimously.

Patrolman

- Increase to 40 hours like Superior Officers
- Increase clothing allowance in years 2 and 3 of contract
- Comp time – increase in max amount
- Increase in detail pay rate to \$48
- Fitness standard stipend
- Ammunition – 1 box /month like Superior Officers

Cost of the 3 year contract - \$64,601

FY16 impact - \$55,201

Mr. Robertson questioned the 37.5 to 40 hour work week calculations. Discussion ensued.

Mr. Cunningham moved to ratify and approve the contract between the Town of Groton and the Patrolman with a term of July 1, 2015 – June 30, 2018. Ms. Eliot seconded the motion. The motion carried unanimously.

Dispatchers

- 3 year deal – 2%, 2%, 2%
- Stipend pay for training - \$25/week
- Shift differential for shift working
- \$50 increase in clothing allowance

Cost of the 3 year contract - \$25,731

FY16 impact - \$8,671

Mr. Cunningham moved to ratify and adopt the contract between the Town of Groton and the Dispatchers with a term of July 1, 2015 – June 30, 2018. Ms. Eliot seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that the current agreement with the Town Accountant, Patricia Dufresne was due to expire on June 30, 2015. He said that according to the contract, “the Town by the Town Manager shall decide on or before January 15th whether or not he intends to renew this agreement for an additional three-year period.” He said that Ms. Dufresne was an outstanding Town Accountant and an unbelievably important part of the Finance Team. He said that he had offered her a new 3 year contract with minor tweaks. 1) a salary increase in FY16 to \$80K which put her in line with others of the Finance team and 2) buyback of 1 weeks’ vacation time. He asked the Board to support this and ratify the contract.

Mr. Cunningham moved to ratify the agreement between the Town of Groton and Town Accountant Patricia Dufresne with a term of July 1, 2015 – June 30, 2018. Ms. Eliot seconded the motion. The motion carried unanimously.

5. Mr. Haddad revised the draft policy on Open Meeting Law training and asked the Board to consider approving the policy.

Ms. Eliot moved to adopt the policy on Open Meeting Law training. Mr. Cunningham seconded the motion. The motion carried unanimously.

6. Mr. Haddad said that the Board had concerns with the first draft of the Municipal Building Committee Charge that he had drafted. He, as directed by the Board, made another attempt and renamed the Committee the “Municipal Building Committee for Prescott School.” He asked the Board to consider approving the draft charge. Some of the changes included making it a 7 member Committee, appoint individuals with certain backgrounds, term to end on 6/30/15, and determine a best use for the property. Mr. Petropoulos suggested making the Town Manager an advisor to the Committee not an ex-officio member. Mr. Cunningham suggested removing the HR Director from the Committee.

Mr. Cunningham moved to adopt the charge of the Municipal Building Committee for Prescott School as amended. Ms. Eliot seconded the motion. The motion carried unanimously.

7. Mr. Degen said that they had discussed at their prior meeting the Charter Review Committee which had sparked a lot of discussion. He said that at a Finance Committee meeting the week prior a question had been raised by a citizen as to the timing of establishing the review committee. The Charter reads that the “committee shall meet to organize forthwith after the final adjournment of the spring town meeting.” It had been recommended by Town Counsel that they wait until after the Spring Town Meeting. Mr. Cunningham said that there was no harm in notifying the various entities that they were responsible for appointing their designees. Mr. Degen said that he assumed they would want to convene this in the spring after the Town Meeting. Scott Harker said that he was the one that brought up the question and suggested instituting an ad hoc committee to begin looking at the charter prior to the spring town meeting. Mr. Degen said that because it would not be a committee formed by the Selectmen and wouldn’t be formed by the Town Meeting he didn’t condone it as a credible committee. Mr. Petropoulos said that he thought it was a wonderful idea and they should encourage it. He didn’t see any reason to stall this until the spring. Mr. Degen suggested that interested parties contact the Selectmen’s office by April 1st. Mr. Robertson said that people should be chosen because of what was best for the Town and should not be a personality contest. Mr. Petropoulos said that the Selectmen and Finance Committee should come up with qualifications that were important for each of them. Mr. Haddad said that the Selectmen’s 3 appointees were designees adding that they didn’t appoint any of the members of this committee. The Committee must meet 30 days after the town meeting.
8. Mr. Haddad asked the Board to ratify the appointment of Bill Strickland to the Great Pond Advisory Committee.
Ms. Eliot moved to ratify the appointment of Bill Strickland to the GPAC through June 30, 2015. Mr. Schulman seconded the motion. The motion carried unanimously.
9. Mr. Haddad said that the Legislature recently amended Section 4 of Chapter 70 by creating a special 21 member Commission that would be required to conduct a periodic review of the foundation budget to review how they are calculated and to make recommendations for potential changes in how the “foundation spending is calculated.” The MMA has representation on this committee. They are planning six regional public hearing to solicit comments. He asked the Board to designate a couple of Selectmen to work with him to form comments Mr. Cunningham and Mr. Degen volunteered.
10. Mr. Haddad gave the Selectmen a proposed Town Hall Holiday Schedule. The Board was agreeable with the proposed schedule.
11. Mr. Haddad gave the Selectmen a proposed meeting schedule which would include meetings through January 5th. There would be no regularly scheduled meetings on Monday 12/1 and Monday 12/29.
12. Mr. Haddad said that Mr. Robertson had asked to speak to the Board about exit interviews. He said that the HR Director had worked with department heads and the Personnel Board had reviewed the policy. Mr. Robertson said that they had been asked to look at the policy and there was a difference in opinions on who would conduct them. He said Melisa Doig had done an excellent job with the policy but best practice was to not have the manager do them. He said that Ms. Doig contacted 20 municipalities whereas 8 had the HR Director do the interviews and 12 had the Town Manger and HR Director conduct them. Mr. Degen asked that the downside to having the Town Manager do them was. Mr. Robertson said that personnel was a neutral function and that the interviews might be different if the manager was involved. Mr. Haddad said that municipal government could not be compared to businesses. He said that he was the hiring authority and it was important information for him to have. He said that exit interviews were voluntary and that the 16 department heads had reviewed the policy and adopted it. Ms. Doig agreed that having 2 people, her and the Town Manager was important and felt as though employees were comfortable with the option to have one or

not. She said that most people would not want to burn their bridges. Mr. Cunningham said that the words and/or (with or without the Town Manager) provided some flexibility adding that it was also not mandatory. Mr. Petropoulos said that the draft was put together by the Personnel Board and run by Town Manager adding that their draft had not been brought forward. He said that the Town Manager needed feedback from the exit interview but felt it would be easy to get that information from the HR Director. Mr. Degen said that he owned a small business and therefore did the hiring and firing. He said that if someone wanted to leave because they didn't like the way he managed, he needed to know. Ms. Eliot and Mr. Schulman were fine with the wording "and/or" when it came to having the Town Manager involved. It was the employees choice and not mandatory. Mr. Haddad reconfirmed that he and Ms. Doig had started to work on this in June. He said that the Personnel Board reviewed it in August.

Mr. Petropoulos moved to accept and adopt the policy as amended to remove the Town Manager from the exit interview process. Mr. Degen seconded the motion. The motion was 2 in favor (JP, JD) and 3 against (SS, AE, PC). The motion failed.

Mr. Cunningham moved to adopt the policy as presented. Mr. Schulman seconded the motion. The motion carried with 3 in favor (SS, PC, AE) and 2 against (JP, JD).

MINUTES

Ms. Eliot moved to approve the Regular Session meeting minutes of September 29, 2014. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved to approve the Regular Session meeting minutes of October 6, 2014. Mr. Cunningham seconded the motion. The motion carried 3 in favor and 2 abstaining (JP, SS).

Ms. Eliot moved to approve the Regular Session meeting minutes of October 20, 2014. Mr. Cunningham seconded the motion. The motion carried 4 in favor and 1 abstaining (JD).

Ms. Eliot moved to approve the Executive Session meeting minutes of September 24, 2014 and not release. Mr. Petropoulos seconded the motion. The motion carried 4 in favor and 1 abstaining (JP).

Ms. Eliot moved to approve the Part 1 of the Executive Session meeting minutes of November 3, 2014 and release. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved to approve the Part 2 of the Executive Session meeting minutes of November 3, 2014 and not release. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Schulman moved to adjourn at 9:15pm. Mr. Cunningham seconded the motion. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 1/12/15