

**BOARD OF SELECTMEN MEETING
MINUTES DECEMBER 8, 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.

ANNOUNCEMENTS

Mr. Degen said that he would like to make a statement and would be making any additional comments at the end. He added that there was not enough time to duly post this as an agenda item but wanted to comment under announcements. Mr. Degen said that he was contacted the previous Thursday by Mr. Petropoulos who wanted to discuss a potential Open Meeting Law violation which occurred back in March and was in regard to the performance review evaluation report of the Town Manager. Mr. Degen said Mr. Petropoulos had contacted the attorney of the day to ask if a serial violation had occurred because comments submitted by a member of the Board of Selectmen had been circulated via email from the chair to a third member. The Open Meeting Law complaint form was submitted by a member of the press to the Office of the Attorney General and a copy had been circulated to the Board. He said that he, Mr. Petropoulos and Mr. Bouchard the Town Clerk had a meeting with Town Counsel the week before to discuss whether a violation had occurred and since that time Art Campbell of the Groton Line posted this complaint form online. Mr. Degen said that Town Counsel needed a few days to review all the information and would be scheduled as an agenda item on their next meeting agenda.

Art Campbell announced that he would like to videotape portions of the meeting.

Mr. Schulman moved to allow the press to videotape with notification every time. Mr. Cunningham seconded. The motion carried unanimously.

Ms. Eliot said that she didn't agree with this blanket exemption of videotaping.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Board had received a request to approve a conservation restriction on property owned by Arthur and Camilla Blackman on Indian Hill Road. He said that the Blackman's had been working with the Groton Conservation Trust on this proposed restriction. Mr. Haddad asked that the Board consider approving this restriction. Mr. Ed McInerney said that he attended the Conservation Commission's recent meeting at which time they voted unanimously to support this. He said that the land consisted of 15 acres at the end of Indian Hill Road. He said that the Blackman's had only wanted this parcel to be a single family lot and restricted to such. Mr. Degen said that the Blackman's had always been conservation minded. Mr. Cunningham thought this was a great thing they were doing.
Ms. Eliot moved to accept the conservation restriction on the property listed in the Middlesex County South Registry of Deeds, Book 60854, Page 432 on Indian Hill Road. Mr. Cunningham seconded the motion. The motion carried unanimously.

2. Mr. Haddad said that he had met with Mr. Degen and Ms. Eliot to discuss and establish the annual goals and objectives of the Town Manager. He said that based on this discussion, they had developed the following goals for the ensuing year:
 1. Assist the BOS in completing their goals and objectives, including the final disposition of the Prescott School.
 2. Settle all Collective Bargaining Agreements.
 3. Work with various stakeholders to move economic development forward in the Four Corners Business District.

4. Complete and Submit a Balanced Budget for Fiscal Year 2016 that meets both the needs of the Municipal and School Departments.
5. Continue to address public concerns in a timely manner.

Mr. Degen said that another one of the Town Manager's jobs was to assist the Board in completing their goals and objectives. Mr. Cunningham said that this was a good list and especially thought number 4 was important. The Board accepted the Town Manager's goals.

3. Mr. Haddad said that he had provided the Board for discussion a consideration the proposed policy entitled "Board Members to Abide by Votes of the Board Adopted at Duly Posted Meetings." He said that they also had Town Counsels comments by means of the draft policy. Mr. Cunningham said that it expanded on what Fran Dillon had drafted adding that Board members were part of a team. Mr. Degen said that issues would be raised to the Chair who sets the agenda. Mr. Petropoulos said that he had an issue with having to have been on the prevailing side. He said it was not realistic to say that to the public. Mr. Schulman said that he they could say that would have to talk to other Selectmen about it and add that you (the one being approached by a resident) were already convinced. Mr. Petropoulos asked what happened if people left the Board. He said that nothing changed without conflict adding that people on the losing side light to make their point. Mr. Cunningham said that it follows the protocol of town meeting. He said that a member of the public could bring it an issue with a decision at a subsequent meeting for the Board to discuss. Ms. Eliot said that there is always going to be change, adding that government was fluid. She said that this spells out the process. Mr. Degen said that he was neutral on the policy. He said that there are plenty of times where he has been on the negative side of the Board but had always abided by the vote. He said that in that meeting was where town government should occur, not in the media or over a slice of pizza. He said that in the case of the Open Meeting Law, Mr. Schulman had heard from his constituents and asked for the discussion/vote to be reconsidered. Mr. Schulman said that he was not thrilled with the policy adding he felt restricted. He said that he hoped they abandoned this policy but that the Board members appreciated the spirit of it. Mr. Degen said that they were a five (5) members Board adding that no one had more power than another. Discussion ensued.

Mr. Schulman moved that they table this policy indefinitely. Ms. Eliot seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that at their last meeting, he had provided the Board with a proposed "Committee Vacancy Appointment Policy" as developed by himself, Mr. Schulman and Mr. Petropoulos along with Town Clerk, Mike Bouchard and Dawn Dunbar. He said that Ms. Eliot had brought to his attention that the policy needed to be in compliance with what was stated in the Charter as far as deadline dates. He said that he had made the revisions and this policy was in compliance. He asked the Board to consider adopting the policy. Mr. Degen thought the policy was excellent. Mr. Schulman said that it clarified the procedure. *Mr. Cunningham moved to adopt policy 14-03 as amended. Mr. Schulman seconded the motion. The motion carried unanimously.*
5. Mr. Haddad said that he was in receipt of the report done by Bill Gustas, the consultant hired to review the overall operations of the Groton Country Club. He said that Mr. Gustas had made some recommendations to improve the profitability and service delivery at the club. Mr. Haddad highlighted a couple of the recommendations. He said that golf revenues had declined over the past few years; golf cart revenues dropped 30% but cart expenses only declined 7%. He said that the consultant questioned how things were tracked with two (2) registers. He said that the pool and camp operations worked well and made the club money. The consultant suggested changing the operation structure by making it an enterprise fund. He didn't think changing this would benefit the Town. The consultant suggested hiring a General Manager/Head Professional at a higher salary and have everything go through one register; that revenues be enhanced through daily fee pay adding that members were very important but daily fee play accounted for more revenue. Mr. Haddad said that Mr. Gustas would be drafting a full marketing plan which would be

implemented over the winter. He said that we was working with his Finance Team to establish a reasonable operating budget and was considering possibly leasing out the function hall with the Board's permission. He said that he would be proposing a budget in January at the meeting on the 5th of \$416K which would take into account the assumption that the function hall would be leased out. Mr. Haddad said that he would like to ask a couple of Selectmen, maybe Mr. Schulman as the Country Club liaison to attend a meeting with the members with him. He said that he would also be advertising the position of General Manager/Head Professional right away.

Mr. Degen said that he had a meeting with Mr. Gustas halfway through the process. Mr. Gustas is the Town Administrator in Lynnfield. Lynnfield also has two (2) nine (9) hole golf courses that are run by the Town. They are very self-sufficient in that they make the Town a \$135K profit every year. He said that the Town should not be in the restaurant business adding that their focus should be on drumming up additional members and daily free play. He said that the pool and camp programs were very successful and liked the idea of reducing the budget from \$530K to \$416K. Mr. Robertson said that money needed to be put into a couple of things at the club like painting the men's locker room. Mr. Haddad agreed adding that they had made some improvements already such as rehabbing the bride's room and replacing the flooring in the kitchen. He said they were trying to do things a little at a time so as to not hit the taxpayers. Mr. Haddad said that the next replacement they were panning was the chairs at the pool. He said that pool drives the Club's business and needed to replace the chairs. He said that he was planning a special town meeting article to transfer money to replace the chairs and could add fixing the locker rooms. Mr. Schulman said that he liked the report and its brevity and liked the function hall lease idea. Mr. Petropoulos asked how the budget was going from \$550K to \$416K. Mr. Haddad said that it was primarily cut by eliminating the function hall costs. Mr. Schulman and Mr. Degen agreed to join Mr. Haddad at his meeting with the Club's members.

ANNUAL LICENSE RENEWALS

Mr. Haddad read the following list of annual licenses and asked the Board to approve them:

- Omahi Realty, LLC , dba Boston Road Market, Piyush Patel, Manager
Located at 871 Boston Road
Package Store - All Alcohol & CVL
Hours of Operation: Mon to Sat 8:00 AM – 11:00 PM, Sun 10:00 AM – 11:00 PM
Licenses to expire on December 31, 2015
- Gibbet Hill Grill LLC, dba Gibbet Hill Grill Restaurant and The Barn at Gibbet Hill Function Hall, Thomas Totman, Manager
Located at 61 Lowell Road
All Alcohol Restaurant License (2) & CVL (2)
Hours of Operation: Mon to Sat 9:00 AM – 1:00 AM, Sun 11:00 AM - 1:00 AM
License to expire on December 31, 2015
Contingent on Receipt of Sign-Off from the Building Inspector and Fire Chief
- Groton Market, Inc., John Madigan, Manager
Located at 235 Main Street
Package Store - All Alcohol
Hours of Operation: Mon to Sat 9:00 AM - 9:00 PM, Sun 12:00 PM - 6:00 PM
License to expire on December 31, 2015
- Marchand, Denis H. & Estelle C., dba Craven's Package Store, Denis H. Marchand, Manager
Located at 777 Boston Road
Package Store - All Alcohol
Hours of Operation: Mon to Sat 8:00 AM - 11:00 PM, Sun 10:00 AM - 11:00 PM
License to expire on December 31, 2015

- Bliss Bakery and Market, Inc., dba Bliss Bakery and Market, Sheryl A. Dean, Manager
Located at 134 Main Street, Unit 1B
Package Store – Wine & Malt Regular & CVL
Hours of Operation: Tues to Fri 7:30 AM – 7:00 PM, Sat 8:30 AM – 5:00 PM, Sun 8:30 AM – 3:00 PM (no alcohol sales before 10am)
Licenses to expire on December 31, 2015

Mr. Schulman moved to approve the licenses as read. Ms. Eliot seconded the motion with the contingencies read. The motion carried unanimously.

Mr. Haddad read the following list of annual licenses and asked the Board to approve them:

- Masa, Inc., dba Ixtapa Grill, Eric Brambila, Manager
Located at 765 Boston Road
Restaurant – All Alcohol & CVL
Hours of Operation: Sun to Thurs 11:00 AM - 10:00 PM, Fri & Sat 11:00 AM - 11:00 PM
Licenses to expire on December 31, 2015
Contingent on Receipt of Sign-Off from the Building Inspector and Fire Chief
- Filho's Cucina, Inc., dba Filho's Cucina, Oswaldo Filho, Manager
Located at 235 Main Street
CVL & Carry-In
Hours of Operation: Mon to Thurs 11:00 AM – 8:00 PM, Fri & Sat 11:00 AM – 9:00 PM, Sun 4:00 PM – 8:00 PM
Licenses to expire on December 31, 2015
- Country Butcher & Deli, Inc., Kenneth Demers, Manager
Located at 68 Boston Road
CVL
Hours of Operation: Mon to Wed 10:00 AM – 6:00 PM, Thurs & Fri 10:00 AM – 7:00 PM, Sat 10:00 AM – 5:00 PM
Sun 10:00 AM – 3:00 PM
License to expire on December 31, 2015
- Donelans Supermarkets, Inc., Steve Smith, Manager
Located at 250 Main Street
CVL
Hours of Operation: Mon to Fri 8:00 AM to 9:00 PM, Sat & Sun 8:00 AM – 8:00 PM
License to expire on December 31, 2015
- The Natural Market, Inc., dba The Natural Market, Joan Reardon, Manager
Located at 148 Main Street
CVL
Hours of Operation: Mon to Sat 9:00 AM to 6:00 PM, Sun 11:00 AM to 5:00 PM
License to expire on December 31, 2015
- Main House, Inc., Chang Wen Huang, Manager
Located at 495 Main Street, Unit 3C
CVL
Hours of Operation: Sun to Thurs 11:30 AM – 9:30 PM, Fri & Sat 11:30 AM – 10:00 PM
License to expire on December 31, 2015
- Groton Medical Wellness Spa, LLC, dba Groton Wellness Café, Karen Zimmerman, Manager
Located at 493 Main Street
CVL
Hours of Operation: Mon to Thurs 10:00 AM - 8:00 PM, Fri & Sat 10:00 AM – 4:00 PM
License to expire on December 31, 2015

Ms. Eliot moved to approve the licenses as read. Mr. Cunningham seconded the motion with the contingencies as read. The motion carried unanimously.

Mr. Haddad asked the Board to approve the following annual license:

- A.L. Prime Energy, Mahmoud Shiekhabdou, Manager
Located at 619 Boston Road
CVL
Hours of Operation: Sun to Sat 6:00 AM – 10:00 PM
License to expire on December 31, 2015

Mr. Cunningham moved to approve the license as read. Ms. Eliot seconded the motion. The motion carried 4-1 in favor with Mr. Degen voting against.

Mr. Haddad asked the Board to approve the following annual licenses:

- Groton House of Pizza, Theo Stefanakos, Manager
Located at 129 Main Street
CVL & Entertainment
Hours of Operation Daily: 11:00 AM – 9:00 PM
Licenses to expire on December 31, 2015
- Santi's Restaurant & Dairy Bar, dba Johnson's Restaurant & Dairy Bar, Richard Santiano, Manager
Located at 164 Boston Road
CVL & Carry-In
Hours of Operation: Mon-Wed 6:00 AM – 3:00 PM, Thurs-Sat 6:00 AM – 8:00 PM, Sun 6:00 AM – 4:00 PM
Licenses to expire on December 31, 2015
- Gilson Family Herb Enterprises, dba The Herb Lyceum, David Gilson, Manager
Located at 368 Main Street
CVL & Carry-In
Hours of Operation: Daily 10:00 AM – 11:00 PM
Licenses to expire on December 31, 2015
- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Center, Megan Dahn, Manager
Located at 133 Main Street
CVL
Hours of Operation Daily: 6:00 AM – 7:00 PM
License to expire on December 31, 2015
- Clover Farm General Store, Janet Shea, Manager
Located at 9 West Main Street
Package Store – Wine and Malt Regular & CVL
Hours of Operation: Mon-Sat 7:30 AM – 6:00 PM, Sun 12:00 PM – 6:00 PM
License to expire on December 31, 2015
- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Shell, Alexa Duplak, Manager
Located at 318 Main Street
CVL
Hours of Operation Daily: 6:00 AM – 9:00 PM
License to expire on December 31, 2015
- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Forge, Patricia Hosmer, Manager
Located at 3 Forge Village Road
CVL
Hours of Operation Daily: 5:00 AM – 7:00 PM
License to expire on December 31, 2015
- Groton Towing, Inc., Robert Olson, Manager
Located at 455 Main Street
Class II

Hours of Operation Daily: 8:00 AM – 6:00 PM, 24 hours/day for towing
License to expire on December 31, 2015

Mr. Cunningham moved to approve the annual licenses as read. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Haddad said that he had received 11 applications from individuals interested in serving on the Prescott School Committee. He said they had seven (7) seats to fill. He said that Ms. Eliot and Mr. Green would be taking two (2) seats as the Selectmen and Finance Committee representatives which left 5 seats. He said that he would like to set up an interview process and then make his final recommendations. He asked one of the Board members to join him in the interviews. Mr. Cunningham agreed to help. Mr. Haddad said he would bring this back to the December 22nd meeting.

OTHER BUSINESS

Mr. Haddad said that there was a recent issue about emails that came into selectmen@townofgroton.org. Mr. Degen said that the Town Manager and his Executive Assistant are the first to see emails that are sent to the office. He said that the Town Manager forwards emails to the Board adding that the Town Manager will most often respond to them. Mr. Degen said that he would like to discuss the protocol for responding to those emails. Mr. Haddad showed the Board that each department head gets emails that go to that department. Example: planning@townofgroton.org goes to Michelle Collette not the individual members of the Planning Board. Mr. Haddad said that every email that comes in to the Selectmen email goes to he and Ms. Dunbar. He said that the resident that had an issue with his response recently was misinformed and he was simply trying to clarify the information and even invited her to come and talk to him. Mr. Haddad said that it had been this way since they had email. Mr. Haddad said the only way around this was for the Board to put their personal email addresses on the website. Discussion ensued. Mr. Degen welcomed residents to call the office and leave messages for them adding that Ms. Dunbar would provide them with their messages.

LIAISON REPORTS

Mr. Cunningham said that he attended the retirement celebration for Officer Irm Pierce. He said it was a very nice ceremony where the flag was dedicated to him. He said they should consider doing a proclamation for him as a long time employee.

Mr. Cunningham said that Kinder Morgan filed with FERC that day the preferred route having been changed to Southern New Hampshire. He said that they should consider looking at the charge of the Committee moving forward. Mr. Schulman said that the Coalition would like to continue to meet to help the New Hampshire towns who are now 9 months behind on work these committees have already done. Mr. Haddad agreed that the Town needed to stay diligent on this.

Ms. Eliot said that she attended a meeting of the owners of the 4-corners to discuss the possibility of sewerage to Ayer through the Inter-municipal Agreement already established with Ayer. She said that they agreed to meet again and thought the meeting was positive. She said that this would require a vote of Town Meeting. Mr. Haddad said that the cost to install the sewer would be through 100% betterments adding there would be no residential tax funding for the install.

Mr. Degen said that the Affordable Housing Trust met with Bob France for an update on 134 Main Street. He said that the front building was done and almost rented out. He said that rear of the development was 1/3 sold with 3 bedroom affordable units ready for occupancy. He said that they were working on marketing them now. He hoped to have the project completed by April 2016.

MINUTES

Ms. Eliot moved to approve the Regular Session meeting minutes of November 3, 2014. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved to approve the Regular Session meeting minutes of November 10, 2014. Mr. Petropoulos seconded the motion. The motion carried 3-0-2 in favor with Mr. Degen and Mr. Cunningham abstaining.

Mr. Cunningham moved to adjourn at 8:55pm. Mr. Schulman seconded the motion. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 2/10/15