

**BOARD OF SELECTMEN MEETING  
MINUTES MARCH 2, 2015  
APPROVED**

**Present:** Josh A. Degen, Chair; Anna Eliot, Vice Chair; Stuart M. Schulman, Clerk; Peter S. Cunningham, Member; John G. Petropoulos, Member (via telephone)

**Also Present:** Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Degen called the meeting to order at 7:00pm.

Mr. Haddad announced that Mr. Petropoulos was participating via remote participation.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that as they all knew, they had been searching for a new IT Director. He said that to conduct this very important search, he appointed a Search Committee made up of himself, Melisa Doig, Michelle Collette, Michael Bouchard, Dawn Dunbar, Jim Dishington, Bud Robertson, Jessica O'Toole, Michael Bettano and Stuart Schulman. He said that while it seems like it was a large committee, he wanted as much input as possible before making a decision. He said the position was advertised in several publications that would reach IT professional and they received 40 applications for the position. He said that Ms. O'Toole and Mr. Bettano helped him review the resumes and selected seven candidates to interview. He said one dropped out and only six were interviewed. He said the six finalists were narrowed down to three adding that all three finalists were outstanding and making a decision among them proved to be very difficult. He said that in an effort to make the process as thorough as possible and include as many people in the decision making process, he decided to have all the Department Heads interview them. Mr. Haddad said that he could not express how important this was to the search process. He said the Department Heads were amazing and did a phenomenal job interviewing the finalists. He said this allowed him to see how the applicants interfaced with their peers and provided additional information that did not come out in the first round of interviews. He said based on this he decided to offer the position to Mike Chiasson of Westford. He said Mike has been an IT Manager for the past seven years and has over nine years of experience in the field. Mr. Haddad respectfully requested that the Board consider ratifying the appointment of Mike Chiasson as IT Director effective April 6, 2015.

Mr. Cunningham said it sounded as though it was a great process. Ms. Eliot welcomed Mr. Chiasson aboard. Mr. Schulman said that Mr. Chiasson would be a great director. Mr. Degen said it was a very thorough process and trusted the opinion of the people who served on the search committee.

*Mr. Schulman moved to confirm the appointment of Mike Chiasson as the IT Director effective April 6, 2015.*

*Mr. Cunningham seconded the motion. Roll Call: Cunningham-aye; Eliot-aye; Schulman-aye; Petropoulos-aye; Degen-aye. The motion carried unanimously.*

**ANNOUNCEMENTS**

Mr. Degen said he wanted to start by apologizing for the Peyton Place saga. He said that earlier that day he had a meeting with Mr. Robertson, Mr. Lindermer and Mr. Haddad in the Town Manager's Office. Ms. Eliot entered the meeting and the issue of the Four Corners Sewer came up. He said that he was grilled at length and accused of collusion with Mr. Petropoulos. He said the discussion got very heated. He said that he had been accused of collusion by Ms. Eliot many times and was not letting it go this time. He said that Mr. Petropoulos brought forward an issue to him about a consultant being brought forward to film a video on the Four Corners Sewer project. He said he lost his cool, swore at the top of his lungs and stormed out of Town Hall. Mr. Degen said he later came back to Town Hall to apologize to the employees for his outburst. Mr. Degen read the following memo that he couldn't send to fellow Board members:

*Mark*

*In order not to violate the MA open meeting law I ask you to forward this email to my fellow board members. Early today Selectman Eliot accused me of talking behind the scenes with individuals concerning the Four Corners video. Selectman*

*Petropoulos contacted me a week ago asking me a question. He asked me whether or not I was aware of a video being produced about the proposed sewer project. I said no and immediately contacted the Town Manager about it. I was concerned that taxpayer dollars may have been authorized without a vote of our board. I was also concerned that a video that promotes a position on an issue on the upcoming warrant may violate the Office of Campaign Finance rule or other laws. Mark explained that Selectman Eliot proposed this to him. We as a board should have been made aware of this. Rather than bringing it before us Mark thereafter referred it to Groton Cable Access/Cable Committee for funding.*

*Yesterday I received a call from a member of the FINCOM expressing their concerns. I told the individual that they could come to our meeting this evening and address it during the public comment period.*

*Earlier today Selectman Eliot accused me of both collusion with Selectman Petropoulos on this issue and asked me why I did not contact her about this. In order not to create a serial violation of the Open Meeting Law I could not directly contact her. I am astounded that she has accused me of collusion. Clearly she does not understand the Open Meeting Law still. I was upset with her today and verbally stated in the Town Manager's office that I was tired of her shit and that I did not sign up for this. For that I apologize but I will no longer tolerate false accusations, innuendo and conspiracy theories about my proper actions.*

*Please do not respond directly to me on this topic. Rest assured this will be discussed this evening. Our board needs to have a professional mediator engaged to help us work more cohesively with one another and the Town Manager.*

*Josh Degen*

Mr. Degen said he later found out that hiring a consultant would not violate the Open Meeting Law. Mr. Degen read Town Counsel's opinion:

*Mark,*

*With certain exceptions, the Conflict of Interest law prohibits a municipal employee from having a financial interest in a Town contract. G.L. c. 268A, §20. In my view, an arrangement with the Board of Selectmen for producing a video regarding the subject of a Town Meeting warrant article would constitute a contract for purposes of the law.*

*One of the exceptions to the law's contract prohibition is for "a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, . . . ." (Section 20, clause (d)). In this instance, it would be my view that Mr. Melpignano, as a special municipal employee, would be able to enter into an arrangement for production of the video if the Board of Selectmen voted to approve an exemption of his financial interest from the provisions of G.L. c. 268A, §20.*

Ms. Sartini of the Groton Herald asked if there was a detailed scope for the work. Ms. Eliot said no adding that she got the idea from a Prescott School Committee meeting as a way to get the information out to the voters prior to Town Meeting. She said they as a Board had discussed ways to get more information out to the public so many times and thought that a video was a good way to get all the information out there. She said that as she does for any Town Meeting article she presents, she gathers all the information she can. Ms. Eliot said that she went so far as to contact the Superintendent of Schools to see about student's involvement in the video. The Superintendent was okay with it as long as the video remained objective and didn't promote any sides.

Ms. Sartini asked what the cost was. Mr. Haddad said that a bill had been submitted for \$3,000. Ms. Eliot said it was her intention to ask the Cable Advisory Committee to fund this through Cable fees. Ms. Sartini asked who the Chief Procurement Officer was and if they received quotes. Mr. Haddad said it was him adding there was nothing in procurement that says he had to obtain quotes because the cost was under \$10,000. 30B asks you to use best practice. Mr. Hargraves said that he was taken aback by how quickly things happened and added that any video should cover all sides of the argument. Mr. Petropoulos said that it was unfortunate that Mr. Melpignano was stuck in this as he was only trying to provide a service. He said he understood the Town was going to pay for the video and called Mr. Degen to see if he was aware of this. Mr. Petropoulos said Mr. Degen was not aware. Mr. Petropoulos said he was not sure they should spend money on something they had not taken a position on. Mr. Petropoulos added that the fact Ms. Eliot was on this coming Saturday's Cable Advisory Committee agenda seemed secondary and reactionary. Mr. Degen added that he never said it shouldn't come out of the Board's budget but it should have been discussed first. Mr. Haddad said that Ms. Eliot came to him with the idea in an effort to get more information out to the residents. He said that he had money in his budget to do this for Town Meeting but misunderstood Ms. Eliot when she came to him. She was planning on requesting the money from the Cable Advisory Committee all along. Mr. Haddad said Ms. Eliot had great intentions adding he didn't realize he needed to come to the Board for these types of things. Ms. Eliot said she made arrangements to go before the Cable Advisory Committee prior to this coming up.

Mr. Degen said there were a couple of issues here; one being that he had been accused of collusion and two that he deserved an apology from Ms. Eliot.

Mr. Cunningham said he was interviewed and filmed as part of the project adding that Mr. Petropoulos was also. He said it was going to be a balanced presentation adding that because they were responsible for the Town Meeting warrant, it was not inappropriate to do this. Mr. Degen said that it was a process issue. Mr. Petropoulos said that they should have cleared the issue with Town Counsel first. He also agreed that it was a process issue and agreed that it was a stated goal of the Board to increase communication about things like this with the residents. Mr. Haddad said he disagreed with this was done on a whim adding that it was just another way of getting information out to the residents and voters. He said it was a part of what they do. He said that the rules seemed to be changing. Mr. Haddad said if the Board wanted this to come to them first, they should let him know. He said it had never been a problem in the past citing the video that was done to inform residents and voters about the old Center Fire Station. Mr. Haddad said they wanted to get the word out adding this was supposed to be a good thing and typical of the ways things had been done in the past. Mr. Petropoulos said that they couldn't object to something they didn't know about. Mr. Cunningham again pointed that Mr. Petropoulos was interviewed for the video. Art Campbell asked if Mr. Melpignano had cleared this with the Ethics Commission. Mr. Melpignano said "yes." Mr. Melpignano confirmed that this topic was on the Cable Committee's agenda for Saturday. Mr. Melpignano said that content objective presentation were his strength adding he had been doing it for 30 years. He said that the objective was to inform the public. He added that he had filed a disclosure form.

Linda Desissio of the Four Corners Neighborhood Association said that it was a great way to get information out there. She said they had been approached last week about being interviewed for the film but they became weary about the list of questions they received. She said that they had been included in meetings at the Town Hall about the project Mr. Melpignano said that he did approach the neighborhood to see what their feelings were about the project.

*Mr. Cunningham moved to authorize the production of the video for the dissemination of information on the Four Corners Sewer project. Mr. Schulman seconded the motion. Roll Call: Cunningham-aye; Eliot-aye; Degen-nay; Schulman-aye; Petropoulos-abstained because Mr. Melpignano helped him with his campaign. The motion carried 3-1-1 in favor.*

*Mr. Cunningham moved that the sum of money assigned to the production of this video was not to exceed \$3,000. Mr. Schulman seconded the motion.*

Mr. Melpignano said that the invoice for \$3,000 was for half the cost of the production. He said that total bill would be for \$6,500. Mr. Degen said that this new information further exacerbated the issue and the accusation of collusion. He said he vehemently opposed this and announced he was leaving the meeting. Mr. Degen exited the meeting at 7:50pm. Ms. Eliot took over as chair of the meeting. Mr. Cunningham suggested they keep the amount of \$3,000 as motioned for the time being and requested the motion be moved on.

*Roll Call: Cunningham-aye; Schulman-aye; Eliot-aye; Petropoulos-abstain. The motion carried 3-0-1 in favor.*

#### **OTHER BUSINESS**

Mr. Haddad said he was in receipt of the following email from Takashi Tada, Conservation Administrator:

*Hi Mark,*

*Last night the Conservation Commission opened the public hearing re: NOI for Sonar herbicide treatment in Baddacook Pond. After considerable discussion the hearing was continued to March 10<sup>th</sup>. Not surprisingly, there is a difference of opinion between those who support the project (GPAC, GLA et al) and those who oppose it (BOWC) on the potential risks to the public water supply that could result from application of the herbicide in the pond.*

*By a vote of 6 in favor to 1 opposed (Rena S.), the ConsCom approved a motion requesting the applicant (i.e. Board of Selectmen) pay the amount of \$10,000 for the hiring of an outside consultant who would help to address specific technical questions/objections posed by the BOWC. The choice of consultant must be agreed to by both the BOWC and the BOS.*

*Let me know if you or the Selectmen have any questions.*

*Thanks,  
Takashi*

Mr. Haddad said they obviously didn't have \$10,000 to spend on this adding they would have to request a reserve fund transfer at Town Meeting. Mr. Tada said when the discussion was had the question came up was whether the Board of Selectmen would approve the money. He said the Conservation Commission was trying to determine the Board of Water Commissioners concerns and thought bringing in a third party would be helpful. He said that the \$10,000 number that was voted on was arbitrary as they didn't have a quote. Mr. Cunningham said that a lot of technical information had been provided by both sides. He asked if there was agreement amongst everyone that they all would accept the outcome of a peer review. Mr. Cunningham added that di-quad was successfully used at Lost Lake. Mr. Tada said he couldn't speak for anyone but the Conservation Commission. He said one of their members was on GPAC and added that they were seeing a lot of this information for the first time. Mr. Orcutt said that the Board of Water Commissioners had outlined what they were looking for adding they were looking for experts to help guide them. Mr. Schulman said that if they did go ahead with this he would need a guarantee that whatever way the results went that's the way they would all proceed. Mr. Orcutt said herbicides were not allowed in Zone I. Mr. Haddad asked why they were talking about it if they were not allowed.

Ms. Eliot said that the question seemed to be about what the \$10,000 would be spent on. She said she was not sure any expert could give any additional information that the GPAC had given already. She said that the Conservation Commission was stuck in the middle. Ms. Eliot further added that they should be looking at all the other studies that had been done in other towns. Jim Luening said that other studies had been done and looked at. Mr. Luening said that the Sonar was being applied in the water and not in the well. Ms. Eliot said she was not sure \$10,000 was going to answer more questions. Mr. Tada said that the application of herbicides in Zone I was prohibited but only part of Baddacook Pond was in Zone I. Mr. Luening said herbicides could be applied in Zone I with DEP permit. He added this had been done in other towns. Susan Horowitz said that she was the Board of Health rep on GPAC. She said she didn't believe that any of the Water Commissioners had science backgrounds and didn't believe what the EPA was telling them. She said that everything she had read said it was a safe product. Ms. Horowitz said that Sonar would not be applied to the well and didn't believe it would be a problem. Rena Swezey said that she one the one Conservation member that opposed the vote. She didn't understand why the Water Commissioners couldn't talk to Littleton Water Commissioners who had been doing this for years in Spectacle Pond.

Mr. Schulman said he was strongly opposed to this adding things needed to be resolved. Mr. Petropoulos said that the Water Commissioners were very clear about what they were looking for adding that one item they were looking for was indemnification from any harm. Mr. Petropoulos said that was a hurdle they needed to cross first. Mr. Luening said that the contractor would carry an indemnification clause. Ms. Eliot said that indemnification was not an issue for them adding that those issues were being looked at by the Conservation Commission. John Smigelski said that commercial contractors would have to post a bond to treat adding that the insurance company would also have to sign off on it. Art Prest said that spending \$10,000 was a waste of time adding that they were having trouble pinning down what the bullet points from the Water Commissioners were. Mr. Cunningham said he was not willing to consider this or take action on it that night. He said they needed to know what the Water Commissioners were looking for.

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

2. Mr. Haddad said that John Smigelski had submitted a "Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority as required under MGL, c. 268A, §19" for the Board's approval. He said that Mr. Smigelski rents land from the Conservation Trust and they were coming before the Commission with a project. He said Mr. Smigelski will be recusing himself from participation on this and the reason for filing the disclosure. He respectfully requested that the Board approve the disclosure.

*Mr. Cunningham moved to accept the disclosure filed by John Smigelski as described by Mr. Haddad. Mr. Schulman seconded the motion. Roll Call: Cunningham-aye; Eliot-aye; Schulman-aye; Petropoulos-abstain. The motion carried 3-0-1 in favor of the motion.*

3. Mr. Haddad said that the warrant closed on Friday, February 27<sup>th</sup>. Mr. Petropoulos left the meeting at 8:25pm. Mr. Haddad reviewed the articles under the first draft of the warrant. He said that he had a conversation with the Moderator earlier that day about the Moderators salary. Mr. Haddad said that he had put in Article 2 for the Moderator to receive a \$435 increase to \$500 back in December with his proposed budget. The Moderator doesn't want the appearance of any conflicts and asked that it be reduced back down to \$65. Mr. Haddad said Article 4 was a Citizens' Petition filed to request that the Board not renew the contract of the Town Manager. Mr. Schulman said he thought one of the petition signers wanted their name removed. Mr. Haddad read the email from Fred Correia to the Town Clerk.

Mike,

*This email is a follow up to our conversation this morning, Monday, March 2, 2015, at Groton Town Hall. I came to speak to you about a problem I had with a petition that I was presented with and that I signed. The facts of this petition were misrepresented to me and I ask that my name be taken off of this petition as I am strongly opposed to the question as it is written. I have two issues with this petition.*

*First, the language that is written on the petition is not the language that was read and explained to me. It was explained to me that the purpose of the signatures was to simply get registered voters signatures to get a question brought to the Town Meeting agenda. The language of the petition actually reads and implies that the actual signers of this petition support the Town Manager's contract not be renewed by the selectmen. There is no room for other interpretations of the language here. This is not my view, and it was misinterpreted to me making my signature invalid.*

*Secondly, this morning I learned that the "intent" of the author at the time was to try and have a "secret"/paper ballot vote of which I am strongly opposed to and was never communicated to me. I do not believe in a "secret"/paper ballot method at a Town Meeting. I strongly believe that the platform is for an individual to stand on their own two feet and say what they need to say. I believe a paper vote is a cowardly and potentially harmful way for individuals to pass their own personal agendas and not in the best interest to the Town. Again, this was misinterpreted to me and knowing this at the time would have also prevented me from signing the petition.*

*Being a retired Police Officer and Constable in multiple communities, I understand the importance of "legal language" and "intent" and the facts were not presented to me truthfully in this matter. I ask/demand for my name/signature to be removed from this petition as it was gained by false pretense.*

*Thank you for your assistance in this matter,*

*Fred Correia*

Mr. Haddad said that they sent the email to Town Counsel for his opinion. Mr. Haddad said Article 8 was the Operating Budget. Article 16 was Fiscal Year 2015 business with things such as parking behind the banks, the possible purchase of the lot behind the Town Hall, current year line item transfers, enterprise funds and prior year bills of which there was only one at the current time. Article 22 was to vote to purchase new voting machines. He said the current ones were 30 years old and it was becoming more difficult to find replacement parts. Articles 25 and 26 were CPC related articles and 27 and 28 were zoning articles. Article 29 was another Citizens' Petition. A resident was looking to have 152-158 rezoned. Articles 31-37 would be on a Consent Agenda like last spring; one vote on six articles.

Mr. Haddad said that he had received a call from a realtor that day interested in the Tarbell School. He said he may be asking the Board to reopen the warrant.

Mr. Haddad said he had an excellent meeting with the Kenney's owners of the Tavern who bid on the Function Hall. He said he was very excited and thought they had a good plan to move forward.

#### MINUTES

*Mr. Cunningham moved to approve the Executive Session meeting minutes of February 23, 2015 and not release. Mr. Schulman seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to approve the Regular Session meeting minutes of February 23, 2015. Mr. Schulman seconded the motion. The motion carried unanimously.*

*Mr. Cunningham moved to adjourn the meeting at 8:50pm. Mr. Schulman seconded the motion. The motion carried unanimously.*

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

Stuart Schulman, Clerk

respectfully submitted,  
Dawn Dunbar, Executive Assistant

Date Approved: 3/16/15