

**BOARD OF SELECTMEN MEETING
MINUTES MARCH 9, 2015
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; Attorney Brain Maser, Kopelman & Paige

Mr. Degen called the meeting to order at 5:00pm and said that they would start with looking that the Email Policy.

EMAIL POLICY

Mr. Maser said that he began working on this policy after the request had come in at the end of February for him to look at a draft. Mr. Degen said that emails that are sent to selectmen@townofgroton.org come into the Town Manager where he opens them and responds to 95% of them. He said that purpose of this was to codify how specific emails sent to a single selectman or ones the Town Manager shouldn't answer are handled.

Mr. Degen thought Section A. seemed pretty straight forward. Mr. Maser said that town business conducted on personal emails were subject to the records retention manual. Mr. Schulman asked if it should state that it applies to all emails both public and private. Mr. Haddad suggested wording such as all emails sent to both work and home emails addresses that deal with public comments are subject to the records retention manual.

Mr. Petropoulos said that there were certain controversial things whereas the Board should be checked with first. He said he didn't know how to address that. He asked if the Town Manager's response would be consistent with the Board's response adding he wasn't insinuating anything. Mr. Degen used the recent emails from residents concerning the school committee vacancy as an example of how the Town Manager ran his response by the Board prior to responding. Mr. Haddad said this was how he had always done things. Mr. Schulman said that he wasn't sure he needed to see everything adding it could be left up to Mr. Haddad's judgement. Mr. Haddad said that they should have faith in the Town Manager to respond appropriately as he had done for six (6) years. Mr. Cunningham said he wasn't sure how they would differentiate between emails the Town Manager should and shouldn't respond to. Mr. Petropoulos suggested that the emails be run by the chair first and emails that the Board should be queried on emails that are arguably directed toward them. Mr. Cunningham said that according to the Charter the Town Manager was responsible for the day to day operations and the Board was responsible for policy. Mr. Degen agreed that there were certain things the Town Manager should deal with whereas the Board was responsible for policy questions. Ms. Eliot asked if there were other towns that had email policies. Mr. Maser said "no" adding that it was rare to find one. Mr. Schulman suggested leaving Section B. as written adding there would be no end if they kept trying to amend it.

Mr. Degen said that Section C. spoke to an email complaint and wanting to send it to the Board. Mr. Maser said that they should send it to the Town Manager and/or Executive Assistant for distribution to be on the safe side. Mr. Petropoulos said that he didn't see any violation if they were to forward it only and ask for no responses. Ms. Eliot asked if they had to keep all emails. Mr. Maser said that they had to keep emails for 7-20 years. Ms. Eliot said that she didn't feel comfortable forwarding emails to other selectmen.

Mr. Maser said that Section D. said the Board had the discretion to respond to an email and sharing of the response with other members. Mr. Degen said that there were some things that should be shared and others that entitled to not be emailed. He said out of courtesy, personnel matters should be sent to the Town Manager. Mr. Petropoulos said that he could see sharing the response but not the original email. Mr. Petropoulos said that if they were to trust the Town Manager to use his discretion then they needed to trust each other adding that residents might stop emailing him in confidentiality. Mr. Schulman said that emails were public record. Mr. Petropoulos said that citizens needed to know they could send confidential emails. Mr. Cunningham said that if it had to do with the day

to day operations, it should be sent to the Town Manager to be addressed. Mr. Degen agreed that personnel matters absolutely needed to be sent to the Town Manager. Mr. Cunningham said that if there was concern over a town department, that info needed to be shared.

The Board was okay with how Section E. was written.

Mr. Schulman said that in Section F. he felt strongly that if someone was named in it, they should be copied on it. Mr. Cunningham added especially if it related to town employees. Ms. Eliot said that if they received an email from someone about a town employee, it should be forwarded to the personnel director. Mr. Degen added that it should also go to the Town Manager. Ms. Eliot suggested that any responses should be kept confidential and placed in the personnel file or done in public session. Mr. Haddad said that was day to day operations and should go to himself or the HR Director. Mr. Degen said that the Town Manager oversees all personnel. Mr. Maser also suggested that all personnel matters go to the Town Manager for further review. Mr. Haddad said that he felt obligated to share it with the employee. Mr. Cunningham asked if a complaint comes whether or not it went in the employees personnel file. Mr. Haddad said that the employee had the right to access their file. Mr. Maser said it could be redacted. Mr. Schulman volunteered to work with Mr. Maser on this further.

TOWN MANAGER PERFORMANCE REVIEW POLICY

Mr. Degen stated that with the recent snow storms, the review of this policy was delayed. Mr. Schulman said he had no problem with Mr. Petropoulos's redline changes in the Preamble. Ms. Eliot said she thought it was an annual review. Mr. Cunningham said it was laid out in the Charter and though they should take out regularly. Mr. Degen agreed.

Mr. Degen asked if there were any issues with the role of the chair section. Ms. Eliot said that when Mr. Maser was here last to discuss this, it was discussed that the Town Manager and the Chair would draft the initial self-evaluation and disseminates it at a public meeting. Mr. Schulman said he didn't think that was necessary. Ms. Eliot said that that was the way they had been doing it and it was the wrong way. Mr. Maser said the problem was with the conversations that were taking place. Mr. Petropoulos said that the Town Manager could do the self-evaluation with the Chair and Mr. Haddad could disseminate it. Mr. Maser said that there was nothing that prohibited the Town Manager from handing it out. Mr. Petropoulos said that if it was handed out by the Chair, it would have to be done in a public meeting. If it was done by the Town Manager it would not be a public document. Mr. Petropoulos said that he personally would like them to avoid making it a public document adding it kept the review private a little bit longer. Mr. Degen suggested adding "not via email" to item #4.

Mr. Degen suggested they eliminate #6 and the paragraph to #5 to ensure it accurately reflected the input all of the Selectmen. Mr. Schulman said that if there was a situation where there was an outlier, it was up to the discretion of the Chair to either add it or leave it out. Mr. Cunningham said that summary would reflect the majority. Mr. Degen said that everyone would have their comments.

Under Procedures, Mr. Degen said that #1 referred to the evaluation form, which would stay the same. Mr. Haddad said that it was redundant under #2 to include the self-evaluation. Mr. Cunningham asked why they needed to vote on it when they were directed to do it in the Charter. Mr. Maser said it was a formality. Mr. Cunningham asked if it was a no vote. Mr. Degen said that they would not do the review in the instance. Mr. Cunningham said they would be in violation of the Charter. Mr. Haddad said that his contract stated that his annual review needed to be done by February for the preceding calendar year of January 1st-December 31st. Mr. Cunningham said that he would like to see them remove the part where they have to vote on it. Mr. Haddad suggested that the Chair make an announcement in advance that the annual review of the Town Manager will be commencing thus eliminating #2 and making it part of #1. The Board was in agreement of this suggestion. Mr. Degen suggested adding to #3 under Procedures that they "shall endeavor to limit it to 30 days." Mr. Degen said #4 stated that the Chair hands out clean copies of the evaluation. Mr. Petropoulos questioned the dissemination of copies adding that it was written to say

that it had to be done in a meeting and would mean clean paper copies would be handed out. Mr. Haddad said that #4 under Procedures and #3 on the previous page under Role of the Chair were in conflict with one another. Mr. Schulman suggested striking the Chair shall disseminate and replacing it with the Board shall provide written comments to the Chair.

Mr. Haddad questioned why the Town Manager was required to meet with members of the Board about their comments adding that he meets with members of the Board all the time. Mr. Schulman suggested they remove required and replace it with encouraged.

The Board was okay with how #5 was written. Ms. Eliot said #6 talked about how quantifiable ratings shall be average. She said in the past she had always included everyone's comments and ratings in there so the Town Manager would know how the Board felt. Mr. Cunningham said that the summary should be an average. Mr. Haddad said that this was the same form he used on his department heads. He said that maybe this same form could not be used if they wanted to average ratings. Ms. Eliot said she was concerned about scoring averages. Mr. Petropoulos said that maybe an "X" in each column could be used and it would still show how each Selectmen rated the Town Manager in each category.

Mr. Haddad suggested moving #7 before #6 as the Board would vote on the review first and then it would go to the Town Manager. Mr. Degen suggested that once all comments were received by the Chair, it could be handed to the Town Manager at a public meeting. Mr. Cunningham said that the public was only interested in the final document.

Mr. Degen said that #8 stated that they would discuss the summary evaluation and vote on it. After that has been completed it would be given to the Town Clerk for release when requested. Mr. Cunningham asked if individual evaluations would be retained. Mr. Maser said that it was best practice to retain them whether that was in the personnel file or another file. Ms. Eliot said it was the right of the employee to have access to it.

Mr. Petropoulos said that #6 did not mention discussing modifications. Mr. Cunningham said that it did allow for discussion and approval. Mr. Degen suggested that they add "modification agreed on by a majority vote." The Board asked Mr. Maser to incorporate all the changes discussed to be brought back to the Board for approval.

Mr. Degen called the meeting back to order after a brief recess at 7:05pm.

ANNOUNCEMENTS

Mr. Degen said that they were in receipt of an email dated February 8, 2015 from the Town Manager requesting a formal investigation. Mr. Degen read the following email:

Good Morning Ms. Eliot, Mr. Cunningham, Mr. Schulman and Mr. Petropoulos:

Please consider this email as a request for a formal investigation as to why I am hearing about potential Board action against me as an employee of the Town from residents of the Town. Specifically, Mr. Robert Flynn, who has a citizens' petition article on the Warrant to direct the Board not to renew my contract, sent a text message to a resident of the Town stating "wait until Monday's article comes out, someone is going to get fired and it isn't going to be funny."

When I sent a text message to the Chairman of the Board of Selectmen asking him to enlighten me, he did not respond, but sent a cryptic email saying he could not enlighten me and requested that Town Counsel be present at Monday's meeting. It appears he is discussing personnel matters with a resident who has submitted an article to end my career with the Town of Groton.

As I consider this extremely important, I would respectfully request that this be investigated immediately.

Regards,

*Mark W. Haddad
Town Manager*

Mr. Degen said that we was recusing himself as chair for the moment and was turning things over to the Vice Chair.

Mr. Schulman asked for a point of order adding that this wasn't an announcement. He said that a lot of people were present to listen to the items listed on their agenda. Mr. Maser said that this was something that had presented itself. He said that this was more of a specific statement and would require that notice be provided to Mr. Degen. He said that the Board would need something more definitive from Mr. Haddad. Ms. Eliot said they could arrange a time to discuss this further at a future public session or executive session. Mr. Maser said that it would be up to the Town Manager to provide the Board with something in writing.

Mr. Degen resumed as Chair at 7:15pm.

Mr. Degen said that while Town Counsel was still present he wanted to take a matter up that was under Other Business, He said that Mr. Cunningham had made a request a couple of months ago for certain emails from Mr. Petropoulos. He said that he granted Mr. Petropoulos initial access to Town Counsel and was informed by Mr. Petropoulos today that he wanted this placed on the agenda for discussion. Mr. Petropoulos said that the matter didn't require that Town Counsel be present. Ms. Eliot asked why one selectman should have the opportunity to use Town Counsel. The Board decided to continue this discussion later in the meeting.

PUBLIC COMMENT PERIOD

Mr. Lynwood Prest said that he had the pleasure of being on both of the Fire Station Committees. He said in the process of construction, the contractor, TLT, did not make it. He said they had a manager who was able to take the same situation and bring the project to completion under budget and on time adding that no one other than Mr. Haddad could do that.

Mr. Rule Loving said that there was a lot of interest in the Town Meeting Study Committee and had not heard anything more about it. He also said that in response to Mr. Schulman's recent letter to the editor, he fully supported Mr. Petropoulos bringing process and change to the Board. Mr. Degen said that they did discuss the Town Meeting Study Committee's recommendations adding that they could take another look at them. Mr. Cunningham said that they also implemented some of those recommendations. Mr. Schulman said that he stood by his letter and was willing to talk further about it if Mr. Loving wanted to contact him.

SCHOOL COMMITTEE SEAT VACANCY

Ms. Manugian called the Committee's meeting to order at 7:20pm.

Ms. Marlena Gilbert said that she was confused about the filling of this vacant seat. She said it was her understanding that they had to go through the process but didn't have to appoint someone. She didn't think it was fair to vote in a temporary replacement adding that she had filled out an interest form. He said it should never be filled by default. Ms. Lathrop read the section of the regional agreement where it stated that the selectmen and remaining members **shall** appoint an interim. Mr. Petropoulos said that the interpretation said that they needed to appoint someone. Ms. Gilbert said that she didn't feel that a candidate who pulled papers for long term seats should be put in a temporary seat. She said it was giving them name recognition and endorsing them. She thought it provided them an unfair playing field for election and hoped there could be a further search for the perfect fit. Mr. Haddad said that as required, they advertised the vacant seat for seven (7) days and received two (2) applicants. He said that both applicants had also pulled election papers. He said that Ms. Gilbert returned papers for the one (1) year seat and Mr. Sjoberg pulled papers for both the one (1) year and three (3) year seats. Ms. Manugian said that they had a requirement to appoint an interim person to the vacant seat. Mr. Cunningham asked in terms of work, if they felt they needed to appoint someone now. Mr. Steinfeld said that he thought they should have a full committee. Ms. Manugian said that Mr. Sjoberg, who could not be present, came to the School Committee's last meeting to talk about his interest in returning to the Committee. Mr. Kubick said that when the vacancy was announced, his first thought was to find someone who had been on the School Committee before. He said that there are a lot of rules

you have to get up to speed on. He said they didn't have a meeting scheduled for a couple of weeks but didn't want to see the Committee not represented any longer.

Mr. Petropoulos asked if they had to appoint someone. Mr. Haddad said that they would be in violation if they didn't adding that it didn't have to be that night. Mr. Degen said that he didn't look at name recognition as a downside and thought of the interim seat as an opportunity to get your feet wet. Ms. Manugian said that she spoke to Berta Erickson who was willing to be appointed but she didn't think Ms. Erickson turned in her papers.

Mr. Cunningham thought they should move forward adding they had two (2) able candidates. Mr. Schulman asked Ms. Gilbert if she had the time to commit. Ms. Gilbert said that she always made the time for something she was passionate about. She said she moved to town four (4) years ago and had volunteered as a coach and den leader. She said she was the outreach spokesperson for APEX and would like to continue with that if she could. She said she wanted to be an advocate for the children and the town and was passionate about making it better. Ms. Lathrop asked if she had reviewed the schools policies. Ms. Gilbert said that she had been reading them since joining APEX and had attended meetings. She said she was interested in knowing the policies further adding there would be a learning process.

Mr. Cunningham moved to nominate Mr. Jon Sjoberg as candidate for the school committee vacancy. Mr. Schulman seconded the motion.

Mr. Petropoulos moved to nominate Ms. Marlena Gilbert as candidate for the school committee vacancy. Mr. Schulman seconded the motion.

Mr. Cunningham said that he was voting for Mr. Sjoberg as he was a former member of the committee and encourage Ms. Gilbert to continue to run. Mr. Petropoulos said he too was going to vote for Mr. Sjoberg who thought he could hit the ground running. Ms. Eliot said she was also going to vote for Mr. Sjoberg for the same reasons. Mr. Degen said that he was voting for Ms. Gilbert adding he would like to hear more about what she has to say. Mr. Schulman said that he too also supported Ms. Gilbert.

Ms. Manugian said that she was voting for Mr. Sjoberg as he could hit the ground running. Ms. Lathrop was also voting for Mr. Sjoberg. Mr. Kubick said that he had worked with Ms. Gilbert but was voting for Mr. Sjoberg because he could hit the ground running. Mr. Steinfeld said that he was also voting for Mr. Sjoberg and wished Ms. Gilbert luck in the election. Mr. Degen said that by a 7-2 vote in favor of Mr. Sjoberg, he would be filling the vacant seat until the May election.

The School Committee adjourned their meeting at 7:55pm.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Nashoba Chamber of Commerce will be holding their Annual Taste of Nashoba at Lawrence Academy on Tuesday, March 24th from 4:30pm-8:00pm and has requested a one day full liquor license.
Mr. Schulman moved to grant the one day full liquor license to the Nashoba Valley Chamber of Commerce for the Annual Taste of Nashoba to be held on Tuesday, March 24th from 4:30 to 8:00pm at Lawrence Academy. Mr. Cunningham seconded the motion. The motion carried unanimously.
2. Mr. Cunningham said that they had a good meeting with the representatives of Shaw's on the Four Corners Sewer Project. He said they indicated a general interest in the project and were looking for more information. Mr. Haddad said that they interviewed four (4) engineering firms who bid on the project adding that the hiring of one of them was subject to Town Meeting vote. Mr. Haddad said that Shaw's said as soon as the Town provided them with the additional information they were looking for, they would let

the Town know whether they were for or against the project. Mr. Haddad said that they would also be setting up another meeting with the neighborhood to keep them informed.

Mr. Haddad said that the four (4) firms that bid on the project all came in between \$265K and \$285K. They proposed either a forced main, gravity fed system, or low pressure system. He said that all four (4) firms had estimated that the entire project would cost between \$2 and 2.5 million. He said that they were in the process of checking references on two (2) of the firms and would bring a recommendation back to the Board.

Mr. Cunningham added that another moving part was the potential for a TIF. Mr. Haddad said that it would be part of the engineers work to determine how betterments should be assessed and TIF's. Mr. Haddad said that they were also looking into the possibility of applying for a Mass Works Grant, something that could help the project and in turn help work towards the goal of spurring economic development.

Mr. Haddad said another thing he was looking at was whether to suggest requesting only the engineering money at this town meeting or both the engineering and construction money. He said that he was working with Ms. Collette to map out the parcels. He said that one article would be to set the district.

Mr. Degen asked Mr. Haddad if he asked for there to be an officer present. Mr. Haddad said "yes." Mr. Degen asked why. Mr. Haddad said "because of my safety." Mr. Degen said that tax payer dollars were being used for this. Ms. Eliot said that this was out of order and asked that they continue on with the meeting.

Mr. Haddad said that he had been asked to provide numbers and wanted to remain conservative. He said that he was leery about putting numbers out there. Mr. Schulman said that New England Power was not likely to build out. Mr. Haddad said that if sewer was available, you would never know. Mr. Haddad said that they had estimated an additional 93,874 in increased value on the buildings if all built out. Ms. Eliot asked if the line went past Shanklin's. Mr. Orcutt said that the project would go down Sandy Pond Road adding that the project was very defined with the Commonwealth and through the inter-basin transfer. Mr. Petropoulos asked if the package store was on the plan. Mr. Haddad said "no." Mr. Petropoulos said that they had properties with current taxes and incremental taxes. He asked to be included in future discussions with the businesses. He said he wanted to know what the probability was for each of the businesses to agree to the proposed project was. Mr. Prest said that if you added up the value of all the properties in the district it was around \$10M. He said it was part of the Master Plan for community development adding there was a lot of potential there.

Mr. Haddad said that they ran scenarios on general obligation bonds. He said that a \$2.5M @ 3% = \$130K/yr; \$2.5M @ 3.5% = 140K/yr; \$3M @ 3% = \$160K/yr; and \$3M @ 3.5% = 168K/yr. Mr. Robertson asked what the cost would be if they picked up the entire loan. Mr. Haddad said the first year would be \$45K adding that they had that in the budget but the second year would be \$160K. Mr. Robertson said that it appeared as though the taxes received would cover the costs and the risk to the Town would be the interest plus \$300K over time for the engineering. Mr. Degen said that it was highly unlikely that New England Power was going to build out. Mr. Haddad said that they had the obligation to pay the betterments no matter what. Mr. Prest said that National Grid owned 130 acres with only 16 acres of that was zoned B1. He said they didn't care about betterments adding that it would go into the ratepayer base anyway. Mr. Petropoulos asked Mr. Prest if he could get in writing from National Grid their willingness to pay betterments. Mr. Prest said he could try. Ms. Eliot said that the business owners potentially affected are not Groton residents and therefore don't vote. She said if she was them she wouldn't want to commit. Mr. Cunningham told Mr. Petropoulos that he was not going to get what he was looking for. Discussion ensued.

Mr. Prest said that doing nothing was not an option adding he didn't want to see blight there. Mr. Petropoulos asked if construction costs had been rolled into Mr. Haddad's figures. Mr. Haddad said that all numbers had been rolled in.

3. Mr. Haddad said that Mr. Melpignano had filed the appropriate disclosures He said that The Board had approved payment to Mr. Melpignano in the amount of \$3K but had not voted to approve the financial disclosure. Mr. Degen said that the last meeting had not turned out how he had expected. He said that \$3K turned into \$6,500. He said that he holds Mr. Melpignano harmless in this adding he is very much in favor of the sewer project. He said that at 7 minutes and 17 seconds into the discussion at the last meeting, Ms. Sartini of the Groton Herald asked if there was a scope of work. Mr. Haddad did not answer and deferred to Ms. Eliot who said no. Mr. Degen said that the fire station video was well done and only cost \$200. He said he was aghast that this video could have been done by cable for \$200. Mr. Degen said that Ms. Eliot went to the Cable Advisory Committee meeting and came out with a 0-5 vote and no funding for Mr. Melpignano to produce the video.

Ms. Eliot apologized to the Cable Committee. She said she was naïve in how she approached this and felt badly for Mr. Melpignano. She reminded Mr. Degen that he was paid \$9K for work at Williams Barn and the Board didn't have to go through this for him. She said she would gladly go back to February 16th adding she wanted to professional quality video within a tight timeframe. Ms. Eliot said that the Cable Committee authorized Mr. Colman to work on the video going forward. Mr. Degen argued that the work he did was different and could offer a full explanation. Mr. Cunningham said there were two (2) things as he saw it. 1) They needed to rectify the vote from last week and 2) come up with a broader policy for outreach to residents. He said that maybe it was a money threshold but in any case they needed to make whole with Mr. Melpignano. Mr. Petropoulos said that it took 33 minutes into a meeting to find out that \$3K contract was really \$6,500. He said he felt like he was misled and it wasn't by Mr. Melpignano. He said the best intentions were here but we messed up the procurement process. Mr. Degen asked where the money was coming from. Mr. Haddad said from the postage and office supplies budget. Mr. Degen asked if Mr. Melpignano's action had been ceased. Ms. Eliot said she ceased his work a week ago. Mr. Degen asked what happened to the video. Mr. Haddad said that if they paid the \$3K, Mr. Melpignano would turn over the material thus far.

Ms. Eliot said that she didn't know about the \$6,500 or that a letter had been submitted to Mr. Haddad. She said she didn't see that until her meeting with the Cable Committee on Saturday. Ms. Eliot said that she asked Mr. Melpignano to reduce the fee a couple of times. Mr. Cunningham said that they knew back on the 20th that this video was going to be done. He said a couple of them had been interviewed. Mr. Degen said that they needed to try to make Mr. Melpignano whole adding that he wanted to make sure Mr. Melpignano was about 46% done prior to paying him. Ms. Eliot said that his invoice stated what he had done already.

Mr. Schulman said that it had been a hell of week and a lot of questions needed to be answered. He said their chair had walked out of a meeting angry, there had been messages and resignation letters and thought that \$6,000 was a drop in the bucket to what had gone on that week. He said they have been criticized for not getting along adding he was talking about everyone at the table. He said they were measured by how they are being and he was very saddened by it. Mr. Schulman said that mistakes had been made but told Mr. Degen that he gave him credit for saying how he felt but was embarrassed that he walked out of the meeting. He said that chair speaks for the board. He said how they are being was important and business was debatable. Mr. Degen said that he heard what was being said but thought that was like the pot calling the kettle black, speaking about Mr. Schulman's recent letter to the editor. Mr. Schulman said that it was a letter and it wasn't threatening. Mr. Cunningham asked if they could move on and discuss the matter at hand.

Mr. Cunningham moved that the Board of Selectmen approve the financial disclosure as submitted and filed by Mr. David Melpignano. Mr. Schulman seconded the motion. The motion carried 4-0-1 with Mr. Petropoulos abstaining.

Mr. Cunningham moved to reaffirm the vote of the Board at their meeting the week before to pay Mr. Melpignano for work that had been done on the Four Corners Sewer video adding that the items listed in the invoice had been completed already. Mr. Schulman seconded the motion.

Mr. Degen asked if they could speak to Mr. Melpignano first. Mr. Cunningham said that he was afraid to talk to the Board. Mr. Petropoulos agreed adding that he had been severely affected by this. Mr. Cunningham said that Mr. Melpignano needed to be paid.

The motion carried 3-1-1 with Mr. Degen voting against and Mr. Petropoulos abstaining.

Mr. Petropoulos moved to offer a formal apology to Mr. Melpignano. Mr. Schulman seconded the motion.

Mr. Petropoulos said that he write up a letter and run it by the Board at their next meeting.

The motion carried unanimously.

Mr. Cunningham said that they needed to prove the Town Manager with some direction on this. Mr. Degen said that it should come to the Board for approval. Mr. Petropoulos said he didn't think they needed to limit it to Town Meeting adding it was something they could put in their policies. Mr. Haddad said that the town hall and office supplies budget was used for a lot of things. He said that as the Chief Procurement Officer, he was being held to different standards. He said that other expenditures had been failed to be mentioned such as the handout that was produced for the voters of the Fire Station project which cost \$3K adding this was never brought to the Board. He said that they spent \$800 plus postage on a postcard for Fitch's Bridge that was never run by the Board. He said that one of the Board's goals was to improve how they communicate with the residents of the Town. Mr. Haddad said that in his email to the Board last Friday, he explained that Mr. Melpignano sent him an estimate to which he said he would speak to Ms. Eliot about it. He said he didn't know what the final cost was. He said there was no malice or forethought adding that anything from \$0-\$10K according to procurement law stated that they had to use best business practice. He apologized adding that this could have been handled better and that they were not trying to embarrass anyone. Mr. Cunningham asked if there should be a threshold. Mr. Degen suggested \$1K. Mr. Haddad said that this would slow down the office.

4. Mr. Haddad said that the Governor released his proposed budget the other day which included an increase in state aid for the Town. He said that this provided them with a little more cushion but it was still only a proposed at this time. He said that they had received a preliminary number from Nashoba Tech which was a little higher than anticipated. He said that they were still \$55K under the levy limit right now without any adjustments and the tax rate had dropped by four (4) cents.

OTHER BUSINESS

Mr. Petropoulos said that a couple of months ago a PIR had been submitted for his emails. He said that this was done by another selectmen and unusual in size. He said that he asked the Chair for access to Town Counsel which he was granted. He said that the estimate provided was being grieved to the Secretary of State and he was looking to go back to Town Counsel for advice. He said the reason he wanted to bring this before the Board was that he was told there was an objection to the use of Town Counsel by another member of the Board and believed it should require Board approval. He said that the reason this was so important was that the work required to fulfill this PIR request was onerous. Mr. Petropoulos said there were 4,000 pages between himself and another person and would

take about 40 hours to compile everything. Mr. Petropoulos asked the Board for continued access to Town Counsel. Mr. Schulman said he had no objection as long as it didn't cost them. Ms. Eliot argued that if one selectman had access to Town Counsel, where did it end. She asked about the other board members. Mr. Cunningham said that his PIR was filed as a private citizen adding that this would be charged against the retainer. He said there was info available through the Secretary of State's attorney of the day and that this may not be necessary. Mr. Petropoulos said that the attorney of the day has told him to speak to town counsel.

Mr. Degen moved to allow Mr. Petropoulos continued use of Town Counsel. Mr. Schulman seconded the motion and added that as long as it was covered under the retainer. The motion carried unanimously.

Mr. Haddad said that there had been two (2) recent resignations to the Municipal Building Committee for Prescott School which put them at seven (7) members. This would be discussed at another time.

Mr. Haddad said that they had had to put in a lot of insurance claims on town buildings due to the ice dams this winter. He said that he was concerned originally about the \$2,500 deductible per building but they found out today that the insurance company may be putting this in a one claim and therefore one deductible.

Mr. Haddad said that he had been contacted the week before by a local Pepperell realtor who had a client interested in Tarbell School. He said they looked at the building on Friday and he met with them that day. He said that the interested party would like to make it into three (3) residential units and wanted to submit a bid. He said that he had spoken to the Chair and gone ahead and advertised the RFP in the Central Register on Wednesday. Mr. Haddad said that he would like to ask the Board to reopen the warrant and add two (2) articles relative to the sale and rezone of Tarbell School.

Mr. Cunningham moved to open the warrant and put two (2) placeholders on the warrant for the sale and rezone of Tarbell School. Mr. Schulman seconded the motion. The motion carried unanimously.

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

Mr. Haddad said that the Board asked him to reach out to mediator Jeff Nutting, the Town Administrator from Franklin. He said that Mr. Nutting sent him a bunch of dates of which he forwarded to the Board. He charged \$750 for a weeknight and \$900 for a weekend session. Mr. Nutting said he would suggest a minimum of four (4) hours. Mr. Haddad said that he also sent some sample questions. The Board set Saturday, April 11th as the preferred date.

Mr. Degen said that the sample questions left him scratching his head. He also suggested that they each pitch in \$150 from their stipends to pay for this. Ms. Eliot said that Mr. Nutting's questions were not meant to apply to them but to be used as a sample. She said Mr. Nutting intended for the Board to come up with their own questions they would want answered by the workshop. Mr. Petropoulos applauded the fact that this was taking off. He said that they first needed to agree as a group to do this and that they agree on the individual and that it wasn't just because it was someone Mr. Haddad liked. Mr. Cunningham said that this was not someone Mr. Haddad liked but someone the MMA recommended. He said that Mr. Nutting had worked with many communities. Mr. Haddad suggested that they designate the Chair to talk to Mr. Nutting about the issues. Mr. Degen suggested they all write down five (5) questions and send it to Ms. Dunbar by Friday. Mr. Petropoulos asked if having a mediator was the right thing to do adding he thought it was a good idea but that he hadn't heard them say that. Mr. Degen told Mr. Petropoulos that there was an issue here.

Mr. Cunningham moved that they have a problem. Mr. Schulman seconded the motion. The motion carried unanimously.

ANNOUNCEMENTS

Mr. Cunningham asked Mr. Haddad to provide an update on the Light Commissioners meeting. Mr. Haddad said that the Commissioners had voted a sliding PILOT payment based on a decreasing scale further based on what other non-profits were paying. He said that the Town would be penalized if other non-profits didn't increase profits. Mr. Cunningham said they needed to be careful in how they approached this. Mr. Degen asked if the vote was unanimous. Mr. Haddad said that he believed so.

MINUTES

They asked to have the minutes brought back to their next meeting.

Mr. Cunningham moved to adjourn at 10:07pm. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 4/16/15