

**BOARD OF SELECTMEN MEETING  
MINUTES APRIL 6, 2015  
APPROVED**

**Present:** Joshua 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 6:45pm and recused himself as Chair.

*Mr. Cunningham moved to enter into Executive Session pursuant to M.G.L. c.30A, Sec. 21(1) "To discuss the reputation, character, physical condition or mental health, rather than professional competence, and an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff members or individual." Mr. Schulman seconded the motion. Roll Call: Eliot-aye; Petropoulos-aye; Cunningham-aye; Schulman-aye; Degen-abstain*

Mr. Degen called the Regular Session meeting back to order at 7:04pm.

**ANNOUNCEMENTS**

Mr. Cunningham said that he attended the COA meeting earlier that day. He said that the feedback from the accreditation meeting was very positive and 680 had been returned. He said the accreditors were looking for a little more information which the COA was going to provide them.

Ms. Eliot asked Mr. Art Campbell if he sent someone to take pictures. Mr. Campbell said he did send Susan Hogan, a freelance photographer taking pictures for the Groton Line. Ms. Eliot said she did not remember Susan Hogan giving notice to take pictures at the previous meeting.

**TOWN MANAGER'S REPORT**

1. Mr. Degen and Mr. Petropoulos recused themselves at 7:11pm for item #8 under the Town Manager's Report.

Ms. Eliot said that they had received a request for an investigation on two (2) members of the Board of Selectmen and both of those members had requested indemnification. She said that they had not received the request in writing but would like to take this time to request an opinion from Town Counsel. She also asked that discussion be limited to this topic for now.

*Mr. Cunningham moved that under M.G.L. Chapter 258, Section 13 that they submit a letter to Town Counsel requesting an opinion on this matter and further to discuss this subject at a future meeting once they have received an opinion from Town Counsel. Mr. Schulman seconded the motion.*

Mr. Degen said that pursuant to Chapter 258, Section 13 adopted by Town Meeting in 1998 they were allowed indemnification arising out of a suit, claim, demand or judgement of up to \$1M. He said that the claim was delivered in a public meeting two weeks ago. As far as he was concerned, it was a public document. Ms. Eliot said that it had not been released and hasn't been discussed. She said that it was handed out in Executive Session and Mr. Degen refused to accept it so it was given to him at the start of Open Session. Mr. Degen said that the document was given to Town Counsel by Mr. Haddad and delivered to them by Town Counsel. He said that he could choose to release it or hold on to it. Ms. Eliot said that releasing it would take a vote of the Board. Ms. Eliot asked that in the request for an opinion from Town Counsel that they also ask what the status of the document in question and at what point can the document be released, redacted, not released, etc.

*Cunningham, Schulman and Eliot voted unanimously in favor of the amended motion made by Cunningham and amended by Eliot.*

Mr. Degen and Mr. Petropoulos rejoined the meeting at 7:20pm.

2. Invasive Species Committee – Mr. Degen said that they would be hearing from Mr. Olin Lathrop about a topic near and dear to his heart. Mr. Lathrop said that the Trails Committee had had a lot of discussions about the many invasive species that were in this area. He said that he attended a conservation summit in February and felt that it might make sense to form a committee where the members would be responsible for invasive species. He said that they could first develop a charge and look for volunteers interested in serving. He said this committee could catalogue species in town, educate landowners and look at performing some mitigation. Mr. Degen asked Mr. Lathrop if he would be interested in drafting a charge and committee objective. Mr. Degen said that he would be willing to work on this with Mr. Lathrop. Mr. Haddad also suggested that they work with the Conservation Commission to put this together and bring it back to the Board at a future meeting. Mr. Degen also thought it would be good to work collaboratively with the Trails Committee on this. Mr. Cunningham said it sounded as though the Board would appoint the committee but they would work with the Conservation Commission. Mr. Degen asked if they would be advisory to the Board. Mr. Haddad said that maybe they would be advisory to both. Ms. Susan Black thought that the Highway Department should also be involved as they were in charge of roadsides where a lot of invasive species exist. Mr. Degen agreed with Ms. Black. Mr. Mark Gerath said that the Groton Conservation Trust would also endorse this. Mr. Tom Delaney said that he went before the Conservation Commission last year to discuss phragmite which is a big concern. He said that something needs to be done about it before it gets to be out of control. Ms. Connie Sartini said that she also thought that removal of invasive species was needed and a management plan developed so other invasive species don't take over. Mr. Degen said that he already reached out to DCR where he was told they must start the process at the local level first. Mr. Cunningham said that if Mr. Lathrop and Mr. Degen could put together an outline and potential membership, maybe 7 or 9 members, and then they could reach out to DCR for assistance. He thought this was something they could move on rather quickly.
  
3. Mr. Haddad said that item #6 on their agenda this evening was to discuss a letter he drafted at the Board's request to the Massachusetts Aeronautics Division requesting they investigate the concerns raised by residents of Groton and Ayer about Hanscom Field Flight Instructors. He said he also wanted to update the Board on an email he received concerning this at 6:10pm that evening. Mr. Degen said that Mr. McCoy had come in the previous week to express his concerns and in the end the Board was not in support of a letter that Mr. McCoy had drafted and thus asked the Town Manager to draft another version for their review. Mr. Degen read Mr. Paul Hathway's email as mentioned by Mr. Haddad. Mr. Degen said that Mr. Haddad tried to make the letter meet both Mr. McCoy's and Mr. Hathway's concerns in the middle. Mr. Cunningham added that they had a pilot at their meeting the week before who gave them some back ground on it. Mr. Cunningham said that the sentence that read "appears to have been activity" suggested there was some evidence when there was none presented. He said that he understood where Mr. Haddad was coming with that wording adding it was tough to address it. Mr. Petropoulos said he was fine with sending the letter and it was evident Mr. Haddad had worked hard to draft the letter. Mr. Cunningham also suggested that they delete the sentence that "appears no actions." Mr. Marshall Giguere thought the Board should be careful in what it sends. Mr. Giguere suggested reaching out to the AIROPA community who was very good at mediating these sorts of issues. Mr. Degen thought it was a good suggestion and first step. Mr. Petropoulos and Mr. Cunningham agreed. Ms. Eliot asked why they couldn't reach out to both adding there were concerned members of the

public that had come to them for help. Mr. Cunningham said he liked Mr. Giguere's approach of pilots talking to pilots and thought it might be more productive. Mr. Schulman agreed that they should reach out to the pilot community first.

4. Mr. Haddad said that Council on Aging Director Kathy Shelp had requested that he appoint John Marriner of Pepperell as a Van Driver for the COA. Mr. Haddad asked the Board to ratify the appointment.

*Mr. Schulman moved to ratify the appointment of John Marriner as a Van Driver for the COA. Ms. Eliot seconded the motion. The motion carried unanimously.*

5. Mr. Haddad said that he withdrew item #4 in his Town Manager's Report. Mr. Petropoulos asked if Mr. Haddad believed if there could be fairness in his review. Mr. Haddad said that Mr. Degen assured him of his objectivity. Mr. Cunningham questioned Mr. Degen's ability to remain objective adding he had been pretty outspoken lately. Mr. Degen said that there was a policy in place whereas the Board offers their comments and those along with his comments was compiled in the review. Mr. Degen said that he was able to act impartially even in light of recent comments but relinquished his right at Chair to perform the Town Manager's review. Mr. Degen said that because the Board was considering whether or not to conduct an investigation on him he should not do the review. He suggested Mr. Schulman conduct the review and suggested that the policy be amended to reflect this change.

*Mr. Cunningham moved that for the purposes of calendar year 2014 that the responses to the Town Manager's annual review go to the Clerk, Stuart Schulman to be tabulated. Mr. Petropoulos seconded the motion. The motion carried unanimously.*

6. Mr. Haddad said that the Selectmen needed to take positions on a few articles still. He said that Article 8, the Operating Budget, the Finance Committee had voted unanimously to support the budget with the exception of General Government line items 1000-1182, which Mr. Pease abstained from voting. Mr. Cunningham said that he supported this article. Mr. Petropoulos said that he could not support the budget adding that he couldn't support the significant increases he had been talking about for months. Ms. Eliot said that she had been talking about the increases for 20 years but this was the Finance Committee's budget and she was in support of it. Mr. Schulman was in support of the article. Mr. Degen said that he did not support the article. He said that he thought the Town Manager had done an outstanding job with the budget but the train was running away and they needed to find ways to cut the budget. Mr. Degen added that he spoke to the Town Manager today and in light of the report done by Mr. Lindemer and Mr. Petropoulos he thought the Finance Committee should present the budget and make the motions this year.

Ms. Eliot said that they as Selectmen had the opportunity to attend the budget meetings with the department heads and had the responsibility to attend Finance Committee meetings and know what is going on. She said that Mr. Haddad along with his Finance Team sat for months going through numbers and requests and thought that Mr. Lindemer's report did not represent actual numbers but left a lot of unanswered questions.

Mr. Petropoulos said that the numbers weren't abstract numbers but the Town's numbers plus DOR's numbers. Mr. Degen said that the projected 20% growth in the tax rate was not sustainable over 5 years adding that many people were on fixed incomes. Mr. Degen said that he did support things like employee wages and benefits. Mr. Cunningham said that some of the core of the budget was out of

their control; things like Chapter 70 as an example. He said that if the Board thinks that bargaining contracts are what's driving this, the Board approved them and needs to take ownership. Mr. Schulman said that they had to have a budget. He said that the budget process started in December and there had been lots of meetings and contracts ratified. He said to go back and take a look at them again would be silly. Mr. Schulman said that it wasn't practical to say no to the budget now adding that no one said they had to follow the same road for the next 5 years. Mr. Petropoulos said that the expenses were growing faster than the revenue and had been saying that for over a year.

Mr. Haddad said that he had used the same formula since he started as Town Manager in Groton. He said that the projections are just projections and it said that there would be an increase 5 years from then of 20%. Mr. Haddad said that he and the Town Accountant had reviewed the report done by Mr. Lindemer and Mr. Petropoulos and thought that the following information was very useful. He said that the report showed there was a substantial amount of unbenefited employees which had increased in recent years. He said that they wanted to keep looking at benefited positions as they had done with some 19 hour positions last year. He said there had been a large increase in IT since he had begun but modernizing IT was a priority of the Selectmen and something that the DOR Division of Local Services had applauded us for. Mr. Haddad said that the over 65 population could double by 2025 and increasing those expenditures was something they would want to look at. He said that he and the Town Accountant wanted more time to look at the report but appreciated what had been done. Mr. Lindemer said he was not going to apologize for the timing of this report adding that he felt deep disappointment a tool like this had not been used in the past. Mr. Lindemer said that the numbers did not include Public Works. He said that the presentation was not meant to bust the budget but put spending in historical context with other towns. He said they were just trying to raise the question and not trying to derail the budget adding that continuing at this pace was not sustainable. Mr. Degen agreed that they could not continue on this path adding that he also agreed that he supported the collective bargaining increases across the board. Mr. Cunningham agreed they were all on fixed incomes but thought they needed to come up with an alternative instead of just not supporting this. He said that he didn't see a lot of fat in the budget adding that a lot of factors drive the numbers. He said they were not selling a commodity but providing services that they don't necessarily get paid back for. Mr. Petropoulos said that the points were well taken adding they were not here to fix things but to show there is a problem that needs fixing. Mr. Cunningham said that they might have to make some tough choices in 2017 adding he had no problem agreeing that taxes were increasing. Mr. Degen said that his vote was ceremonial but would not oppose the budget at Town Meeting. Mr. Schulman said that if they didn't have a budget, everything would shut down. He thought this was an extreme way of handling this. The Board voted 3-2 with Mr. Degen and Mr. Petropoulos voting against Article 8.

Mr. Haddad said that the Board needed to take a position on Article 11 – Lost Lake Fire Protection. He said they had a bid opening the previous Thursday and received 8 bids which ranged from \$1.5M to \$2M. Mr. Cunningham said that he supported this. Mr. Petropoulos said that they needed to look at preliminary costs. He thought that \$12K per home covered was a lot of money to pay for a benefit once it's installed. He said he was not opposed to people being safe. Mr. Petropoulos deferred his vote to Town Meeting. Ms. Eliot said she had mixed feelings as well and asked what the ultimate benefit would be. She said she was not ready to support the article and would defer to Town Meeting. Mr. Degen said that it was something they needed to move forward on but could not support it. Mr. Schulman said that he was in support of the article adding they told the residents of Lost Lake they should have water and sewer. He said that the residents in that area don't get anything but promises adding they should be given fire protection. Mr. Degen suggested that through betterments the residents be given drinking water adding they should look at the betterment costs. Mr. Haddad said that

in order to provide the entire lake area with water would be similar costs to the sewer betterments proposed a couple of years ago. The Board voted 2 in favor, 1 against and 2 deferred to Town Meeting.

Mr. Haddad said that he was in receipt of a letter from Craven's who was not in favor of the Four Corners Sewer project. He said that he spoke to Mr. Jenkins from Shaw's who said they were not in a position to take a position adding corporate was not ready to weigh in. Mr. Haddad said that he had a proposal for the Board. He said that he had received new wording from Town Counsel for Article #13. He said that the article stated that the project could be designed and that money appropriated by Town Meeting but no construction money other than the engineering costs would be spent until they successfully received the Mass Works grant. Mr. Haddad said that there was no shelf life on the plans, something that had been confirmed by David Manugian who experienced something similar. Mr. Haddad said that he spoke to the Town Administrator in Ayer who would be willing to work with Groton making it a regional project. One of the criteria for a Mass Works grant is that the project be shovel ready with the grant to be awarded in the fall.

Mr. Petropoulos said that he spoke to the medical office building and Dunkin Donuts property owners that day at 11:06am who categorically opposed the project stating that his operating costs would go up. The owner also told Mr. Petropoulos that he was not losing the medical office tenants due to lack of sewer. Mr. Petropoulos suggested that the articles be taken off the warrant. Mr. Cunningham asked who Mr. Petropoulos spoke to. Mr. Petropoulos said he spoke to Mr. Catalano. Mr. Cunningham asked if Mr. Petropoulos spoke to Mr. Catalano about the possibility of a grant. Mr. Petropoulos said that they were looking at spending \$300K of tax dollars on engineering adding that Mr. Catalano was not losing tenants because there was no sewer available. Mr. Haddad said that they gave Mr. Catalano's representative more information as was requested and had not heard back from them. He told Mr. Petropoulos that he was able to get information they were having trouble obtaining.

Mr. Degen said that they had not received an answer from Shaw's, received a no answer from Craven's, a no answer from Catalano, and a non-committal from Mr. Wong. Mr. Degen said that he fundamentally agreed with the concept but seemed like a gamble. Mr. Schulman said that the project really depended on Shaw's as the largest tenant in the area. He said that he was not getting a warm and fuzzy feeling about the project and also suggested that this be taken off the warrant until they hear from Shaw's. Mr. Degen asked if this could be done in the fall. Mr. Haddad said that if they did, they would miss out on this grant opportunity. Mr. Haddad said that in the fall, the BOS set this as one of their goals. He said that he had worked hard to bring this to fruition as one of the Board's goals. He said that he had tried to make this as tax less as possible but if the Board was not in favor of it then neither was he. Mr. Cunningham thought that the approach of tying the construction to the receipt of a grant as a good one. Mr. Degen said it was just hard to move forward with no buy in. Mr. Petropoulos agreed that one of their goals was to spur economic development in the Four Corners Area adding that they needed a better process and should have asked the businesses first. Mr. Haddad said that he had been talking to the businesses for the last nine months. Mr. Petropoulos said that the commitment should have been received first adding they needed to hear what the businesses want. Mr. Cunningham said that he wasn't sure all information was presented to Mr. Catalano in five minute conversation. He said it was not inappropriate for the community to help the businesses with economic development. Mr. Degen said that this Board and the Town Manager had to come up with a way to spur economic development before the Four Corners area turns into suburban blight. Mr. Cunningham said that the problem with trying to obtain answers from Shaw's was it is not something that is decided at a local level. He said that they may not hear until June or July but tying this to a grant might help.

Mr. Schulman said that absent an opinion from Shaw's, he would pull the articles. Mr. Petropoulos said that he would like to see if pulled also. Mr. Cunningham said he would defer until Town Meeting. Ms. Eliot said that the Town needed to initiate this not the businesses. She said that it was a stalled area of Town that had been identified in the Master Plan as needing to see economic development. She said this was initiating an option. Mr. Schulman said that he thought if it was brought forward, there would be a lot of debate at Town Meeting and it would get voted down. He still suggested pulling the articles off the warrant and giving it a few more months to continue work on it. Mr. Degen said that he agreed with Ms. Eliot and Mr. Schulman. He said that if they kept bringing this forward, they could keep getting no votes. Mr. Degen said that he would defer his position to Town Meeting. Mr. Cunningham agreed that his opinion would change if this was done based on receipt of the grant.

Mr. Haddad said that the Board needed to take a position on Article 19. He said that Sargisson beach required an additional \$7K to be able to hire the lifeguards to work through June 30<sup>th</sup>. He said that total amount requested in transfers was \$161K where it was \$365K last year. The Board was unanimous in its support of this Article.

Mr. Haddad said that he attended the Planning Board meeting last week about the Tarbell School articles. The Planning Board was unanimous in its support of Article 27. The Board of Selectmen was also unanimous in its support of Article 27.

Mr. Haddad said that the Finance Committee voted 3 in favor, 2 deferred and 1 abstention as it related to Article 28. The Board was unanimous in its support of this Article. Mr. Degen pointed out that he was not in favor of leasing out the building.

Mr. Haddad said that the Finance Committee was unanimously against Article 30-Proposal B the Conservation Commission's proposal for CPA funds. Mr. Degen asked Ms. Swezey, who was present, to confirm if the Commission liked to have \$500K-\$1M in their fund for purchases, etc. Ms. Swezey said that was correct. Mr. Schulman said that he was opposed to this. Mr. Degen said that he would not like to see any more money spent on wetlands and opposed this proposal. Ms. Eliot said that the Conservation Commission had been promised when the CPA was adopted to be able to receive \$100K each year to put in their fund. She said she would support at least \$100K but deferred her position to Town Meeting. Mr. Petropoulos and Mr. Cunningham also deferred to Town Meeting.

7. Mr. Haddad said that a lot had been made of the Visitor's Code of Conduct adding it had been referred to as an April fool's joke and done for his own personal safety. He said that only one call for comment had been made to his office and that was done at 7:01pm at night when the office was closed and the article was published 1/2 hour later. Mr. Haddad read a letter from Michelle Collette. He said that this had been in the works for some time and accepted on March 26<sup>th</sup>. He said that this had nothing to do with him or the members of the Board and was upset that this was being mocked at. Ms. Swezey said that she also provided Mr. Haddad with a memo about three recent incidents experienced in her office. She said the language used toward her employees was quite offensive. She said that she was happy to see the new policy hung on the doors and thanked Mr. Haddad and Ms. Doig for doing this like other town's had done. Ms. Swezey said that she was quite appalled by the recent newspaper articles. Ms. Doig said that this should have been used as a positive adding it was a good thing. Mr. Haddad apologized that he had not brought this to the Board for discussion adding in hindsight he should have. Mr. Schulman said that the safety and acceptable environment for the employees was a priority. He said that this being looked at as a joke crossed a line and had nothing but contempt with the Groton Herald for saying that. Mr. Cunningham said that he would also include the Groton Line adding that

the news outlets and blogs had sunk to a new low. Mr. Cunningham said that the safety of their buildings and employees was important and the recent muckraking was not funny. Ms. Eliot applauded Ms. Doig for bringing this forward and thought it was important to recognize the way in which they should be interacting with one another. Ms. Eliot said that they took a tiny step in the right direction last Thursday night adding that the media play a role, the Town Manager plays a role, and the Selectmen play a role in how everyone should conduct themselves.

Mr. Degen said that they did have a good meeting last week adding that had asked the Town Manager to reach out to Mr. Nutting of Franklin. Mr. Degen said that the original date of April 11<sup>th</sup> was not available; Mr. Haddad had proposed waiting until June. Mr. Degen said that he felt as though they couldn't wait and needed to strike while the iron was hot. Mr. Cunningham said that they could also look at scheduling another workshop and attempt to start a process. Mr. Schulman agreed that they made small steps which included a major apology which was accepted. He said he gained a lot of respect for those two individuals. The Board agreed to meet at 6:15pm with their regular session to begin at 7:30 on April 13<sup>th</sup>.

**OTHER BUSINESS**

Mr. Schulman said that he attended the benefits fair that day and was really impressed by it and congratulated Ms. Doig. Mr. Haddad agreed adding Ms. Doig had worked really hard on it. He said it was the best benefits fair in seven years.

**MINUTES**

The Board asked the have the minutes of April 9, 2015 brought back to their next meeting.

Mr. Degen thanked everyone for a civil meeting.

*Mr. Schulman moved to adjourn at 9:35pm. The motion carried unanimously.*

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

Stuart Schulman, Clerk

respectfully *submitted*,  
Dawn Dunbar, Executive Assistant

Date Approved: 6/9/15