

**BOARD OF SELECTMEN MEETING
MINUTES APRIL 13, 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 6:15pm and recapped what happened at their last working session.

WORKING SESSION

Mr. Petropoulos said that he thought it made sense to wait until after the election to engage a mediator as the make-up of the Board could be different. Mr. Cunningham agreed adding that they had a lot on their plates with Town Meeting and that they should stay focused on that. Mr. Degen asked if it would be worth it for them to interview mediators in the interim. Mr. Cunningham said it was something they could talk about. Ms. Eliot thanked Representative Harrington for her contributions at their last meeting adding that she helped them open the door a little bit. She said that she appreciated the inches and didn't expect they would move miles. Mr. Cunningham said that it was interesting to hear that she worked with the Representative Caucus and that the Open Meeting Law was even an issue for them. Mr. Degen asked if Mr. Haddad had reached out to Mr. Nutting. Mr. Haddad said that he was asked to wait until the Board met again adding that Representative Harrington was also going to get them the name of a mediator.

Mr. Degen said that feelings and how words can affect them was something they talked about adding that maybe if they took time to talk things out, they might not need a mediator. Ms. Eliot said that they needed someone who would hold their feet to the fire. She said that they need outside help as indicated by Representative Harrington. She said a mediator would assist them in the process and would not be anyone with a stake in the race. Mr. Cunningham asked what the things were they should focus on; he asked if it was what they do as Selectmen or how they relate to the media. Mr. Degen said that it was how they interact inside and outside a meeting. He said he didn't need a mediator to tell him how he feels. He said he could express that. He said that it was how things are said. Mr. Degen said that he also didn't feel as though they needed someone to discuss their roles. Mr. Cunningham disagreed adding that how they carried out their policies was okay but the day to day functions were what they struggled with. Ms. Eliot said that they all put together questions and should review those. Mr. Petropoulos said that he heard from residents they were not interested in having the Board spend money on a mediator.

Mr. Schulman entered the meeting at 6:30pm.

Mr. Degen said that it was often difficult to go forward when you reach an impasse. He said that one option was that they could forego a portion of their stipend to pay for this.

Ms. Eliot read the questions that she submitted. Ms. Eliot pointed out that Mr. Petropoulos did not submit questions. Mr. Schulman said that the themes he heard were communication and how they were, such as considerate of each other, employees and the public. Mr. Schulman said that with the Town Manager form of government it had been felt that a lot of people lost their power. Mr. Schulman said that the Open Meeting Law (OML) had placed significant obstacles on them and contributed to their discomfort as a Board. He said they needed to communicate better despite the OML. Mr. Cunningham said that his questions centered on their roles as Selectmen, primarily to establish policy and to take responsibility for those policies. He said that the Town Manager does not make policy decisions but handles the day to day operations. He said that the communication with the public and media needed work adding that they needed to realize that statements they make to the media reflect upon the Board. He said that blogging had become a big change since he started on the Board. He said it was toxic in some ways and based more on impulse than knowledge. Mr. Cunningham added that their interaction with in-town personnel needed to be looked at adding that they shouldn't be treated any differently.

Mr. Degen said that he thought they needed to talk about how they can work better together, how things bother each of them, how they can heal wounds, how they accept the vote of the majority of the Board, how they work with the OML and blogs, email lists, etc. He said they could be valuable in many ways but dangerous in many ways adding that they were a public forum not a public meeting. Mr. Petropoulos said he wrote back that he had nothing to add because the process needed to be determined before questions could be formed. He said that he wouldn't add much to what had been said. He said that he would like to see them discuss how they measure themselves in their interactions. He said the themes that he heard were loss of power, how they hurt each other, how they are, understanding their roles, how they communicate outside of Board meetings, and use of external communication. Mr. Degen said that three touched on the OML and three touched on how they work, and what their roles adding that the day to day was not their responsibility. He asked if they should define this list further or if it was worthy of being distributed to a mediator. Mr. Cunningham suggested that they wait until after the town election. Mr. Schulman said he wasn't sure they needed a mediator adding that discussing it was helpful and felt they should give it a try and see how things go. Mr. Degen said that he was willing to see how things go and pick it back up after Town Meeting. Mr. Petropoulos agreed it wouldn't hurt to put it off.

MINUTES

Mr. Cunningham moved to approve the minutes of March 9, 2015 as amended. Mr. Petropoulos seconded the motion. The motion carried unanimously.

LIAISON REPORTS

Mr. Cunningham said that the resurfacing of 119 had begun with work being done at night. Mr. Degen said that they didn't know a lot about the work but were hoping for sidewalk(s). Mr. Cunningham asked if Tom Delaney could talk to District 3 about the sidewalks. Mr. Degen suggested that they send a letter as a Board.

Mr. Russ Harris asked if in memory of Peter Moller's passing, that a blue light be installed in front of the Police Station to identify it. Mr. Haddad said that the Police Chief was already working on that as part of his new sign.

Ms. Eliot reminded everyone about the annual Road Race.

Mr. Degen reminded everyone about Town Meeting on April 27th at 7pm.

Mr. Cunningham said that on Saturday, April 25th, DCR was holding a Parks Service Day to clean up the Rail Trail. He said the meeting location would be at the Sand Hill Road parking lot.

Mr. Haddad said that the Prescott Open House was on Saturday, May 2nd at 10am.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Board has three seats to fill on the Charter Review Committee. He said the Board needs to decide how they want to go about interviewing to fill the vacancies and formally call for the Charter Review. Mr. Haddad said that the Finance Committee had designated Scott Harker and Bud Robertson to serve; the Moderator had designated Mike Manugian to serve and the School Committee had not made a decision yet.

Mr. Cunningham moved to call for the formation of the Charter Review Committee as stipulated in Section 7-6 of the Charter. Ms. Eliot seconded the motion. The motion carried unanimously.

The Board discussed and decided to interview candidates on April 27th at 5:30pm in the cafeteria of the Middle School. Mr. Cunningham and Mr. Petropoulos expressed interest in serving on the Committee.

Mr. Petropoulos said that he had heard a lot of feedback on what the make-up of the Committee should be. He said that people were concerned about the potential conflict of interest having members of the Board who developed the Charter sitting on the review committee. He said there was an expressed conflict of interest in having town employees serve on the committee because of the reporting structure adding that only one employee had applied. Mr. Cunningham said that that individual was elected and did not report to the Town Manager. Mr. Cunningham said that he also heard feedback from people concerned about someone being on the committee who has an axe to grind with the Town Manager. Ms. Eliot suggested that they wait until they have interviewed interested candidates and explore their options. Mr. Schulman said that the five of them have the greatest insight into what goes on at Town Hall adding that at least one of them should be on this committee involved in the meetings. Mr. Degen said that they had the ability to appoint three of them if they wanted to but thought that one Selectman should have a seat. Mr. Schulman said he would also like to throw his name in. Ms. Eliot said that she was ready to serve but not ready to decide then.

Mr. Petropoulos asked if they could decide the make-up of their seats that night. Both Mr. Cunningham and Ms. Eliot asked that they wait until they hold their interviews. Mr. Schulman said that he was inclined to go with one Selectman but could go with two. Mr. Degen said that his initial thoughts were one Selectman but could change his mind.

2. Mr. Degen recused himself as Chair at 7:20pm and Mr. Petropoulos recused himself also at 7:20pm.

Ms. Eliot said that Mr. Degen and Mr. Petropoulos had requested indemnification. She said that she read the opinion from Town Counsel. Mr. Schulman said that he was good to go with Town Counsel's opinion. Ms. Eliot said that if they do indemnify Mr. Petropoulos and Mr. Degen, she would ask them to provide their attorney and suggested fees.

Mr. Cunningham moved that the Board adopt the opinion of Town Counsel to indemnify Mr. Petropoulos and Mr. Degen on this matter. Mr. Schulman seconded the motion. The motion carried unanimously 3-0.

Mr. Degen said that his attorney was John Gallant whose fees were \$330/hour and \$250/hour for an Associate. Mr. Petropoulos said that he had not made communication with an attorney but didn't think the fees would be any more than what Mr. Degen had provided. Mr. Degen said that in order to get his attorney up to speed he would need to forward the complaint to his attorney. Ms. Eliot said that it was not a complaint but a request. Mr. Schulman said that the clock would start and asked him to hold off adding the Board would provide him with plenty of notice.

3. Mr. Haddad said that the Chief had come to the Board a few years ago with a plan to build up the reserves. He said that the process was outstanding. Mr. Haddad said that the Chief had recommended that he appoint Gregory Steward to fill a vacancy left by retired Officer, Irm Pierce. Mr. Haddad said that Mr. Steward had served as a Reserve Officer for the last several years and would be an outstanding addition to the full-time staff. Mr. Haddad respectfully requested that the Board ratify the appointment. Chief Palma said that Mr. Steward grew up in Littleton and was a 2007 graduate of Lawrence Academy. He said that he obtained his Bachelor's degree from the University of Massachusetts in 2011. He said that Mr. Steward came to the department in 2010 and had self-sponsored himself through the academy.

Mr. Schulman moved to ratify the appointment of Gregory Steward as a Patrolman on the Groton Police Department. Ms. Eliot seconded the motion.

Mr. Cunningham asked Mr. Haddad when Mr. Steward started. Mr. Haddad said as soon as the Board ratified the position. The Board welcomed Mr. Steward.

The motion carried unanimously.

Chief Palma invited Officer Pierce up to present Officer Steward with his badge. Chief Palma added that with it being Telecommunicators week he would like to speak about the great job his dispatchers did the other week with the incident on Main Street.

4. Mr. Haddad said that he reached out to the Four Corners businesses and had a nice conversation with Mr. Catalano. He said Mr. Catalano would like to have further discussions about possible financial impacts to his property. He said that he also spoke to John Amaral who was representing Mr. Wong. Mr. Amaral said that he had a meeting scheduled for Thursday with Mr. Wong and would follow-up. Mr. Haddad said that he still had not received word from Shaw's and National Grid was against this no matter what.
5. Mr. Haddad said that the Groton School had come back to the Town with a final building cost. Mr. Haddad said that the Groton School had written a check to the Town for \$144K. Mr. Haddad said that they had never asked for additional funds adding that this had just come to them. Mr. Haddad said that this could go into the general fund or into a gift fund adding he thought it should go back into the general fund. Mr. Degen applauded the Groton School for coming forward adding it took honesty and integrity to do this. Mr. Cunningham asked if the funds could be used to offset the radio system. Mr. Haddad said it could be used to reduce future debt service.

Mr. Petropoulos said that it was a building permit fee and should be handled that way to offset the tax rate. He said that this was not a new issue adding that this event had caused him a lot of angst a year ago. He said that the permit was issued for a \$6.5M project. He said that because of an email he received, he contacted the Chair of the Planning Board who put him in touch with the Building Commissioner who said it was a \$6.5M building. Mr. Petropoulos said that a scathing email was sent a few days later that made him feel how a resident would feel if they questioned someone. He said someone with more smarts would have backed off. Mr. Petropoulos asked 1) how this was missed and 2) looking at the email, how they could tolerate an environment that treats people like this.

Mr. Cunningham said that the way Mr. Petropoulos went about doing this and by not working within the chain of command. Mr. Cunningham said that he was the Chair of the Board of Selectmen at the time and knew that Mr. Petropoulos also reached out to Mass Development about this. He said that this was never something that they had talked about and should not have been that way that he proceeded to do things. Mr. Petropoulos said that he received an amazing amount of pushback adding that the Chair of the Planning Board had asked that he meet with the Building Commissioner, Ms. Collette and the Planning Board Chair and decided there was a question to ask and thus the reason he reached out to Mass Development. Mr. Cunningham said that the Board was not aware of what was going on. Mr. Degen said that regardless of what happened, the Building Department underestimated the building permit costs. He said that this was a big issue adding that the Town would have lost that revenue. Mr. Schulman said that it sounded like best intentions cost more than estimated. He recommended that they place this money in free cash and lower the tax rate in the fall. Mr. Cunningham asked what the Building Department based the cost on. Mr. Haddad said that construction cost provided by the builder. Mr. Cunningham asked Mr. Petropoulos if he was suggesting that the Groton School low balled their offer. Mr. Petropoulos said he never suggested that. Mr. Petropoulos said that the building permit was for \$6.5M but the press release said that project totaled \$44M. Mr. Petropoulos said that the Building Commissioner did use a third party to validate costs but still

didn't provide answers. Mr. Cunningham said that he was hearing a lot of speculation and should be looked at by the people who had the means. Mr. Cunningham said that the loan was not for just that project but others as well. Mr. Degen suggested that with another huge project coming right down the street, the Town Manager work with the Building Commissioner on a policy for fees for big projects. Mr. Petropoulos said that there had been no speculation but more of a discrepancy adding that everyone had been careful.

Mr. Hargraves said that with Mass Development a project could qualify for low interest loans. He said that the Groton School went to Mass Development for their gym renovation. Mr. Degen said that he would like to see the money used for the School Resource Officer for two years or to reduce the radio costs. Mr. Haddad said that they could put it in a gift fund to do those two things or put it in free cash to lower the tax rate which would in essence do the same thing. Mr. Degen suggested they consider it over the next week adding it was worthy of discussion.

Mr. Schulman moved to adjourn at 7:55pm. Mr. Petropoulos seconded the motion. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully *submitted*,

Dawn Dunbar, Executive Assistant

Date Approved: 6/9/15