

**BOARD OF SELECTMEN MEETING  
MINUTES AUGUST 31, 2015  
APPROVED**

**Present:** John G. Petropoulos, Chair; Anna Eliot, Vice Chair; Stuart M. Schulman, Clerk; Joshua A. Degen, Member; Peter S. Cunningham, Member

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

Mr. Petropoulos called the meeting to order at 6:00pm and reviewed the agenda.

**PUBLIC COMMENT PERIOD**

Ms. Ellen Baxendale asked if Groton had anything special to give out to good samaritans. Mr. Petropoulos said that proclamations were given for things that rise to that level. He said that they always tried to give recognition when they could. Ms. Baxendale said that the GD High School Lacrosse team came to her aid when she had a recent accident and wanted to mention it.

Ms. Baxendale asked how they go about putting up a light at the intersection route 40 and Broadmeadow. Mr. Haddad said that they would need to speak to the Department of Transportation and that a traffic count and accident study would need to be done. He said the last time they requested this study, Mass DOT found that fortunately and unfortunately there were not enough accidents to warrant a light. Mr. Degen said that they could go to the MRPC and petition them for a study. He said that one was done 10 years ago and did not warrant a light then.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that the final revenue and expenditures for FY15 had been completed and the books had been closed. He said that they had a very good fiscal year adding that revenues had been exceeded by 1.17%, they had spent less than appropriated, and the E&D was good for the overall year. He said that free cash had been submitted and they were hoping to have it (free cash) certified sometime that week. He thanked the Town Accountant for the great job she had done. Mr. Haddad said that snow and ice was extremely high, that motor vehicle excise taxes were up over \$200K, building permits were up over \$250K, and collections (Real Estate) were up 95%. Mr. Haddad said that he was very pleased with how the year went.

Mr. Cunningham asked Mr. Haddad if he would be proposing that snow and ice be increased in FY17. Mr. Haddad said that once you appropriate an amount, you cannot move it back down so he was not going to be proposing an increase in FY17. He said that they had been budgeting \$340K for many years now. Mr. Petropoulos asked if they had ever come in lower than budgeted for. Mr. Haddad said that three years ago they turned back \$100K. Mr. Degen said that he had been running some numbers and looking at trends and thought that they were getting more snow by 15-18% based on a five year average. He suggested they look at increasing the budgeted number by 10%. Mr. Haddad said that they could absolutely look at this further.

Mr. Degen asked what caused revenues to be up. Ms. Dufresne said that it was cell towers for the most part adding that there was now a revenue sharing component which was something new and also country club rentals were up. Mr. Degen thought it was great to see that they were seeing an increase in the economy based on excise taxes. Mr. Degen asked what amount free cash would be once it was certified. Mr. Haddad said it would be about a million dollars adding it was right where they were last year.

## **MEETING WITH ZONING BOARD OF APPEALS**

Mr. Petropoulos said that with the recent decision made by the Zoning Board of Appeals and subsequent appeal filed by Planning Board he thought it would be a good idea to have a discussion about communication and how to avoid situations where one Board is suing another.

Ms. Alison Manugian reconvened the meeting of the ZBA from earlier and said that the application and decision before them hinged on use vs. nonuse. She said that they made a decision that the applicant could proceed as intended. The Planning Board appealed that decision which forced the lawsuit. She said that Town Counsel represented the ZBA. She said that they received notice of the appeal and then received notice a decision had been reached through the courts that their decision had been annulled. She said that this was mildly concerning to them with communication being an issue. She said they wanted to talk about how they would move forward and the benefits to codification of inter-board communication. She said that the Planning Board did not attend these hearings; that they received no letters from them and was surprised that they ended up suing the Board. She said that non-use was not defined in the rules and regulations and that a definition needed to be put into the regulations and that communication was an issue adding they were never kept apprised of the case.

Mr. Petropoulos recapped the chain of events that had brought them here. He said that Town Counsel had been assigned to represent the ZBA and the Planning Board hired their own private counsel and the case went to superior court. He said that the applicant that had received the ruling from the ZBA withdrew adding there was no ruling by land court that anyone was right or wrong. Mr. Petropoulos said that the communication received from Town Counsel said the decision was “annulled.” He said that they were advised that that was court language and that no decision was made and the case was disposed of because the applicant withdrew. He said that the ZBA felt as though they didn’t receive much communication from Town Counsel. He said that in situations like this, Town Counsel would typically sit back and provide guidance. He said that the one who filed the appeal has more dealings with the court (the Planning Board & applicant in this matter) and Town Counsel is not highly involved. He said that there is concern that there wasn’t a lot of communication and this was something the Board would be taking up. He said that there were issues with redefining non-use and a process internally for better communication.

Mr. Cunningham agreed adding that he thought the language in Town Counsel’s letter was unfortunate and brief. He said that the basis for the decision was not vacated or challenged simply that the applicant withdrew. He said that he did believe that there were issues with lack of definition of non-use. Mr. Degen said that an important take-away from this was that they address the definition of non-use. He suggested that the ZBA and Planning Board sit together and address issues that have come up over past five or six years and that they make it a priority to come forward with zoning amendments. He said that he was disturbed hearing that Town Counsel had not communicated with the ZBA. He also suggested they send a letter to Town Counsel asking them to make sure there is clear communication with the Chair about the status of litigation(s).

Ms. Eliot said that there was a lot of factual information that was missing in this discussion. She said that Mr. Winner did provide a lengthy decision and that the parties were discussing this once the decision was appealed. She said that the ZBA had no real standing in the decision adding it was between the applicant and the Planning Board. She said that clarifying non-use was important. Ms. Eliot said that the Planning Board had come in several times to discuss the litigation with them and where they stood. Mr. Schulman said that no one could have it both ways. He said that the applicant had done all the talking and the ZBA

wasn't involved in the litigation for the most part. Mr. Haddad said that he had had a mediation session with both Boards as directed by the Selectmen adding that the ZBA's hands were tied once they had made their decision.

Mr. Schulman said that he thought the issue of non-use was the tip of iceberg. He said that with the Lake area of Town a good percentage of cases involved unique areas, unique requirements and challenges. He suggested a separate set of rules be discussed for that area of town.

Ms. Carolyn Perkins said that property abandoned or not was something that was defined by state statute. Ms. Manugian said that the regulations talk about abandonment and not non-use. Mr. Degen suggested that the ZBA, Planning Board and Selectmen's liaisons to both get together with Town Counsel for a roundtable to talk about what needs to be corrected. Ms. Cynthia Maxwell said that she also thought there were problems among boards and different interpretations of the bylaws and regulations. Mr. Petropoulos thought that this was a reasonable place to start adding it had been suggested that the Building Commissioner be at the roundtable discussion also. Mr. Haddad said that he would work to coordinate this meeting and thought that the ZBA and Planning Board should hold their own separate meetings to coordinate questions and issues.

#### **TOWN MANAGER'S REPORT – cont.**

2. Mr. Haddad said that as a follow-up to the report he provided at their last meeting, Mr. Petropoulos asked for a breakdown of what the total expenses were at the Country Club in FY15. He said that they put their best effort forward to come up with actual costs. He reminded the Board that when Town Meeting voted in 2012 to make the Country Club a town department it operates under the rules like other town departments do. He said that they spent approximately \$78K on salaries, \$148K on wages; \$331K on expenses including pesticides, gasoline, etc. with a major portion of that being the function hall. He said they spent approximately \$36K on capital jobs, carts, boom sprayer and lawn mower. He said that out of the Town's operating budget they spent \$32K on health insurance for 2 employees, unemployment for seasonal employees, retirement, and capital improvements out of the highway budget were approximately \$43K. He said that \$20K was appropriated at Town Meeting for new pool chairs, \$10K for tee box improvements, and labor costs for work done in the locker rooms was \$15K. He said that Total expenses for FY15 were 737,283, \$463,600 was what was budgeted which meant that tax payer support was \$273,683.

Mr. Petropoulos said that it appeared as though non-appropriated funds total about \$60K. Mr. Haddad said that the money was appropriated but not specifically for country club. Mr. Petropoulos said that the Club looked great but added that they needed to know what they were spending and Town needed to know what their money was going towards and should have an opportunity to say what they spend money on. Mr. Haddad said that the Building Maintenance budget was for work to be done on our town buildings. He said that use of these funds was up to the Highway Superintendent with his supervision. He said that he understand Mr. Petropoulos's point but disagreed a little. Mr. Petropoulos said that he wanted a visible understanding of what it takes to keep the Club running. Mr. Schulman said that Mr. Delaney has a long list of projects to keep his staff busy adding that he would have spent this \$15K in labor on something else if not this. He said that he thought he supported Mr. Haddad on this a little. Ms. Eliot said that a lot of the work they were talking about occurred after extensive damage to Country Club after the winter ice dams. She wanted to make sure they were putting some of this into context adding that they needed to enhance the safety of the club. She said that had they done it as a capital plan, it may

have cost them more. Mr. Haddad said that she was 100% correct adding that he had come to the Board in March and informed them that he wanted to fix up some things at the Club. He said that he thought he had kept the Board apprised. Mr. Cunningham said that they could go on and on about this and print a 100 page warrant including line items for maintenance. He said that there were always going to be maintenance issues that will come up adding they may not always know by Town Meeting if they have an issue at a facility. He said that they needed to maintain their assets and thought they seemed to be on a decent track.

Mr. Petropoulos said that none of these expenses were recorded on last week's spreadsheet. Mr. Haddad said that was because that spreadsheet was a three month snapshot. Mr. Degen said that the place looked great and thought it was an attractive place brings in customers. Mr. Degen said that he knew the chairs were in the budget and was told the locker rooms would be updated using maintenance staff. He said that the huge retaining wall turned into a deck being built, tree work, electrical work, etc. He said that the Country Club didn't benefit anyone but those that utilize the club. He said that if they were going to spend \$60K of town funds, it needed to go before Town Meeting for authorization. He said that it needed to be included in the capital plan so that there was a mechanism for spending money. Mr. Petropoulos said that the Town Manager had committed to a capital plan moving forward. Mr. Haddad said that he respected their opinions but said that town meeting authorizes the budgets to spend in areas they were deem a need. He said that they made a decision to take down trees as a safety need.

Mr. Petropoulos said that no money was used that was not okay to be used. He said that he was simply looking for proper accounting. Mr. Schulman said that he disagreed with the comment that the Country Club was only for members. He said that he had received plenty of positive feedback about the Club and that people enjoy seeing the golf course. He said that they had spent a considerable amount of time considering alternatives and thought the golf course was the best use for the community. Mr. Cunningham added that the decision to buy the golf course was decided many years ago adding there was a benefit to preserving the open space. He said that the retaining wall was risky adding that the Town could have been liable to injury. He said that it needed to be done and thought that it was an appropriate use of a line item within budget. Mr. Degen said that he didn't like how it was accounted for adding there was no doubt it needed to be replaced.

Mr. Haddad said that part of what makes Groton what it is are the services it provides. He said that the Country Club was an amenity. He said that Groton had a great library, a great school system and great parks adding that not everyone uses the parks or school system but pay for it. He said that it added to the character of Groton.

Mr. Degen said that with the debt on the golf carts and boom sprayer retiring soon he would be willing to take the \$36,500 being spent out of cap stab each year and commit dedicating that every year to make improvements.

3. Mr. Haddad said that 2015 Spring Town Meeting voted to appropriate funding for the Town Clerk to purchase new Voting Machines for use in all Town, State and Federal Elections. He said that before they can use the new equipment, the Board must take a vote to use new the machines and discontinue use of the old machines as required by M.G.L. c. 54, §34. He asked the Board to take this vote.

*Mr. Degen moved that pursuant to M.G.L. c. 54 §34 that the Town of Groton start using the new voting machine equipment and discontinue use of the old equipment as of the next election. Mr. Schulman seconded the motion. The motion carried unanimously.*

4. Mr. Haddad said that the warrant closed last Thursday and contained 16 articles. Mr. Haddad briefly reviewed the articles contained in the warrant which included a prior FY bill, an amendment to the FY16 budget, transfers to the Capital Stabilization fund and Stabilization Fund, an article to offset the tax rate, an article to extend the Four Corners Sewer District to include Mr. Moulton's 55+ housing and a legal fund to deal with potential Kinder Morgan pipeline issues. Mr. Haddad said that it also included a request to extend the Center Sewer District to include 122 Old Ayer Road which was recently purchased by Indian Hill Music. He said that Thomas Moore College decided to sell the property and Indian Hill has exciting plans for that property. Mr. Cunningham asked if they needed to vacate the sewer extension vote to Thomas Moore College. Mr. Haddad said that they did not as that was specific to the College. Mr. Degen asked if a force main was proposed. Mr. Haddad said that it was.  
Mr. Haddad said that the Board of Health requested that mosquito control be added to the warrant and the last couple of articles contained Zoning amendments and amendments to the Sign Bylaw. Mr. Haddad said that the public hearing was scheduled for September 21st.
5. Mr. Haddad said that he and Mr. Petropoulos had an excellent meeting with the new Chief Financial Officer of the Groton School and were planning on having similar meetings with other non-profit entities in Groton. Mr. Haddad said that he and Mr. Petropoulos thought it would be a good idea to designate a liaison to the non-profits and suggested that that person be the chair.

*Mr. Cunningham moved to designate the Chair to be liaison to non-profit entities. Mr. Degen seconded the motion. The motion carried unanimously.*

6. Mr. Haddad said that he would like to set up a workshop date for the Board to set their annual Goals and Objectives. Mr. Petropoulos said that he thought they had time to do this adding it just needed to be done by end of year. Mr. Haddad said that he could sit down with Chair and Vice Chair sometime in November to go over his goals and would work with Mr. Petropoulos to work together to figure out a date for the Board to set theirs.
7. Mr. Haddad said that the Board needed to appoint a citizen at large to serve with Mr. Degen on the Regional School Agreement Committee. Mr. Haddad said that Mr. John Giger had expressed interest and asked the Board to consider designating him as the citizen at large. Mr. Petropoulos asked if they could bring it back to a future meeting. Mr. Cunningham agreed adding it would be nice for the press to report it.
8. Mr. Haddad said that it had been the Board's policy to have the Chair and Town Manager plan the agendas. He said that he had never sent out a preliminary agenda to the whole Board for approval. He said that agendas were posted on Wednesdays and added that he could send out an early email with a preliminary agenda to the entire Board if they chose. Mr. Petropoulos said that he thought the more info the better.

## **LIAISON REPORTS**

Mr. Cunningham said that he attended the COA meeting that morning where they were discussing plans for the next FY budget. He said that they were hoping to have the survey report done by the end of the year with preliminary results by end of this month early October.

Mr. Schulman said that there was no meeting of Charter Review Committee this past week but added that suggestions for changes were on the website and the deadline was approaching to make suggestions for changes.

Mr. Degen said that while signing paperwork in the office that afternoon he read the Groton Herald's editorial from last Friday. He said that the powers of Finance Committee written about were inaccurate and found the entire editorial to be the same. He said that people needed to understand that the Finance Committee had never been elected, and that they were not appointed by the Town Manager but instead the Selectmen. He said that the editorial touched on large budgetary issues used to be approved at the ballot box when in fact only debt exclusions are done at the ballot box. He thought that the Board needed to address these many misconceptions. He said that he would like to see the Board draft a letter and have it published. Mr. Schulman said that he already sent a letter to be published adding he didn't write as representing the Board but as a private citizen. He said that the editorial was based on incorrect information and thought it should be followed up by factual and correct information. He said that the Finance Committee was never an elected body and had always been appointed since its creation in 1970. Mr. Petropoulos said that he had no problem with writing a rebuttal. Mr. Cunningham said that he had given up with the editor of the Herald. He said that there was never anything positive reported adding this was the tactic the paper was taking. Mr. Haddad said that the Charter Review was a very important process and for an editorial to have so many wrong facts he thought it was scary. He pointed out the the Organization Chart was printed right next to the editorial and showed that the Finance Committee was appointed by the Selectmen. Mr. Russ Harris said that he didn't think it was fundamentally tactical. He said that everyone was entitled to their opinion adding that the basis was accurate. He said that big projects had always been done by debt exclusion but they chose not to. He said that an editorial was an individual's opinion and thought that not using debt exclusion for large capital projects was fiscally irresponsible. Mr. Petropoulos said that Mr. Harris was arguing in favor of an elected Finance Committee but the facts were incorrect. Mr. Haddad said that debt exclusion raises taxes and if a project could be funded without raising taxes, he asked how that was fiscally irresponsible. Mr. Harris said that he was not suggesting that the Finance Committee was in the pocket of anyone but that the primary responsibility of one committee that raises and appropriates money should go back to being elected. Mr. Schulman said that they were never elected. Mr. Robertson said that people should show up to discuss suggestions like this at Charter Committee meetings but the facts needed to be right. Mr. Harris said that he disagreed with the suggesting that he was peddling mistruths but instead did believe they had an elected Finance Committee. Mr. Degen said that he would like to see the facts be represented correctly and if the editor was willing to look into the facts and print a retraction, he would be willing to retract what he said about writing a letter to the paper.

Mr. Degen moved to adjourn the meeting at 8:00pm. Mr. Schulman seconded the motion. The motion carried unanimously.

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

Stuart Schulman, Clerk

\_\_\_\_\_

respectfully *submitted*,  
Dawn Dunbar, Executive Assistant

Date Approved: 9/21/15