

**BOARD OF SELECTMEN MEETING
MINUTES NOVEMBER 16, 2015
APPROVED**

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

TOWN MANAGER'S REPORT

1. Mr. Haddad said that he had one addition to the agenda that he wanted to start his report with. He said that he wanted to take a moment to explain a memorandum he sent out to school officials, the finance committee and the Board. He said that an editorial in last week's Groton Herald stated that the Town had only increased school spending at rate of 1% and the municipal budget was out of control. He said that this was untrue. Mr. Haddad said that the school budget had average a 2.2% increase over the last seven fiscal years. In 2011 the school operating budget was level funded as their debt saw a major decrease adding that this appropriation was at the School Committee's request. Mr. Haddad said that it was important to look at FY13-16 as the trend had been changing. He said that since FY13 school spending has increased and their debt had been level. They had increased their budget 14.92%, whereas the municipal budget only increased 11% over those same four fiscal years. He said that the data he presented in his email was from actual town meeting votes Mr. Haddad said that the Town does fund the schools adding that although municipal budget had gone up school spending had not been neglected. Mr. Petropoulos said that he thought it would be useful to have this placed on the next agenda so people had time to review the information. Mr. Haddad said that he would add it.

2. Mr. Petropoulos said that it was time for them to determine whether they would like to renew the Town Manager's contract. He said that the expectation for that night was to decide whether or not they want to enter into negotiations with the Town Manager. Mr. Cunningham said that it was a two-step process; step one was to decide whether or not to renew and step two was to enter into negotiations. Mr. Petropoulos opened the floor to comments.

Mr. Degen read the following statement.

In 2008 I was a member of the first Town Manager Search Committee. We vetted many applicants and recommended Mark Haddad and two other candidates to the BoS. Ultimately Mark was the unanimous choice of the Bos to become Groton's first Town Manager.

Mark had served other communities in this capacity but had a somewhat checkered past. Everyone deserves a second chance and Mark got his. During his tenure in Groton Mark has brought our town forward into a professional and well organized municipality but a cost to community.

We had to endure a scandalous inappropriate texting and email scandal. Earlier this year while serving as the Chairman of our board Mark called for an investigation of me and another member of our board. Mark made five frivolous accusations against me. While I knew none of these accusations to be true I begged the remainder of our board to conduct this investigation. Simultaneously Mark's annual review was just beginning and in order to not appear conflicted I thought it best to hand off the duties of conducting this review to another Selectman. Soon after the remainder of the board chose not to conduct the requested investigation. Mark then withdrew his request for the investigation.

Mark is currently in the final year of a three year contract. His actions removed me from performing a properly conducted review following the procedures recently adopted by our board. My comments were not

incorporated into this review and actually my 6 page hand written document was shredded by the Selectman charged with performing the review. Mark effectively removed the Chairman with his spurious call for the investigation. His actions basically insured that mainly positive comments were contained in his annual review thus potentially insuring a new contract for himself.

Mark's action were the highest level of insubordination. Had a member of the Town Hall staff called for an investigation of Mark do you think that they would still be working in Groton? I think not. It amazes me that my fellow Selectman can't see through this smokescreen nor recognize the ramifications of his actions. The five Selectman sitting at this table are elected by you the voters of Groton. We are elected to represent you and are the fabric of our community. Most of the recent dissension and arguments can be attributed to some of Mark's actions over his tenure.

I believe that the time has come to end our relationship with Mark and allow his contract to expire. We should thank Mark for many of the positive things that he has brought to our community. We should then recognize that he does not represent the fabric of Groton.

I therefore cannot support any form of contract and recommend that we form a new search committee as stipulated in our charter. It is time to move forward a find another capable individual to serve as Town Manager who will work in concert with our board and the citizen's of Groton. Bottom line here is Mark's insubordination can and should no longer be tolerated by his superiors.

Mr. Cunningham said that this should not be about personal feelings but was a decision about how well Mr. Haddad had served the town. He said that those citizens who had reached out to him had been supportive and positive. He said that the budget process had improved since Mr. Haddad started, and their bond marking had vastly improved adding that DLS looked good on their Town. He said that there had been moments of tension between the Board and Mr. Haddad but thought they were rising above it. He said it happens quite often that they get emails that Mr. Haddad has dealt with a residents concern and they have been very happy about it. He said that they know how the Town is operating adding it was operating very well. Mr. Cunningham said that he was in support of entering into negotiations to renew Mr. Haddad's contract.

Mr. Haddad read the public hearing notice for the 6:15 Annual Tax Classification public hearing.

Mr. Cunningham moved to open the public hearing. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Cunningham moved to suspend the public hearing until they had finished this discussion. JD seconded the motion. The motion carried unanimously.

Mr. Degen said that he agreed on so many levels adding that the professionalism Mr. Haddad had brought was outstanding but it came with a cost. He said that they are his bosses and needed to be treated with respect. He said that with all the good things there were also bad things and damage to at least himself and others that they needed to weigh. He said that you could have a great employee in many aspects but if they didn't treat their boss with respect they should not be an employee. Mr. Cunningham said that it was personal for many of them adding he had a good relationship with Mr. Haddad. He said that they may differ but that there was always a respect for that difference.

Mr. Schulman said that he was in favor of entering into negotiations. He said that it was all about the job and thought that the job had been performed well. He said that he was not sure why the shedding of the review had gotten into this adding that was not why they were here. He said that they were there to see their Town run well and efficiently. He said that in regards to the performance review this past summer there had been some disagreement between the Board about the review but thought that

Mr. Haddad had worked on some of those areas and was conscientious of those negatives. He said that he was highly in favor of entering into negotiations.

Ms. Eliot said that the central focus of her reasoning was whether the town was functioning well. She said that all town departments were functioning well. Ms. Eliot said that she supported entering into negotiations with Mr. Haddad.

Mr. Petropoulos said that much of what Mr. Degen said had affected him personally and thought that it was not just personal but he was also talking about professional actions he found detrimental. He said that as he had stated in Mr. Haddad's review two years ago and again this past time he wouldn't be able to support a renewal. He said that there were calls for investigations and PIR requests. He said that last winter things were getting worse rather than better and when an employee fails it means their managers are failing. He said that Mr. Haddad was failing as a result of them adding that they bear some responsibility. Mr. Petropoulos said that he thought they had all gotten the memo including Mr. Haddad adding that Mr. Haddad had done and publically stated that he had gotten the memo. Mr. Petropoulos said he thought Mr. Haddad had also proven that. Mr. Petropoulos used the review of the appointment process a couple of weeks ago as an example adding that Mr. Haddad might have seen this a year ago as a challenge of his authority. He said that the review was done with an eagerness to have the public hear the process. He said that the Board and Finance Committee were now involved in the budget process which might not have been this way in the past. Mr. Petropoulos said that he was in favor of negotiating a contract but was still unable to unconditionally approve a three year contract adding he could enthusiastically approve a one year contract. He said that he wanted to demonstrate to everyone that they could all move forward constructively. He said that Mr. Haddad had done well in last few months. He said that he had seen the kind of performance they would expect and didn't think it was because there was a contract hanging over his head.

Mr. Schulman asked if that would be part of the negotiations. Mr. Petropoulos said that it could be. He said that he would only go into negotiations believing they could come out with a one year. Mr. Cunningham said that he could not agree with that. He said that he was concerned about where they would look at the end of the day adding he was favorable for a three year term. Ms. Eliot agreed that it set a negative precedent to look at a one year contract. She said that they had positions where well over 100 applicants applied because the Town was so favorable. She said that these were important aspects and dealing fairly. Mr. Schulman said that he understand their point of view adding he too saw a problem with a one year contract. He thought that hiring would be more difficult. He said that he would like to see a 4-1 majority and offered the thought of a two year contract. He said it would meet some of the objectives mentioned without risking the Town's hiring ability. Mr. Petropoulos asked who the impact on hiring would be for. Ms. Eliot said all prospective employees. Mr. Schulman agreed.

Mr. Degen said that after having heard from three members in favor of supporting a new contract, he said that Mr. Haddad's work ethic and attitude had vastly improved since the removal of the investigation. He said that he would like to go along with Board and would entertain a conditional one year contract with a 6 month review process at which point they could renegotiate if the conditions were met. Mr. Petropoulos suggested saying they would enter into negotiations and then discuss the conditions during negotiations. Mr. Degen said that he could not agree to that. Mr. Cunningham said that he was uncomfortable with setting preconditions. He didn't see how they could have good contract negotiations with that.

Mr. Jack Harington introduced himself as a resident of Groton for 40 years. He said that there had been a high level of adversity of which he had never seen and was not in the best interest of the Town or the Town Manager. He said that Mr. Haddad had stated there was a Groton police officer at a Selectmen's meeting because he feared for his safety and thought there was something wrong with this environment. He strongly urged the Selectmen to vote no on a new contract adding that a yes vote would continue the adversity. He thought it was time for the Town and the Town Manager to go separate ways.

Mr. Alex Woodle said that he too have lived here for more than 40 years and had seen a lot of Selectmen come and go without a Town Manager. He said that he had never seen town better managed than under a Town Manager. He said that they had a professional in place adding that a one year contract wouldn't make the current Town Manager or future prospects want to come here.

Mr. Schulman said that it was not unusual to have police coverage at a public meeting. Mr. Degen said that he appreciated the comments adding that an officer was present for no other reason than the Town Manager fearing for his safety. Mr. Cunningham asked for a point of order adding it was their responsibility that night to decide whether or not to enter into negotiations.

Mr. Tom Orcutt said that he was speaking as a 25 year resident. He said that he applauded Mr. Petropoulos for some of his comments. He said that Mr. Haddad was a great leader and it was only fair to offer the same contract as all other town employees and that was a three year contract. Mr. Art Prest said that he had always had one or two people who may have been insubordinate but they were always brilliant people. He said that his job as a manager was to manage those brilliant people and get them on track. Ms. Rena Swezey said that she thought she was speaking for a lot of Town employees when she said that Mr. Haddad had done an excellent job as Town Manager and asked the Board to please support a three year contract. Mr. Tom Delaney said that he had been through four Town Administrators in his time as a Town employee and thought that Mr. Haddad's level of professionalism was unequal. He urged the Board to not take a step back.

Mr. Cunningham move to enter into contract negotiations with Town Manager Haddad for contract renewal. Ms. Eliot seconded the motion. The motion carried 4-1 with Mr. Degen opposed.

Mr. Petropoulos said that he would like to have the Board meet in Executive Session to see what a contract would look like and who the individuals would be to speak with Mr. Haddad about it. The Board decided to meet at 8am on Monday, November 23rd.

TAX CLASSIFICATION PUBLIC HEARING

Mr. Cunningham moved to re-open the public hearing. Ms. Eliot seconded the motion. The motion carried unanimously.

Ms. Evans called the meeting of the Board of Assessors to order. Ms. Swezey seconded the motion. The motion carried unanimously.

Mr. Boles said that the Town had a single tax rate of 18.79 adding that the hearing was called to have the Board of Selectmen decide whether or not to shift some of the tax levy burden over to some of the commercial properties. He said that a Town like Groton could shift 50% of its tax burden over what they would have paid but added that 94% of their tax base was residential. He said that they thought that the commercial base was too small to do this. He said that he was an assessor in North Andover and had many years of experience with this. He said that Groton didn't have the commercial tax base in this community and didn't think they would

recommend a split rate. Mr. Cunningham said that he had heard in the past that you don't look at splitting the tax rate until you had reached 20% commercial tax base. Mr. Boles agreed adding that were only at 6% right now.

Mr. Schulman moved that they keep a single tax rate.

Ms. Eliot wondered if in an effort to encourage businesses to come to Groton, that they decrease the tax rate for businesses. Mr. Boles said that they could shift it over but didn't think they could shift over the residential piece. Mr. Haddad agreed. Mr. Boles said that there was a small business exemption but needed to read the law carefully adding they couldn't shift any burden over to the residential side. Mr. Petropoulos said that if they were to shift the tax rate over 50% to businesses, they would lower the residential tax rate by 57 cents which would be a savings of \$250 on a \$500K home. Mr. Boles said that in order to get a huge increase in the commercial tax base they would have to allow the kind of commercial tax base they would need to do that. Mr. Cunningham added that typically a commercial tax does not demand the public service aspect, like police and fire like residential does.

Mr. Schulman moved to adopt a single tax rate. Mr. Degen seconded the motion.

Mr. Cunningham offered an amendment that the single tax rate be set as presented on the recap sheet. Mr. Degen seconded the amendment.

The original motion and the amendment to the motion both carried unanimously.

COUNCIL ON AGING ANNUAL REPORT

Ms. Gail Chalmers said that she was present as a representative of the Council on Aging Board of Directors. She said that they had had a busy and successful year providing the seniors with social services and health wellness programs. Ms. Chalmers said that over the past year they had met most of their goals with creative support and without compromising their commitment to quality services and programs. She reviewed goals that they had met. Ms. Chalmers said that the Council on Aging received a national accreditation from the National Institute of Senior Centers and were honored to be one of only 200 centers nationwide to be accredited. She said that they were also in the process of doing a needs assessment in an effort to present a 3-6 year strategic plan to the Board of Selectmen in February 2016.

Mr. Petropoulos asked if they had a sense for senior growth over the next 10 years. Ms. Chalmers said that they hadn't finished tabulating their data yet and would have a better idea when it was done. Ms. Kathy Shelp said that estimated done in 2000 said that by the year 2020 they would have seen a 117% increase in the 65 and older population. Mr. Petropoulos said that the senior center was not used by youngest group eligible and asked if there were ways to address that. Ms. Shelp said that was not an easy question to answer. She said that the average national age of seniors using senior centers was 75 and older. She said that many of the younger seniors were still working and didn't have a need for the center. She said that part of their needs assessment was to look and see if there was a need that was not being met yet. Mr. Cunningham said that based on what he had observed, the senior centers programs are seeking younger seniors to participate. Ms. Shelp said that they had added evening programs through the library to get people to attend the same programs they may run during the day at night who still work.

TOWN MANAGERS REPORT CONT.

3. Mr. Haddad said that needed to consider the appointment of Town Counsel. Mr. Haddad said that as requested he did a study over a two year period of time. He said that based on the past 2 fiscal years

and what had been spent on legal services, including labor, they could expect to see a 30% increase in the legal budget if they went with separate labor and legal counsels. He said that in the first few months of FY16 they were averaging \$4k/month so far with Kopelman & Paige. He said that looking at it strictly from a budgetary prospective, it was much cheaper for them to stay with Kopelman & Paige. Mr. Schulman said that it had been a pretty light year with litigation but if that were not the case, the Blatman proposal would cover that. Mr. Haddad said that they had had significant litigation over the past couple of years and added that they had never spent more than \$6K/month with labor and litigation. He said that the Blatman proposal was \$6K per month regardless. Mr. Petropoulos said that if they were in court all the time, the Blatman proposal might be worth it.

Mr. Haddad said that he had also received clarification from legal counsel Lisa Mead as directed by the Board adding that insurance could cover something like that too. Mr. Degen said that the matrix was interesting adding that what Mr. Haddad had done he found to be accurate. He said that he remembered how successful Blatman had been years ago he and other Board members had served on the Planning Board and Zoning Board of Appeals. He said that they would not pay additional charges for litigation but it all depended on the year and how much was going on by means of litigation. He said that they would be paying either way for additional labor charges and thought the real savings came in was for potential land use and appellate tax issues. Mr. Cunningham agreed that there had been a number of litigation over the years adding that the outcomes had been real positive citing the situation with the center fire station contractor as an example. He said that they had a good contract in place and were able to manage situation well because of their contract and good legal counsel. He said that the biggest knock he had heard from Town employees was response time. Mr. Haddad said that the response time had been remarkably well over the past few months. Mr. Cunningham said that Town employees had been happy with Kopelman & Paige overall.

Mr. Schulman said that with 40B projects, Attorney Bobrowski had sat with them but fees were paid for by the applicant. He thought that Kopelman & Paige had done well with some things and not so much with others. Mr. Degen said that he very much agree with Mr. Cunningham's assessment and thought they had done a great job with land use adding his issues with Kopelman and Paige were labor related. He thought they needed to decide if labor guidance had served them well. Mr. Petropoulos said that they could say they don't like a labor decision but no one seemed to have an alternative in mind to replace them. He said that they were always batting a thousand when you haven't gone to bat yet and asked if anyone was error free. He added that he shared some of the same concerns. Mr. Cunningham said that they had also had some labor cases that had been resolved favorably before going to litigation. He said that contract negotiations advice had been good also. Ms. Eliot said that there were more instances where they hadn't had to use labor counsel adding that they also sometimes just see the crisis but don't always see the good work that has been done to avoid crises. She said that they could always criticize decisions and were always going to get different advice from different counsel. She said that she was in favor of staying with Kopelman & Paige.

Mr. Petropoulos said that Mr. Haddad tried to look at all types of counsel situations and there was still a \$30K increase in switching firms. Mr. Schulman said that fact of the matter was they knew there would be some financial challenges coming up and was therefore willing to stay with Kopelman & Paige. Mr. Haddad said that he had worked in a lot of different communities and with a lot of different counsels; he said that he had really enjoyed working with Kopelman & Paige and adding that Mr. Doneski had been outstanding. He said that Mead and Bobrowski were great attorneys but he would prefer to stay with Kopelman & Paige.

Mr. Degen said that he would be in favor of keeping Kopelman & Paige if they changed their labor counsel. Mr. Petropoulos said he didn't think they could speak about that that night. Mr. Petropoulos said that he was in favor of staying with Kopelman & Paige mostly for financial reasons adding they would find blemishes with whomever they work with.

Mr. Haddad said that he recommended that the Board extend the appointment until June 30, 2017. Mr. Degen asked if they get the same rate. Mr. Haddad said that they promised the same rate, \$2,500 retainer and litigation at \$170/hour.

Mr. Cunningham moved to retain Kopelman & Paige through the end of FY17, June 30, 2017. Ms. Eliot seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.

4. Mr. Haddad said that they had received a request for a one day beer and wine license from First Parish Church for a Fundraising Dinner to be held on December 5, 2015 from 7-10pm.

Mr. Degen made the motion. Mr. Schulman seconded the motion. The motion carried unanimously.

5. Mr. Haddad asked the Board to consider his request to take vacation time from November 23rd through November 30th. He said that in his absence he would be appointing Mr. Bouchard as Acting Town Manager. Vacation request.

Mr. Degen made a motion to approve the vacation request of Mr. Haddad. Mr. Cunningham seconded the motion. The motion carried unanimously.

OTHER BUSINESS

Mr. Petropoulos said that Art Campbell who had run the Groton Line and Talk About Groton had moved out of town. He said that some would argue that those two media outlets were valuable to the Town. He said that he would like for the Board to designate a day in near future as Art Campbell Day and recognize his contribution. He said that overall people had been grateful of what he had provided and asked if anyone had any objections.

Mr. Cunningham said that he took exception to it. He said that with so many of these proclamations being done they become meaningless. He said that many individuals had done things for the town such as volunteers, etc. and added that they don't proclaim a day because they do that. Mr. Petropoulos said that they do it for every individual that becomes an eagle scout and asked if they should say they do it for too many eagle scouts. He said that he didn't think they could be overly positive toward people and thought they should do this more often. Mr. Schulman said that he and Ms. Campbell didn't always agree but he would always call him and get his opinion. He said that he respected the job he did. He said that with the Eagle Scouts, these were done in public and the recipient was there. He said that there was a practical reality about doing it for someone who doesn't live in Groton anymore adding it required a public presence. Mr. Petropoulos said that he had already checked to see if Mr. Campbell would be available to come up to a Selectmen's meeting. Mr. Schulman said that he was a little unsure about doing it. Ms. Eliot agreed that there were a lot of people that she would like to see recognized adding there were a lot of volunteers who dedicate countless hours and receive no public recognition. She suggested they do proclamations for all the people that dedicate their time. Mr. Degen said that Mr. Campbell had contentious issues and good ones with this board adding that he attempted to provide a service to the community. He said that Mr. Campbell still had not sold his home which still made him a Groton resident. He said that he deserved recognition as did others that Mr. Cunningham and Ms. Eliot had pointed out and thought they should support this proclamation. Mr. Cunningham said that moving forward, they

needed to be mindful of the impact. He thought it loses some of its luster if they do them for everyone. He said that with the eagle scouts, they perform community service work and go through a process to get their designation as did many notable people throughout history adding there was more of a history that goes along with those proclamations. Mr. Petropoulos said that it appeared as though they were split on this. He said that he would like to do this but was not sure how to resolve it. Mr. Schulman said that when it came down to things like this he thought generosity was the way to go adding that he had his reservations about it. Mr. Cunningham said that moving forward with this was the way the Board chose to go he would not withhold his signature.

Mr. Degen moved to issue a proclamation to Art Campbell and the Groton Line on day chosen. Mr. Cunningham seconded the motion. Mr. Petropoulos said that he would suggest they proclaim November 30, 2015 as Art Campbell Day. The motion carried 4-0-1 with Mr. Cunningham abstaining.

LIAISON REPORTS

Ms. Eliot said that there was an important Planning Board and ZBA meetings coming up. Mr. Haddad said that they would be discussing a height variance at the ZBA meeting on Wednesday for the Groton Inn and the Planning Board on Thursday would be discussing an alteration to the original site plan renewal for the Groton Inn.

Mr. Degen asked if the Groton Inn could come to one of their future meetings to discuss the project and what their plans were.

Mr. Cunningham said that this coming Thursday was the annual senior thanksgiving dinner hosted by Gibbet Hill. He said that transportation would be provided by the Police Department adding it was a great event.

Mr. Degen move to adjourn the meeting at 7:56pm. Mr. Schulman seconded the motion. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 12/21/15