

**BOARD OF SELECTMEN MEETING
MINUTES DECEMBER 14, 2015
APPROVED**

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

Absent: 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 6:01pm and reviewed the agenda.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that he met with Mr. Prest and Ms. Swezey about the valuation study on Lost Lake that was presented to the Board last month. He said that Mr. Prest had expressed concern with the results and requested time on the agenda to discuss the matter further. He said that this discussion was delayed pending clarification of his issues. He said that based on his meeting, they had decided to wait until the Town-wide revaluation is completed in October, 2016 to determine the overall values. He said that this would provide the public with up to date values based on sales certified by the DOR. Mr. Petropoulos said that he was concerned that parity between sale price and taxation was wrong.

2. Mr. Haddad said that certain aspects of the Affordable Care Act that would impact the Town of Groton went into effect on January 1, 2015. He said that one of the provision requires employers with at least 100 full time equivalent employees become subject to the Employer Shared Responsibility provision of the Act. He said that it meant the Town was required to provide insurance to employees if they average 30 hours per week over a defined measurement of time. Mr. Haddad said that their insurance consultant was recommending that the measurement period be 12 months. He said that the Town Account, HR and the Treasurer's office had taken the lead on this. He said that they went back and looked and had 2 employees eligible for health insurance. The employees were offered benefits and both turned them down. Mr. Haddad said that he wanted to request that the Board vote to adopt a 12 month period from April 1, 2014 through March 31, 2015 for the purpose of complying with the ACA. Ms. Dufresne said that they were allowed to choose any period as a look back period. She said that a 12 month period will normalize hours worked over the course of the year and would provide them with the months of May and June to get people on a plan that need to be on plan.

Mr. Petropoulos said that he thought that all employees that worked over 20 hours were eligible. Mr. Haddad said that seasonal employees the work at the Country Club were the ones that work an average of 30 hours. He said that they didn't offer seasonal employees health insurance.

Mr. Schulman moved that the Board vote to adopt a 12 month period from April 1, 2014 through March 31, 2015 for the purpose of complying with the ACA. Ms. Eliot seconded the wording. The motion carried unanimously.

3. Mr. Haddad said that he was planning on placing an agenda item on each agenda moving forward for budget discussion leading up to town meeting. He said that he provided the Board with a detailed update the week before and would be ready to hand out his budget on December 31st as required by law. He said that he planned to give his formal budget presentation on January 4th. Mr. Petropoulos said that he noticed there was going to be a vacancy in the Land Use Department and suggested that they consider not filling the vacancy. He said that they shouldn't debate it that night but should place the discussion on the next agenda.

4. Mr. Haddad said that it was the time of year to renew their annual licenses. Mr. Haddad read the following licenses to be renewed.

- Omahi Realty, LLC , dba Boston Road Market, Piyush Patel, Manager
Located at 871 Boston Road
Package Store - All Alcohol & CVL
Hours of Operation: Daily 7:00 AM – 11:00 PM (no alcohol sales before 10:00 AM on Sundays)
Licenses to expire on December 31, 2016
Subject to proper payment.
- Groton Market, Inc., John Madigan, Manager
Located at 235 Main Street
Package Store - All Alcohol
Hours of Operation: Mon to Sat 9:00 AM - 9:00 PM, Sun 12:00 PM - 6:00 PM
License to expire on December 31, 2016
- Marchand, Denis H. & Estelle C., dba Craven’s Package Store, Denis H. Marchand, Manager
Located at 777 Boston Road
Package Store - All Alcohol
Hours of Operation: Mon to Sat 8:00 AM - 11:00 PM, Sun 10:00 AM - 11:00 PM
License to expire on December 31, 2016
- Bliss Bakery and Market, Inc., dba Bliss Bakery and Market, Sheryl A. Dean, Manager
Located at 134 Main Street, Unit 1B
Package Store – Wine & Malt Regular & CVL
Hours of Operation: Tues to Fri 7:30 AM – 7:00 PM, Sat 8:30 AM – 5:00 PM, Sun 8:30 AM – 3:00 PM (no alcohol sales before 10:00 AM)
Licenses to expire on December 31, 2016
- Masa, Inc., dba Ixtapa Grill, Eric Brambila, Manager
Located at 765 Boston Road
Restaurant – All Alcohol & CVL
Hours of Operation: Sun to Thurs 11:00 AM - 10:00 PM, Fri & Sat 11:00 AM - 11:00 PM
Licenses to expire on December 31, 2016

Mr. Schulman moved to grant those licenses read subject to all payments being received in case of 1st one, Omahi Realty. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Haddad read the following licenses to be renewed.

- Filho’s Cucina, Inc., dba Filho’s Cucina, Oswaldo Filho, Manager
Located at 235 Main Street
CVL & Carry-In
Hours of Operation: Mon to Thurs 11:00 AM – 8:00 PM, Fri & Sat 11:00 AM – 9:00 PM, Sun 4:00 PM – 8:00 PM
Licenses to expire on December 31, 2016
- Country Butcher & Deli, Inc., Kenneth Demers, Manager
Located at 68 Boston Road
CVL
Hours of Operation: Mon to Wed 10:00 AM – 6:00 PM, Thurs & Fri 10:00 AM – 7:00 PM, Sat 10:00 AM – 5:00 PM; Sun 10:00 AM – 3:00 PM
License to expire on December 31, 2016
- Donelan’s Supermarkets, Inc., Steve Smith, Manager
Located at 250 Main Street

CVL

Hours of Operation: Mon to Fri 8:00 AM to 9:00 PM, Sat & Sun 8:00 AM – 8:00 PM

License to expire on December 31, 2016

- Main House, Inc., Kan Hung So, Manager
Located at 495 Main Street, Unit 3C
CVL
Hours of Operation: Daily 11:00 AM – 11:00 PM
License to expire on December 31, 2016
- Groton House of Pizza, Theofanis Stefanakos, Manager
Located at 129 Main Street
CVL & Entertainment
Hours of Operation Daily: 11:00 AM – 9:00 PM
Licenses to expire on December 31, 2016
- Santi's Restaurant & Dairy Bar, dba Johnson's Restaurant & Dairy Bar, Richard Santiano, Manager
Located at 164 Boston Road
CVL & Carry-In
Hours of Operation: Mon-Wed 6:00 AM – 3:00 PM, Thurs-Sun 6:00 AM – 8:00 PM
Licenses to expire on December 31, 2016
- Gilson Family Herb Enterprises, dba The Herb Lyceum, David Gilson, Manager
Located at 368 Main Street
CVL & Carry-In
Hours of Operation: Daily 10:30 AM – 11:00 PM
Licenses to expire on December 31, 2016
- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Center, Patricia Hosmer, Manager
Located at 133 Main Street
CVL
Hours of Operation Daily: 6:00 AM – 7:00 PM
License to expire on December 31, 2016

Ms. Eliot made a motion to grant the licenses as read. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Haddad read the following licenses to be renewed.

- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Shell, Renee Maille, Manager
Located at 318 Main Street
CVL
Hours of Operation Daily: 6:00 AM – 9:00 PM
License to expire on December 31, 2016
- FJ Catalano Enterprises, Inc., dba Dunkin Donuts-Groton Forge, June Miner, Manager
Located at 3 Forge Village Road
CVL
Hours of Operation Daily: 6:00 AM – 7:00 PM
License to expire on December 31, 2016
- Clover Farm General Store, Janet Shea, Manager
Located at 9 West Main Street
Package Store – Wine and Malt Regular & CVL
Hours of Operation: Mon-Sat 7:30 AM – 6:00 PM, Sun 12:00 PM – 6:00 PM
License to expire on December 31, 2016

- Groton Towing, Inc., Robert Olson, Manager
Located at 455 Main Street
Class II
Hours of Operation: Mon-Fri 8:00 AM – 6:00 PM, 24/7 for towing
License to expire on December 31, 2016
- Groton Country Club, Function Hall & the Tavern, Mark W. Haddad, Manager
Located at 94 Lovers Lane
General On-Premise All Alcohol (2), CVL (2),
Hours of Operation: Daily 8:00 AM - 1:00 AM
Licenses to expire on December 31, 2016
- Shaw's Supermarkets, Inc., dba Shaw's Supermarket #7627;
Located at 760A Boston Road
CVL
Hours of Operation: Mon to Sat 7:00 AM - 10:00 PM, Sun 7:00 AM – 9:00 PM
License to expire on December 31, 2016
- RiverCourt Residences, Sharon Amadon, Manager
Located at 8 West Main Street
CVL
Hours of Operation: Sun to Sat 24 hours/day
License to expire on December 31, 2016

Mr. Degen asked by Mr. Haddad was still the manager listed on the Groton Country Club licenses. Mr. Haddad said that they had not transferred the licenses yet. He said that the renters were trying to resolve issues before they can change the license. Mr. Petropoulos asked if they could reach out to Town Counsel to make sure there are no insurance issues with having Mr. Haddad listed as the manager of club. Mr. Haddad said that he would and would bring the license back to their next meeting.

Mr. Schulman moved to renew all license as read except for the Groton Country Club. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Haddad read the following license for renewal.

- A.L. Prime Energy, Mark Shiekhaddou, Manager
Located at 619 Boston Road
CVL
Hours of Operation: Mon-Sat 6:00 AM – 10:00 PM, Sun 6:00 AM – 9:00 PM
License to expire on December 31, 2016

Mr. Schulman moved to approve the aforementioned license. Ms. Eliot seconded the motion. The motion carried 3-1-0 with Mr. Degen against. Mr. Degen added that he was voting against the permit as he had done historically as he did not agree with the Planning Board's special permit that was ultimately litigated in court.

EMERGENCY PREPAREDNESS PRESENTATION

Mr. Haddad said that he was happy to turn the following presentation over to Police Chief Palma, Fire Chief McCurdy and Deputy Chief Cullen.

Chief Palma said that he was asked to look at the number of firearms permits being applied for and we are pretty consistent. He said that looking back at the last four years they had seen 250-300 permits per year.

Chief Palma said that they were approached a number of weeks ago to discuss their emergency preparedness. He said that public safety was comprised of many departments including police, fire, emergency management, DPW, light department, water departments, and Nashoba BOH. He said that all those departments meet with the Town Manager monthly or as necessary. He said that they plan ahead for potential winter emergencies and other issues that may arise and are constantly reviewing those plans. He said that he is the EMA director adding that he has a lot of help from Bill Shute. He said that they have an all hazard plan which was their basis for planning everything as well as weather emergency plans, pandemic plan, dispensing plan (dispense medication or something as simple as water); sheltering plan (key volunteer people who get shelters together, warming station, increase from warming station to a shelter to multiple shelters); evacuation plans (move parts of town, buildings, etc.); adding that it was always coordinated efforts with all public safety entities. He said that he and the Fire chief speak daily.

Chief Palma said that they have trained volunteers that help during emergencies. He said that he has two donated buses, one that is maintained by the Police Department and one by EMA. He said that they fit about 10 people each and equipment. He said that they are always communicating with MEMA and FEMA during emergencies and they have their own emergency operations center in the police department which can be set up in about 20-25 minutes. He said that they also have HAM radios and volunteers to help use them during emergencies. Chief Palma said that they also coordinate their efforts with the schools, and Council on Aging.

He said that they participate in a regional emergency planning committee and local emergency planning committee. He said that as Director of EMA he maintains contact with all including the Town Manager. He said that every department has a seat at the EOC table. Chief Palma said that they have a reverse alerting system Code Red which has been used a few times. He said that it was not used often because we want people to pay attention to the call, text, etc. when it does get used.

Chief Palma said that the School Resource Officer was doing great job for them. He said that she coordinates all emergency planning for the school district, private schools, and Seven Hills among others. He said that plans are reviewed yearly by a safety team adding that there were plans in place for the special needs populations. He said that plans are exercised at least twice a year. Chief Palma said that they are active in NMLEC adding that they have four all-wheel drive vehicles, a motorcycle, high water four wheel drive vehicle, community operations vehicle and a bus as assets.

Chief McCurdy said that fire was very much like police. He said that they are active in their regional and district 6 committees and meet monthly. He said that they participate in statewide association meetings also. Chief McCurdy said that they plan and train to meet the needs of the community. He said that they have a significant quantity of hazardous materials come through their community every day through shippers like Fed-ex and UPS and train hard to make sure their personnel can restore the community back to what it should be. He said that their assets include two transporting ambulances (can be used to transport people to shelters, etc.), 4 wheel drive vehicles; chain saws on most fire apparatus and used the ice storm as an example for needing these. He said that they have strategically placed stations and staff those locations during events, and a kitchen facility to keep people fueled up during events such as blizzards like last year. Chief McCurdy advised that people keep three days of rations on hand to sustain you for that amount of time and suggested that people have a NOAA radio on hand for keeping themselves informed during events.

He said that if disaster were to strike, they we may not be able to help right away and asked people to help them by not taking unnecessary risks. Chief McCurdy suggested people visit www.ready.gov for more tips on specific steps you can take to be prepared for events.

Chief Palma said that they spend a lot of time preparing and reviewing plans to do their best. He closed by saying that “we train and prepare for the worst and hope for the best.” He said that he and Chief McCurdy had confidence they would be ready to go in an emergency.

Mr. Degen said that their presentation demonstrated that both departments and EMA were ready for any type of emergency that may come and thanked them for their presentation and all their hard work.

OTHER BUSINESS

Mr. Haddad said that Town Counsel was there that night to discuss a matter that had come up as part of the negotiations with the solar company for the lease of the old landfill for the solar farm. Mr. Doneski said that the issue had arisen because this deal involved three parties and not just two as most of them do. He said that GELD was contracting power and metering credits on town owned land. He said that from the solar developer’s viewpoint the facility needed to be operating continuously or the developer could owe makeup payment to GELD in this instance if it was not. He said that this could create a financial risk. He said that if there was a circumstance where the Town needed to perform repairs at the landfill site because of a new regulation or some other issue, shutting down the facility or removing equipment would mean that power wouldn’t be generating and the developer would have a financial loss. He said that if the Town as the owner have had to shut down the facility for some reason they would have to makeup costs just like the developer would if it was their issue. He said that having the Town be on a financial hook in the event a repair is needed is the kind of risk in his viewpoint was not in the scope of work they were doing. Mr. Doneski suggested that they remove that kind of provision from the lease and add it to the power purchase agreement and draft a separate agreement with GELD which would in some form make GELD whole. He said that there was more flexibility between the Town and GELD to have this occur.

Mr. Haddad said that he spoke to Kevin Kelly that day who was on board with this option. Mr. Petropoulos asked if the owner of the property and purchaser of power were usually the same. Mr. Doneski said that that was correct. Mr. Petropoulos said that if he was understanding the issue it was that if the landfill had to be disturbed and the contractor was no longer getting power, they wanted to be made whole. He said that if that was the case then GELD was responsible for making up the costs lost and the Town in turn would make GELD whole. Mr. Doneski said that Mr. Petropoulos was correct. Mr. Petropoulos asked if the risk changed based on your recommendation. Mr. Haddad said that the risk was the risk. Mr. Petropoulos said that the PILOT payment coming to them was still a dollar amount. Mr. Haddad said that they hadn’t started counting this as revenue. He said that their incentive was to fix anything ASAP so that it doesn't cause them issues. Mr. Schulman said that they were getting solar energy as an incentive. Mr. Haddad added that they were also getting a PILOT and lease payments as incentive. Mr. Doneski said that there was a strong incentive on both sides of the agreement to keep the array operating and to take care of any issues quickly. Mr. Degen asked what the total amount of the annual Mr. Degen said that the only way he would be in favor of this was if GELD agreed to increase their PILOT payment and guarantee it for a determined number of years. He said that there was no upside other than that. Mr. Petropoulos asked what the daily potential liability was. Mr. Haddad said that they do not know that. He said that this was only if they needed to get in there and fix/update something because of a change in the regulations, etc. He said that if the developer’s facility causes a problem, it was their responsibility. Mr. Degen asked if this covered the entire landfill and asked about using the land next to the landfill instead. Mr. Haddad said that they planned to use some of the land next to the landfill already. He said that they have to go through DEP and others before they could construct this. Mr. Petropoulos asked if there

was insurance they could obtain for this. Mr. Doneski said that the premiums might be really high for something like this. He said that each party had insurance adding that the Town would maintain their property coverage and add a rider to it. He said that the developer would have liability insurance. Mr. Degen suggested that someone talk to the Town of Concord about what they did as they faced the same issue. Mr. Haddad said that they wanted to make sure the Board was aware of this before they bring back proposed language at a later date. Mr. Petropoulos said that he wanted to know what their potential daily cost would be. Ms. Eliot said that this would be part of the agreement between the Town and GELD. Mr. Doneski said that she was correct. Ms. Eliot said that if she understood this, the Town owned the land, GELD buys the power and Ameresco sells the power. Mr. Doneski said that was correct. Mr. Schulman asked if there was a guaranteed amount of power. Mr. Doneski said that there was which also allowed for a week of cloudy days. Mr. Degen asked what would happen if the landfill rots and compacts and causes the array to sink and liner to rip. Mr. Haddad said that they have liability insurance for something like that. He said that there would be a rider on the existing policy for the land lease and a solar array on top of it for any issues that may arise issue that arise due to tear in liner as an example.

Mr. Petropoulos said that the he and Ms. Eliot were working on the Town Manager's objectives. He said that they were trying to be aggressive with the objectives and would be different than what had been done in the past. Mr. Degen asked if they could have a draft. Mr. Petropoulos said that the Board would receive a draft before they meet to discuss them. Mr. Schulman asked if the employee had a say in the objectives. Mr. Petropoulos said that he did.

LIAISON REPORTS

Mr. Schulman said that the Charter Review Committee was hearing presentations rather than having discussions at the moment.

Mr. Degen asked if after the last annual election they went through liaison assignments. Mr. Haddad said that he didn't think they did. Mr. Degen said that he would like to see that topic added to their next agenda.

Ms. Eliot asked why the Give and Take Shop was closing. She asked if they could utilize space at the Prescott School to reopen it and asked that a meeting with the Trust Commissioner be set up to discuss that.

Mr. Degen moved to adjourn at 7:30pm. Mr. Schulman seconded the motion. The motion carried unanimously.

Approved: _____

Stuart Schulman, Clerk

respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 1/25/16