

**BOARD OF SELECTMEN MEETING
MINUTES DECEMBER 21, 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.

ANNOUNCEMENTS

Ms. Eliot said that the Groton Dunstable youth cheerleaders came in 4th at their national cheer competition and wanted to request that the Board send them a letter congratulating them on their achievement. The Board agreed to send a letter.

PUBLIC COMMENT PERIOD

Ms. Ellen Baxendale asked when the signs directing people to the police station would be put up. Mr. Haddad said it would be done in the spring. Mr. Schulman said that he noticed the station's new sign was more lit up than it had been. Mr. Haddad said that there would be a blue light on that sign eventually.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that there would be a vacancy in the position of Interdepartmental Administrative Assistant soon adding that they already had 68 applicants for the opening. He said that they had advertised the position and would be accepting applications through December 23rd. Mr. Degen recused himself and sat in the audience stating that he needed to recuse himself because his wife had applied for the position. Mr. Haddad went on to say that the position was very important and needed to be filled as it not only provided counter coverage and help to the Town Planner and Conservation department but also provided administrative support to the Board of Health and Community Preservation Committee. He said that this was a pretty important position and it was his intention to fill it unless directed by the Board not to. He said that the position provided for vacation coverage which without it would leave the building department at a standstill but also served as the primary passport agent and covers most applications which the Town averaged about 500 per year.

Mr. Haddad said that it is an existing position that was going to be vacant as of tomorrow. Mr. Schulman said that it was in the budget and meets the guidelines. Mr. Petropoulos said that it was in the budget now but could be one that is looked at in future years. Mr. Petropoulos said that he felt as though if faced with having to look at staff reductions he would rather do so at the time before filling vacancies they don't have to. He asked if they could exercise a stress test on the organization to see if the position could be done without. Mr. Haddad said that they made the decision in our departments in this budget coming up. He said that this was a key position and was created as part of a consolidation 6 years ago. He said that he didn't see himself ever recommending eliminating this position even at this time. Mr. Cunningham asked if there was a proposal to consider not filling this position now. Mr. Petropoulos said that he asked the Board to think about this last week. Mr. Cunningham said that he remembered when the consolidation was done and this position was asked to travel around between departments. He said that the public expects to have level of service within this department. He said that they were a public service agency and needed to think how eliminating positions would affect the public. Mr. Petropoulos said that they could deliver services with current resources. Ms. Eliot said that they currently had a Land Use Director who was retiring and thought that this administrative position was an integral piece of succession of the Land Use Department. She said that with the consolidation

of this position 6 years ago they have seen how it acts as the front line for the department. She said that it was really critical in supporting the conservation department, Planning Board, affordable housing, etc. She said that knowing they were getting a new director it was a critical time for there not to be a shortage of personnel. Mr. Petropoulos said that they could also argue that this was a great time to ask the new Land Use Director to do more with less. Ms. Eliot said that it was the public that needs the services not the Director. Mr. Schulman said that he understand performing a stress test on the department and would ordinarily be open to that but due to the timing of things they needed someone in here who gets time with a staff. He said that the current director had a wealth of knowledge and if they go lean on the department it was not good timing. Mr. Haddad said that when he reduced the position in the Assessor's office he redistributed time to pick up some of the slack. He said that he would have to do the same thing in this department as work still had to get done. Mr. Petropoulos said that Mr. Haddad could do that if they allocated it. He said that that may be asking people for an override and therefore they should be asking their employees to help them help the taxpayers. Mr. Cunningham said that they had a responsibility to provide services to the Town. He said that he would like to hear from those that work in the office. Mr. Petropoulos said that he was not saying they should eliminate service, just do more with less until they find out what they have for funding.

Ms. Michelle Collette said that she would like to reiterate what Ms. Eliot said. She said that she was about to retire and thought it was critical to have Land Use Department support staff functioning. She said that building permits were higher than in the past and needed to counter help to administer those permits. She reminded the Board that those permits were revenue generators. She said their entire operation was revenue generating. She said that they provide townspeople with service adding that a lot of cross training was done. Ms. Collette said that the position was critical to keep things moving. She said that if they chose to not fill the position and do a stress test, it would put enormous stress on the other department members. She said that employees would not be able to take sick time or vacation day without backup available. Ms. Collette strongly urged the Board to allow the position to be filled as advertised.

Ms. Susan Horowitz of the Board of Health said that the stress test had been up there up until 6 years ago when the position was consolidated. She said that they didn't need or want to go back to what was there. She asked if the position was taken away where the money would be used and where they would get that service for that money. She added that it would be foolish to take that position away. Mr. Petropoulos said that the money would be returned to the tax payers or any request the school had. Ms. Horowitz said that the taxpayers would be unhappy with a lack of services if the position was taken away. Mr. Petropoulos said that they had a challenging school budget forthcoming and asked the Board if they would like to use this money for this position or a school position Mr. Schulman said that not funding this position would not provide much relief to the school budget.

Mr. Kevin Forsmo said that as a taxpayer he thought they should look at positions like this to reduce the impact of things like the school budget. He said that the fiscal attitude in looking at opportunities like this concerned me. He thought they could have an impact on mitigating what might come down the pike.

Mr. Bud Robertson said that he agreed with what Mr. Petropoulos was saying and thought they should let the budget play out. He said he knew they would have issues next year but didn't want to see the town decide who they want to let go. He said that he thought they had an issue but didn't think they could make a call today if this is that position or not. Mr. Petropoulos said that solutions happen when you remove a resources and where duties can be allocated. He said that it wasn't about the position but more so the level of resources and working more efficiently. Mr. Robertson said that they always let

management do more with less and don't agree that this is the opportunity to do that. Mr. Cunningham said that management makes better informed decisions when they have all the information. He said that he understood Mr. Robertson's position adding that he thought this was premature. He said that the position was important to the Land Use Department and the residents. He said that the position attends meetings, generates recordings of those meeting adding that they were statutory requirements to think about also. He said that he thought they needed to move forward with filling this position. Mr. Petropoulos agreed that the position spans a lot of responsibility. He said he was not saying that statutory requirements not be met. Mr. Cunningham said that the position evolved because of a consolidation 6 years ago.

Ms. Paula Martin said that most of her work was done in coordination with the Building Commissioner and Land Use Director. She said that the position provides a lot of support to the Board of Health and passport acceptance. She said that she was not a backup for passports. She said that she already works 40 hours per week which includes HDC support. She said that she did not have the ability to perform any extra work outside of her job duties to cover for the lack of an Interdepartmental Assistant.

Mr. Andy Merritt introduced himself as a father of 3 kids soon to be entering into the school adding he appreciated the work everyone was doing. He said that he thought they had an opportunity to step back and look at the Town and look at the school district who needs funding to fund programs.

Mr. Petropoulos said that this suggestion did not reflect work done by the person in this position. He said that the suggestion was made because of undefined school requests they hadn't seen yet. He said that he was suggesting they test their ability to do more with less. Mr. Petropoulos said that he didn't think he needed to have a vote on this adding it was clear where the majority of the Board stood.

2. Mr. Haddad said that the Board asked to look at the Liaison assignments and decide if they wanted to keep them or amend them. Mr. Degen question whether they needed to have a representative sit on the MBTA. He thought that they provided more for the cities within their district. Ms. Eliot said that he was serving as liaison to the MRPC and MJTC. She said that she had attended those meetings in the past but hadn't experienced any benefit to the Town. She said that the Planning Board appoints their primary representative and the Board appoints secondary. Ms. Collette agreed adding that David Manugian was their rep and kept the Planning Board well informed. Mr. Degen volunteered to be the alternate.

Mr. Schulman said that Mr. Petropoulos was the liaison to West Groton Water. Mr. Cunningham said that he would like to continue as the liaison to Police and Fire. MR. Petropoulos said that he would like to serve as alternate to GELD. Mr. Petropoulos said that he would like to volunteer to be the liaison to the Finance Committee. Mr. Cunningham said he thought it should be all of them. Mr. Degen said that the Affordable Housing Trust met the other night and asked if it required that two selectmen be on the trust. Mr. Haddad said that he would like to review the articles of incorporation and get back to him. The other liaison assignments stayed as is.

3. Mr. Haddad said that Town Counsel was present the week before to discuss the lease for the solar array on the old landfill. He said that if the Town were to force a cease in operations for the months of July-August, it would cost \$80K per month. He said that off peak months would be about 45% of those numbers. He said that since that discussion Mr. Petropoulos, Mr. Cunningham and he had a good meeting with GELD to talk about this in more detail. He said that the question was what risk the town was willing to take on. Mr. Kelly said that about 40% of the farm was not on the landfill. Mr. Petropoulos said that not all the field would be out as it was not all on the landfill land. He said thagt

the Town's responsibility would be limited to the PILOT payment from the developer and the Light Department annually. He said that the Board needed to decide what the risk was and if it was worth the money they would take in and the money GELD would take in from the power. Mr. Degen asked if anyone contacted Concord Municipal Light Department. Mr. Haddad said that Mr. Kelly said that Concord accepts the risk. Mr. Cunningham said that the risk was a very slim risk. He said that Concord decided to dismiss the risk. He said that regulatory things that may change in the future would be a very extreme regulatory decision to come down. He said that their landfill was in full compliance. He said that they have monitoring. Mr. Degen said that the downside would be GELD's PILOT payment and the lease payment from Ameresco and PILOT payment from Ameresco. Mr. Haddad said that the total was 40K per year adding that as the PILOT goes up the lease goes down. Mr. Haddad said that they were gambling revenue they were not taking in now. He said that the big risk was the current \$30K PILOT payment from GELD. Mr. Kelly said that they would strongly recommend that work be done in the winter months where it's off peak time. Mr. Petropoulos said that if they were doing this to pay their future OPEB obligations it would affect that. Mr. Degen said that the GELD commissioners cut the PILOT payment in half. Mr. Haddad said that they were back up to where it had been. Mr. Degen said that every year the PILOT was discussed on a year by year basis. He said that codifying the agreement in long term terms and not committing to an annual pilot payment would mean more. Mr. Haddad said that the risk to the town if they were to stop paying the Town a PILOT payment meant that they were not going to have anything to give back. Mr. Degen said that they count that in the budget. Mr. Haddad said that if the Town agreed to this GELD would not get anything back. Mr. Cunningham said that this whole project was being done everywhere. He said that there were real incentives to do this. He said that anything that can help with energy needs was important to support. Mr. Kelly said that their only risk was the PILOT payment from Ameresco and GELD. Mr. Doneski said that the party would be a separate LLC which this would be under. He said it would legally be separate from Ameresco. He said that the issue comes up where you have a piece of property and as owner you want the ability to be able to go on that site and do things for regulatory purposes. Mr. Kelly said that that State was almost forcing solar development on landfills and the reason the other sites he explored never panned out. He said that they were providing more credits to Town's allowing this on old landfills. Mr. Degen said that in order for him to agree to be partners in this deal he would like to see a signed commitment from GELD committing to a minimum \$30K PILOT payment for the length of the lease. Mr. Kelly said that there was some urgency in this adding that Natural Heritage had said things be done by March. He said that they needed to order equipment prior to Christmas. Mr. Degen said he thought it was important to leverage their position adding there was a liability.

Mr. Degen moved that the Board of Selectmen not enter into an agreement with GELD and Ameresco until GELD commits to at least a \$30K PILOT payment for the life of the lease.

Mr. Schulman asked how long the lease was for. Mr. Haddad said it was for 30 years plus options.

Mr. Degen said that he would add to his motion that it be contingent on a vote of the commissioners on Wednesday. Mr. Petropoulos seconded the motion.

Mr. Degen said that they had been working hard to get GELD to commit to PILOT payments. He said that they were facing a huge budget situation. Mr. Degen said that the Town had worked with GELD on land swaps and conservation issues in the past and he was looking for them to be partners with them moving forward.

Mr. Degen's motion, seconded by Mr. Petropoulos was voted against by a vote of 1-4-0 with Mr. Degen in favor of it.

Mr. Cunningham said that he shared the sediment but was concerned about this not moving forward. He said that they needed to have a conversation with the GELD commissioners about this. He said that if this project did not move forward he thought they would look foolish. Ms. Eliot said that she echoed what Mr. Cunningham just said. She said that they had three documents there and a PILOT was just a fraction of one of the documents. She said that she was not going to prohibit them to not allow three contracts to move forward. Mr. Schulman said that he was uncomfortable with undermining themselves 30 years down the road by asking GELD to commit to \$30K for 30 years. Mr. Degen said that that was why he said at a minimum. Mr. Cunningham said that as he read the agreement GELD would make an annual in lieu of tax payment. He said that there was wording in the agreement. Mr. Haddad asked what would happen if they didn't pay their PILOT. Mr. Doneski said that it was not a statement of commitment. He said it was simply reflecting an arrangement that exists but was not binding.

Mr. Cunningham moved to enter into a lease agreement between the Town of Groton and Groton Solar, LLC for development of a photo array on a closed land field. Ms. Eliot added that the land was located at 600 Cow Pond Brook Road. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Cunningham moved to enter into a structured tax agreement between Town of Groton and Groton Solar, LLC. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Cunningham moved to enter into a Memorandum of Understanding between the Town of Groton and GELD as it pertains to the landfill property at 60 Cow Pond Brook Road. The motion carried 4-1-0 with Mr. Degen voting in opposition.

4. Mr. Haddad said that the Board would find in their packet the remainder of the license renewals for the Board to vote on. He said that at their last meeting, the Board expressed concern with the Town holding the liquor license for the Country Club. He said that at the direction of the Board, he reviewed this matter with Town Counsel to find out if there was any liability concerns for the Town to consider. He said that Mr. Doneski didn't not feel as though there were any prohibitions to the arrangement. He said that he did believe it would be in the best interest of the Town to put a time limit on how long they allow this to continue and suggested maybe June 1, 2016. Mr. Haddad said that Mr. Doneski was in the process of drafting an agreement for the Town to consider entering into with the lessee.

Mr. Haddad asked the Board to consider the following licenses:

- Seven Hills Pediatric Center, Holly Jarek, Manager
Located at 22 Hillside Ave
CVL
Hours of Operation: 24/7
Licenses to expire on December 31, 2016
- Blackbird Café, Inc., dba Blackbird Café, Catherine Kenney, Manager
Located at 491 Main Street
CVL
Hours of Operation Daily: 6:00 AM – 5:00 PM
License to expire on December 31, 2016
Contingent upon proper paperwork

- Bruno Ferreira, dba Bruno's Pizzeria, Bruno Ferreira, Manager
Located at 195 Main Street
CVL
Hours of Operation: Daily 9:30 AM – 8:30 PM
License to expire on December 31, 2016
Contingent upon proper paperwork
- Groton Exchange, Inc., Paul Palmer, Manager
Located at 318 Main Street
CVL
Hours of Operation: Daily 6:00 AM – 10:00 PM
License to expire on December 31, 2016
- Gibbet Hill Grill LLC, dba Gibbet Hill Grill Restaurant and The Barn at Gibbet Hill Function Hall, Thomas Totman, Manager
Located at 61 Lowell Road
All Alcohol Restaurant License (2) & CVL (2)
Hours of Operation: Sun-Thurs 4:00 PM – 1:00 AM, Fri & Sat 4:00 PM - 1:00 AM
License to expire on December 31, 2016

Mr. Cunningham moved to approve the licenses as read including those contingent on receipt of paperwork. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Haddad asked the Board to consider the following licenses:

- The Natural Market, Inc., dba The Natural Market, Joan Reardon, Manager
Located at 148 Main Street
CVL
Hours of Operation: Mon to Sat 9:00 AM to 6:00 PM, Sun 11:00 AM to 5:00 PM
License to expire on December 31, 2016
Contingent upon proper paperwork
- Groton Medical Wellness Spa, LLC, dba Groton Wellness Café, Karen Zimmerman, Manager
Located at 493 Main Street
CVL
Hours of Operation: Mon to Thurs 9:00 AM - 8:00 PM, Fri 9:00 AM – 5:00 PM, Sat 9:00 AM – 4:00 PM
License to expire on December 31, 2016
Contingent upon proper paperwork

Mr. Cunningham moved to approve the licenses as read including those contingent on receipt of paperwork. Mr. Schulman seconded the motion. The motion carried unanimously.

Mr. Haddad asked then Board to consider the licenses for the Groton Country Club with him as manager as presented last week contingent on a change in license holder and manager by June 1, 2016. Mr. Degen asked if two licenses were necessary. Mr. Haddad said that was something he could look into.

Mr. Schulman moved to approve the licenses as read including those contingent on receipt of paperwork. Mr. Cunningham seconded the motion. The motion carried unanimously.

5. Mr. Haddad said that they received a committee interest form from Tim Newman of Reedy Meadow Road. Mr. Newman is interested in serving as the alternate to the XXX. He said that Nadia Madden was the primary representative. Mr. Haddad asked the Board to make that appointment.

Mr. Degen moved to make the appointment of Tim Newman to the XXXX as an alternate. Mr. Cunningham seconded the motion. The motion carried unanimously.

6. Mr. Haddad said that he was putting the final touches on the FY17 Proposed Operating Budget and would have it for the Board next week. He said that he would be making his formal presentation to the Board and Finance Committee on January 4th at 6:30pm. He said that the School Committee would like to meet with the Board and Finance Committee prior to the budget presentation. Mr. Degen said he was not available to meet on the 4th. The Board discussed possibly holding their meeting on another night, maybe January 7th.

LIAISON REPORTS

Mr. Cunningham said that they asked Mr. Haddad to set up a working committee for their Town Record Policy. He said that it was a good document and a productive meeting. He said that they would be meeting again the next month and in the meantime were going to inventory what they already post on their website.

Mr. Schulman said that the Charter Review Committee heard some more presentations and would be meeting on the 30th to debate some of the suggestions. He said that they were about 40% done and the general consensus was that they wouldn't be ready for Spring Town Meeting.

MINUTES

Ms. Eliot moved to approve the Regular Session meeting minutes of November 11, 2015. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved to approve the Regular Session meeting minutes of November 30, 2015. Mr. Cunningham seconded the motion. The motion carried unanimously.

Mr. Haddad asked the Board to vote to enter into Executive Session pursuant to Clause 2 and asked the Board to excuse him and Ms. Dunbar from the meeting adding that the Board would not return to open session.

Mr. Cunningham made the motion. Mr. Schulman seconded the motion. Roll Call: Cunningham-aye; Degen-aye; Eliot-aye; Petropoulos-aye; Schulman-aye.

Approved: _____

Stuart Schulman, Clerk

respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 1/25/16

**BOARD OF SELECTMEN
EXECUTIVE SESSION
MINUTES DECEMBER 21, 2015
APPROVED & RELEASE**

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

Mr. Petropoulos called the meeting to order at 8pm.

Mr. Degen moved to enter into Executive Session Pursuant to MGL c30A, Sec. 21(2) "To discuss strategy with respect to contract negotiations with non-union personnel" if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the Chair so declares", citing discussion of strategy relative to the contract renewal of the Town Manager as the reason for the Executive Session. Ms. Eliot seconded the motion. Roll call – Eliot-aye, Cunningham-aye, Schulman-aye, Petropoulos-aye; Degen-aye

Mr. Petropoulos said that the purpose of the meeting was to continue to discuss strategy relative to negotiating a contract renewal for the Town Manager. Topics discussed:

1. Grievance Procedure. Town Counsel drafted a proposed procedure, which is attached. The Board was generally favorable, and felt this could be added as an addendum to the contract. The procedure discussed an alternative procedure if the grievance specifically involves the Chairman. The Board was concerned that the procedure was not clear if the grievance involved the Vice-Chairman as well, or a majority of the Board. Procedure will be sent back to Town Counsel with instructions to clear up this matter.
2. Compensation/incentives discussed – still awaiting input from the Personnel Committee on salary comparables. Chairman Petropoulos will make the raw data available to the other Board members.
3. Selectmen Petropoulos and Eliot have completed Town Manager objectives, with the agreement of the Town Manager. These will be distributed and discussed at our next executive session.
4. Term of contract. Selectmen Degen and Petropoulos preferred a 1 year contract. Selectmen Cunningham, Eliot, and Schulman preferred a three year contract. A possible compromise was raised; a three year contract with salary actions for each year pegged to performance goals. This will be discussed further after the salary comparables have been received.
5. Next meeting, 12/30 at 6 pm.

Mr. Degen moved to exit Executive Session and enter Open Session at 9pm. Mr. Cunningham seconded the motion. Roll Call – *Eliot-aye, Cunningham-aye, Schulman-aye, Petropoulos-aye; Degen-aye*

Submitted: _____
Stuart Schulman, Clerk

Date approved: 3/21/16

Grievance Procedure – December 21, 2015
Town Manager Negotiations

The following grievance procedure is intended to provide an efficient and effective means of resolving any grievances from the Town Manager that may arise over the course of this Agreement. Such grievances may include, but are not necessarily limited to: complaints of discrimination, harassment (including sexual harassment), retaliation, or concerns regarding the application, meaning, or interpretation of a provision of this agreement. Discipline imposed by the Board of Selectmen shall not be grievable by the Town Manager pursuant to this section.

If any such grievance(s) should arise over the course of this Agreement, the parties agree that the following grievance procedure shall apply:

Step 1: The Town Manager shall, within ten (10) days of the occurrence giving rise to the grievance, submit a written grievance to the Chair of the Board of Selectmen. The Chair will schedule a meeting with the Town Manager to discuss the facts and circumstances giving rise to the grievance, and to consider what action, if any, would result in the prompt and equitable resolution of the grievance.

- a. If the grievance involves the Chair, the Town Manager shall file the grievance with the Vice Chair, who shall schedule the meeting with the Town Manager and process the grievance through Step 3 if appealed to the full Board by the Town Manager.
- b. In the event the grievance involves the Chair and Vice Chair, the remaining members of the Board shall select a member among them to schedule a meeting with the Town Manager and process the grievance through the remaining steps of this procedure.
- c. In the event the Town Manager's grievance advances a complaint against a majority of the Board of Selectmen, the Town Manager and the Board shall engage the services of an independent mediator to engage in non-binding mediation, in an effort to resolve the grievance. The costs of the mediator shall be shared equally by the Town Manager and the Town. If mediation does not resolve the grievance by mutual agreement of the parties, the grievance shall be deemed denied and such denial shall be final and binding.

Step 2: If the grievance remains unresolved at Step 1, the parties agree that the Chair shall conduct informal and non-binding mediation concerning the grievance. If the grievance involves the Chair, the Vice Chair shall conduct the mediation. The Chair (or Vice Chair, when the grievance involves the Chair) shall serve as the mediator, and shall have the sole discretion to determine which employee(s) are necessary to participate in the mediation, if any, so as to successfully facilitate an amicable resolution to the grievance. The Town Manager and the Chair (or Vice Chair, for the reason previously articulated) may waive this Step in writing and signed by both parties, and submit the grievance directly to Step 3.

Grievance Procedure – December 21, 2015
Town Manager Negotiations

Step 3: If the grievance remains unresolved at Step 2, the Town Manager may appeal to the Board of Selectmen, subject to the provisions of the Massachusetts Open Meeting Law. The presentation of the grievance shall, to the extent permitted by law, be held in executive session. The Board shall resolve the grievance at that meeting. The decision of the Board shall be final and binding.