

**BOARD OF SELECTMEN MEETING
MINUTES JULY 11, 2016
APPROVED**

BOS Members Present: John G. Petropoulos, Chair; Joshua A. Degen, Vice Chair; Barry Pease, Clerk; Peter S. Cunningham, Member; Anna Eliot, Member

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

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

ANNOUNCEMENTS

Mr. Haddad said that he wanted to thank the Park Commission and Public Works Department for working together on a CPC project approved last year to resurface the basketball courts at Town Field. He said that the Public Works Department had done a spectacular job and wanted to make sure they were recognized.

Mr. Degen said that the Farmers Market would be held on Fridays from 3pm-7pm at Williams Barn.

Mr. Orcutt said that they had issued water restriction two weeks ago but wanted to emphasize it again. He said that the Water Commissioners would more than likely be imposing more restrictions at an upcoming meeting. He said that they were 12 inches behind in rain over the last 12 months and the aquifers were down four feet. He asked residents to refrain from irrigation usage.

PUBLIC COMMENT PERIOD

Ms. Gail Chalmers said that she wanted to read a statement she prepared about Chief Palma. She said that as a member of Council on Aging Board of Directors, she could tell the Board firsthand how much time Chief Palma had given and the unwavering support he provides to the senior citizens of Groton. She said he was there with compassion and knowledge that was critical to seniors. His leadership was what the Town needed. She said that through quiet changes he implemented there was proof they could move forward. Ms. Chalmers said that Chief Palma was there when her house was broken into and provided security as her family got through that difficult time. She said that they were living in a new and dangerous world and Chief Palma was the one to move them forward and keep them safe.

Ms. Mary Jennings echoed the fact that it was a different world adding residents feel safe in Groton. She asked if there were any plans to know how their police force would react to situations that may arise. Mr. Petropoulos said that they asked that question about six months ago adding they were given a presentation. He asked if that could be made public. Mr. Haddad said that that was done in Executive Session and could not be released. Chief Palma said that their training was constantly evolving and given another look every time something happens in the country. Mr. Art Prest –said that they owe debt of gratitude to their Fire and Police Department and suggested a moment of silence for those that had fallen while serving over the past week.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Board tentatively agreed to a three (3) year agreement with Chief Palma for \$137/137/137 plus a \$3K lump sum one-time bonus payment on May 1, 2019. He said that the Chief's health insurance contribution was 30% and he needed to provide a 90 day notice if he were to leave the position. He said that the Chief was scheduled to get a new car in the fall of 2016 as part of the capital budget. Mr. Haddad said that Town Counsel had reviewed this. He asked the Board to consider ratifying the contract that night adding that Chief Palma had approved the red-lined contract.

Mr. Cunningham moved to approve the three (3) year agreement for Chief Palma from July 1, 2016 through June 30, 2019. Mr. Pease seconded the motion.

Mr. Degen said that he wanted to start by echoing the things that had been said in the room earlier that night. He said that the style of the Chief was more abrupt than what he would like to have seen in a Chief. He said that they saw changes in how he dealt with and engaged with the community and how his

department engaged with the community which he applauded. Mr. Degen said that in negotiating this contact, there were financial realities he needed to consider and the numbers were much higher than what had been settled on. He said that they knew they could only afford to spend so much. He said that they held a tight line with the unions with the exception of performance incentives. Mr. Degen said he thought there were some employees they needed to pay a premium for and in the course of collective bargaining he far exceeded where he was willing to go. He said that he worked hard to give more than what he was willing to give but an 8.3% jump in the first year and an average over 3 years of 2.57% was .57% more than he was willing to give. He said that Chief Palma was a great asset to the community, but he could only go so far. Mr. Degen said that he would be voting no on this contract. Mr. Cunningham said that it was relatively short money adding that community policing was not on any spreadsheet. He said that most do not have that community connection. He said that Chief Palma had done that and they know that and have heard that from many people. Mr. Cunningham said he thought there were hard costs associated with that and felt they needed to support that. Mr. Degen said that he understand that and agreed with him but thought they could only afford it to a certain point. He said he thought this was valuing one employee even though that was not what he was saying. He said it was pitting the value of one employee against others adding it was well beyond the fiscal responsibility he was elected to do. Ms. Eliot said that she appreciated their department as a whole adding they had demonstrated their appreciation for the Chief. Mr. Pease said that this had been a great opportunity for them to learn from and listen to their community. He said he wanted to thank the Chief for being part of a strategic pathway forward as they develop a stronger fiscal community. Mr. Pease said he thought they would see those changes in the contract. He said he was willing to pay for that. He said that residents had been calling to tell him things the Chief had done and he appreciated that. He said he felt as though they went to a reasonable compensation over the three years of the contract. Mr. Pease finished by saying he believed there was an opportunity to have more Members on board for a final offer. Mr. Petropoulos said that his comments were not about the Chief adding that he thought the Chief had done an amazing job in his work and as shown by his leadership. He said that this was about their jobs as executives adding they had overrides of \$500K in consecutive years if they couldn't hold spending to 2%. He said that they have hundreds of employees that exceeded expectations every day adding they couldn't pay anyone enough. He said that pay was not the way they say thank you at the end of day. Mr. Petropoulos said that he thought they turned a corner a few months ago and gotten the memo. He said that they told the schools they couldn't give them any more but are giving it here. He said that this was not about Chief Palma adding he deserved every penny. He said they were fortunate to have him and to have retained him. He said that these comments were about the Board and how they failed the other employees and how they had failed the tax payers.

Mr. Robertson said that they could argue that the percent increase was a problem but assumed that the Town Manager and Police Chief would work with the resources the Town has. He said he thought this created an issue later on that could be resolved. He said that the Finance Committee was upset during the last budget cycle when the new police contract was front loaded. He said he was concerned about this because it was all up front. He asked why the Board was starting to front load contracts and asked if this would be a new precedent moving forward. He said he was okay with 8.31% adding that the Town would find the money but was not okay with front loading contracts. Mr. Degen said that they did a comparative analysis of area chiefs and found out what the average compensation was. He said they found out that their Chief was fairly compensated adding that there were outliers of salaries for area chiefs. He said that part of collective bargaining was finding the median. Mr. Pease said that he was happy to talk about this offline with anyone adding that he understood and appreciated Mr. Robertson's feedback.

The motion carried 3-2 in favor with Mr. Petropoulos and Mr. Degen voting against.

Mr. Degen congratulated the Police Chief on his new contract.

2. Chief Palma said that they had been having problems down at Fitch's Bridge since the weather got warm. He said that they were having issues with young people jumping off the bridge. He said that there was only 9 feet of water passing below the bridge and there had been evidence of alcohol consumption there. He said

that he was before the Board to ask for guidance in posting the bridge. He said that the bridge was a great resource but it was very dangerous to be jumping off the bridge. Mr. Pease asked if warning signs would do anything. Chief Palma said that it would point to some direction and allow the department to enforce the signage if necessary. Mr. Degen said he thought this was very important and suggested posting signs that said shallow water and no jumping allowed. He said that the Town Manager may want to reach out to the Town's insurance company to see if they have suggested posting ideas. Mr. Cunningham said that the rail trail had signage that prohibited certain activity and usage only from sunrise to sunset. He said that he fully supported signage. Mr. Haddad asked the Board to vote to authorize requirements that the Police Chief was asking for and he would in turn reach out to MIIA. Mr. Petropoulos said that he thought between the Town Manager and Police Chief they could work this out.

Ms. Eliot moved to authorize the Town Manager and Police Chief to post prohibitive behavior signs around that property and bridge. Mr. Cunningham seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that the Light Commission and General Manager was looking for input from the Board on the future of the surplus property on Station Ave. Mr. Kelly said that he hadn't drafted an RFP yet but the belief was that best value could be acquired if there was a unified vision for the land. He said that if the Town had a vision for the property, he wanted to incorporate it into the vision. Mr. Kelly asked if there was a chance for a unified vision of the property or did they think he should write an RFP. Ms. Eliot said that she would like to see some kind of thru access, ideally a roadway, adding she felt it was a vital aspect to a dead end street in an overlay area. Mr. Cunningham asked what the current status was of the Station Ave. overlay plan. Ms. Eliot said that the design guidelines were in place but someone could buy it and put a house in the middle of it. Mr. Kelly pointed out the fact that the land had its challenges. He said they wouldn't know what someone would be willing to pay for the property until they put an RFP out there. Mr. Degen said that he would like to see a park with parking along the rail trail. He said he understood Mr. Kelly had a responsibility to make their money back but thought they could negotiate with the Board to use CPC money for a park and do a land swap for other land. Mr. Cunningham said that he too shared Mr. Degen's vision. He said he would be in favor of a conversation with the Commissioners. Ms. Eliot said that Jack Bruner wanted to see this area made a park years ago. Mr. Petropoulos asked the Board if it would be okay for him and Mr. Degen to work with GELD in this. Mr. Paul Funch said that he was happy to hear there was support for a park. The Board agreed that Mr. Degen and Mr. Petropoulos should meet with GELD to represent the Board's point of view on a proposed RFP.
4. Mr. Haddad said that he had provided the Board with the updated Complete Streets policy and was looking for the Board to consider voting to adopt it that night. He said that he was also looking for the Board to develop a five (5) member Committee to work on implementing the policy once adopted. Mr. Cunningham said that he was interested in serving. He said that this policy was a good thing for them to implement adding that it would focus on key elements of safety to their highways and byways. Mr. Pease said that he would like to see a member of the public serve who has a sidewalk. Mr. Haddad said that he would be happy to give up his seat on this Committee so that a resident could serve as suggested by Mr. Pease. Mr. Degen said that he thought complete streets were great adding there were so many different modes of transportation out there. He said that with a proper prioritization plan there was zero downside to this. Mr. Cunningham said that this would change the mindset for how they look at streets and how they are laid out.

Ms. Eliot moved that they adopt the Complete Streets Policy #16-02. Mr. Cunningham seconded the motion. The motion carried unanimously.

Ms. Eliot moved that they create a Complete Streets Committee consisting of Seven (7) members and including the following: DPW Director, Land Use Director, Member of the Board of Selectmen, Member of the Planning Board, Member of the Trails Committee and 2 citizens at large. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Degen moved to appoint Mr. Cunningham to the Complete Streets Committee. Mr. Pease seconded the motion. The motion carried 4-0-1 in favor with Mr. Cunningham abstaining.

5. Mr. Haddad said that with the defeat of the override on June 30th, they were awaiting word from the School Committee on what action they planned on taking. He said that the School Committee had asked the Superintendent to present a budget that met the top priorities of the needs assessment. He said that the override passed in Dunstable. Mr. Haddad said that with the failure of the override in Groton, the Town had to lay off the Web Developer who had filed for unemployment; they were not going to fill the new proposed custodian position; they would be not be having lifeguards at Sargisson Beach but thanks to Mr. Degen they were going to use some of their budgeted maintenance money to pay the lifeguards for two weeks and were in receipt of personal donations from residents to keep the beach open with lifeguards through the rest of the summer. He said that Mr. Degen was the one who came up with the idea to reach out to citizens for donations and had received generous donations from Ebi Masehlden and Art Prest, whom he had permission to mention their names. He said that he on behalf of the Board could not thank them enough for their generosity. He said that they were hoping one more individual would contribute the remainder of the money needed that week. He said that the popularity and usage of the beach was very high. Mr. Degen said that if anyone wanted to contribute to keep the beach open next May also, they could contact the Town Manager's office.

Mr. Haddad said that he was very concerned about the municipal budget and the talk on the street that says supporting a District Town Meeting doesn't mean an increase in taxes. He said that that could not be done unless you reduce municipal budget. He said that they were below last year's appropriation already adding an additional \$671K would have to be cut. That meant employee layoffs and drastic reductions in services. Mr. Haddad said that he was asking the Board to implement a spending freeze on all non-emergency/non-priority spending until they find out what the School Committee plans to do about their budget. He said that he would also like to see the public safety departments not fill non-essential overtime shifts where possible. He said that he already talked to the public safety officials who knew what staffing requirements they needed to keep so as to not harm public safety. Mr. Haddad said that the reason for this was the further they got into the fiscal year, the less time they would have to make up money to fund the schools.

Mr. Petropoulos said that \$650K that Mr. Haddad was referring would have to come from the municipal budget adding he thought it was time for cooler heads to prevail. Mr. Cunningham said that he agreed and added that he supported an overtime freeze but if a major incident were to occur he asked if it would be covered. Mr. Haddad said that all emergencies would be covered. He said he was talking about not filling overtime shifts unless contractually obligated. Mr. Degen said that a spending freeze was interesting and he understood why Mr. Haddad was suggesting one. He said that he didn't want to see anything implemented until July 27th when the School Committee was scheduled to meet again. He said that he could see freezing municipal expenditures but thought they should hold off on Public safety until July 27th. He said that the tax payers had spoken loud and clear twice at the polls and didn't want to see the municipality pit against the schools even more. He said that the municipal side would suffer and thought the School Committee needed to live within its means and take this off the table immediately. Mr. Pease asked if any other town departments incurred overtime. Mr. Haddad said that there was a little bit of overtime in the DPW but not like public safety. Mr. Pease said he thought they should limit it across the board if they do it at all. Ms. Eliot said that she supported a spending freeze and a control on non-emergency overtime. Mr. Petropoulos suggested that they not compromise public safety. He thought there were other ways that didn't risk lives. Mr. Haddad said that he agreed adding he spoke to the public safety officials last week. He said that they understand what was trying to be achieved with this and would not put the public at risk. Mr. Petropoulos said that he didn't want to hear someone's safety was compromised because they had to wait for a call firefighter. Mr. Haddad said that he understood the point and completely agreed. Mr. Cunningham said that they needed to trust their public safety department heads adding he was fine with a freeze if they could manage it.

Mr. Haddad said that he had already reduced the personnel in the IT department with the failed override adding that the one individual they had left was out straight and needed help. He said that they had advertised for a desktop specialist adding he knew it was the easiest thing not to fill but he wanted to so that the Director was not alone. He said that before he did that, he wanted to hear from the Board. Mr. Cunningham said he appreciated the burn out aspect. Mr. Degen said that a hiring freeze was important with the exception of that one position. Mr. Pease agreed that it was a vital position. Mr. Petropoulos said that he talked to IT Director that day. He said there were no employees in this town that were not important. He said that he understood the idea of a freeze adding they could find themselves in positions they didn't need to be in and thought they could be as prudent as they could be without being catastrophic. Mr. Cunningham said that they had faith in their managers to do the best job they could and could exercise budget prudence while giving managers room to manage without micromanaging them.

6. Mr. Haddad said that the Charter Review Committee re-opened up the comment period adding there were two things he wanted to mention to the Board to possibly be brought forward. He said that he was on the Charter Review Committee in Grafton and one thing they had been discussing was whether the Town Clerk be appointed or elected. He said he thought it made sense to put it on the table for the Committee to have that debate. He said that the position would be appointed by the Board of Selectmen not the Town Manager. He said that he met with Mr. Bouchard and Ms. Dunbar and came up with points for and against to consider. Mr. Haddad said that Mr. Bouchard had not taken a position adding he was appointed before he was elected, to fill a vacancy. Mr. Bouchard said that this was a topic that was frequently discussed on forums. He said that more and more towns were looking at this adding that Harvard and Pepperell had just gone to appointed Town Clerks. He said that this was most commonly done as part of succession planning adding that anyone could run for an elected seat. He said that he did not have a position on this adding that nothing was broken. He said that he had never felt pressure from anyone to operate differently and supported this moving forward for a discussion.

Mr. Cunningham asked why the Committee was accepting more comments. Mr. Robertson said they were because they had enough time to look at more comments. Mr. Cunningham said that he didn't oppose a discussion being had adding they had talked about this at length when the charter was developed. He said they kept it an elected position then because of the perception towards elections, etc. Mr. Cunningham said that being a Clerk today was a lot more involved than it used to be. He said that there was a higher level of training and expertise that was required. Mr. Pease said that he was against this but had no concerns with it going forward. He thought they needed to consider the culture of Groton. He said he had faith that the Committee would come up with an appropriate recommendation. Mr. Degen said that the Committee was looking at everything and didn't think there was a downside in having them discuss it. He said that he personally didn't think it was the right way to go and thought that the Town Clerk should be determined by the voters. Ms. Eliot said she too was in favor of having it go forward to Committee adding it would start a public debate on it. Mr. Petropoulos said he didn't think it was appropriate for them to say if it should be passed or not and didn't think it was appropriate for it be brought forward by a non-resident Town Manager. He said he would be in favor of it being brought forward by a resident. Mr. Pease said he would be happy to bring it forward. Mr. Haddad said that he wanted to address that statement. He said that as the Town Manager he had the right to speak at selectmen's meetings, and to make proposals and speak at Town Meeting to name a few. He said that if they wanted the Town Manager to be a resident, they should have brought that forward to the Committee for consideration. Mr. Petropoulos said it was his opinion and hoped Mr. Haddad could accept that. Ms. Eliot said that employees submitted concerns. Mr. Robertson said that was true. Mr. Pease said he would write this up in a non-opinioned way.

Mr. Haddad said that one other item he wanted to discuss brining forward was the signing of the warrants. He said that some would perceive this as a power grab but it was a day to day administrative function and he thought the Committee could discuss allowing the Town Manager to sign the warrants. He said that he and Ms. Dunbar had looked at Charters from 26 towns and 20 out of that had the Town Manager sign the warrants, one town had both sign them and five towns had the Selectmen sign them. He said that under MGL, the default was for the Board to sign the warrants. He said that because it was an administrative

function it just made sense. He said that the Board would still receive emailed copies of the warrant for review.

Mr. Degen said that he agreed with Mr. Haddad on this one as it was well within his purview to bring this forward. He said that Mr. Haddad was involved in the day to day and thought that he rose to the level to be able to do such even though he understood the residency concern. Mr. Cunningham said he thought it was a checks and balances approach. He said that they get copies of the warrant emailed to them adding they were able to ask and raise questions. He supported this moving forward to have the Committee discuss it. Mr. Pease said that he thought this should be moved forward for public discussion. Mr. Degen said he did not think it should be brought forward adding having the Board sign the warrants allowed them to be cognizant of what made the Town run. He said he didn't think the Committee should be discussing this adding the Board should make the decision. Ms. Eliot said it was in the Charter and should be reviewed.

7. Mr. Haddad said that he wanted to provide an update on FY16 Country Club budget. He said that the Club was in the plus by \$32K adding they exceeded their estimates by \$16K. He said that there would be a \$95K tax payer expense in FY16 adding they had gone from \$275K to \$95K subsidy in one year. He said that Mr. Campbell was well under way to meeting the goal of eliminating the tax payer subsidy. He thanked Mr. Campbell for what he had done so far. Mr. Cunningham said that they were headed in the right direction and thought this was good news. Mr. Pease said that the final third was a huge hurdle to meet and asked how Mr. Campbell anticipated getting rid of the last \$95K. Mr. Campbell said he was looking to find \$100K in savings by FY18. Mr. Degen asked what was in the \$100K. Mr. Campbell said that some of it was personnel related and was not at liberty to dispel. He said he was also going to look at cart rental fees.
8. Mr. Haddad said that there were a couple of line item transfers that he needed to ask the Board to consider approving. He said there were three transfers:
 1. Fire wages to Fire Salaries \$3,043 to fire salary. He said that they had originally looked for an additional \$30K at Town Meeting but were not going to require that money after all.
 2. CC expenses to wages \$2,878. He said that they had been so busy they needed additional help.
 3. Insurance deductible to insurance and bonding \$76

Mr. Degen asked what the first item was about. Mr. Haddad said that the Fire Chief's contracts stipulates holiday pay and was required under MGL. Mr. Degen asked if the Chief asked for this money. Mr. Haddad said that he did adding that he (the Chief) wasn't going to but he (Mr. Haddad) told him to put in for as it was owed to him.

Mr. Cunningham moved to approve the transfers as explained by the Town Manager. Mr. Pease seconded the motion. Then motion carried unanimously.

MINUTES

Mr. Petropoulos said he had changes to the executive session minutes and asked if they could be brought back.

Mr. Cunningham moved to approve the Regular Session meeting minutes of June 6, 2016. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Cunningham moved to approve the Regular Session meeting minutes of June 13, 2016. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Petropoulos moved to adjourn at 8:23PM.

Approved: _____
Barry Pease, Clerk

_____ respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 8/8/16