

**BOARD OF SELECTMEN MEETING  
MINUTES DECEMBER 12, 2016  
APPROVED**

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

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

Mr. Petropoulos called the meeting to order at 7:00pm and reviewed the agenda.

**ANNOUNCEMENTS**

Mr. Haddad read a letter into record from Gail Chalmers, Chairman of the COA Board of Directors. (*see attached*)

**PUBLIC COMMENT PERIOD**

Ms. Leslie Lathrop asked if the Board would consider making the Four Corners area an official village. Mr. Petropoulos said that they could put in on a future agenda if she was willing to provide the Board with some information relative to it.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that Noah Paul had been working as a cable volunteer per diem covering meetings. He said that they had a vacancy for a Cable Production Assistant and Mr. Colman recommended that Noah Paul be appointed to the position after advertising and interviewing for the position. Mr. Haddad said that he had made that appointment and asked the Board to consider ratifying the appointment.

*Mr. Cunningham moved to affirm appointment of the Town Manager of Noah Paul as the Cable Production Assistant effective 12/13/16. Mr. Pease seconded the motion. The motion carried unanimously.*

2. Mr. Haddad said that the Groton School had given the Town their PILOT payment and increased it to \$110K from \$102K last year. Mr. Petropoulos said that their PILOT had increased over the past 2 years by 10% adding they were thankful for that. Mr. Cunningham thanked Mr. Petropoulos for his effort on moving this initiative along. Mr. Haddad said that the Non-Profit Council was doing some wonderful things also which was a result of this initiative.

**7:10PM – PUBLIC HEARING – 1003 BOSTON ROAD – UNDERGROUND FUEL STORAGE TANKS**

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

Mr. Haddad said that the Fire Chief had done the investigation on this adding he provided the Board with a letter outlining the process. He said that the Chief was recommending the issuance of the license per the installation of the tanks according to the plan. Mr. John Mazeika, branch manager of Sterling location of Osterman Propane said that the temple was a large building that needed an adequate supply of propane for heat, kitchen equipment, among other uses. He said that they were seeking permission to install Four (4) 1,000 gallon underground tanks. Mr. Cunningham asked about the location of the tanks in proximity to the wetlands and whether or not they had obtained the necessary permits. Mr. Mazeika said that they had to obtain permission from the Board first before they could move forward with the other Boards adding that the tanks were on the opposite side of the property from the wetlands. Mr. Cunningham asked if they were single wall steel tanks. Mr. Mazeika said that they were adding they were also power coated and had an aquatic protection like cruise ships. Ms. Eliot asked if this was part of site plan review. Mr. Mazeika said that the location was chosen based on where the kitchen was due to regulations adding they were using low pressure lines. Ms. Eliot asked if there were other utilities in this location. Mr. Mazeika said that there were. Mr. Degen asked if the tanks would be linked together and if bollards were going to be installed to protect the tanks. Mr. Mazeika said that they would be linked together adding that the tanks and installation would meet NFPA

standards. Mr. Pease said that the Chief recommended that the tanks be installed at least 50 feet away from property lines. Mr. Mazeika said that they were 56 feet away at the closest part.

A resident asked about the setback requirement from the wetlands. Mr. Mazeika said that that was up to the Town adding that propane was non-hazardous to the environment. A second resident asked why they were being buried and not installed above ground. Mr. Mazeika said that the tanks and gas got the most rate of recovery when buried underground. Ms. Lathrop asked if any blasting would be necessary for this. Mr. Mazeika said that no blasting was anticipated adding that the tanks would be sitting about 5 feet below ground.

#### **7:15PM TAX CLASSIFICATION HEARING**

Mr. Haddad read public hearing notice for Tax Classification hearing into record and asked the Board to open the hearing and continue it to the conclusion of this discussion.

*Mr. Degen moved to open the tax classification hearing and to continue it to the conclusion of this discussion. Mr. Cunningham seconded the motion. The motion carried unanimously.*

Ms. Lathrop Leslie Lathrop said that the amount of sound and noise that comes from the construction ranges from incredibly annoying to intolerable. She said that it was impacting her quality of life and her growing season. She said she didn't think it was fair adding it may be a legal place to have this building but not an appropriate location. A third resident asked if the propane company was new to Town. Mr. Mazeika said that they were not adding they had about 100-150 accounts in town. She asked about insurance and whether the Town would be covered. Mr. Mazeika said that they did have insurance and that the Town would be covered. A fourth resident echoed the comments about construction noise. Mr. Pease asked Mr. Haddad to speak to the Land Use Director about the noise concerns.

*Mr. Cunningham move to close the public hearing on the underground fuel storage tanks for 1003 Boston Road. Mr. Pease seconded the motion.*

Ms. Eliot said that she would like for an answer on the noise concerns related to construction before they close the hearing. Mr. Degen asked if there was a timeline for installing these tanks and asked if a one week delay would hurt them. Mr. Mazeika said one week wouldn't hurt them adding that that they would like to install the tanks within the next month. Mr. Degen said he too would like to hear and answer the concerns. Mr. Cunningham said that he heard the concerns but wasn't comfortable with holding up their schedule for a tank permit. Mr. Degen said that the applicant agreed that one week wouldn't hurt adding he thought they should ask for an update on the construction timeline. Mr. Cunningham said that the tanks didn't fall within this. Mr. Petropoulos said that the Town had a reputation for being unfriendly to business adding that what they would hear next week would not be relevant to this permit approval. Mr. Degen suggested approving this contingent upon an update at a date certain. Ms. Eliot said that the information she was looking for was relative to the public hearing and thus her desire to keep it open. Mr. Petropoulos asked what information she was looking for. Ms. Eliot said that she was looking for information relative to construction adding they didn't know where this fit into the timeline. Mr. Mazeika said that installation would take 1-3 days depending on Fire's inspection timeline. Ms. Lathrop said that there were two large building planned for the site and asked if this would serve the second building as well. Mr. Mazeika said that the tanks were sized that they could. Mr. Petropoulos asked if there were plans at this time for the second building. Mr. Mazeika said that there was not at this time that he was aware of. A resident asked whether engineers would be looking at this also. Mr. Petropoulos said that they had trained individuals, including the Fire Chief who had the final signoff.

*Mr. Petropoulos called for a vote on the motion. The motion carried 4-0-1 with Ms. Eliot abstaining.*

*Mr. Pease moved to grant the move to grant the new license for four (4) 1,000 gallon tanks at 1003 Boston Road to NESSP, Inc. Mr. Cunningham seconded the motion. The motion carried 4-0-1 with Ms. Eliot abstaining.*

*Mr. Degen moved to reopen the tax classification public hearing. Mr. Pease seconded the motion. The motion carried unanimously.*

*Mr. Boles called the Board of Assessors to order. Ms. Evens seconded the motion. The motion carried unanimously.*

*Mr. Haddad began to read an email he sent earlier in the day to the Board of Selectmen and Board of Assessors into the record.*

*Mr. Degen moved that the Board continue the public hearing on tax classification until the conclusion of Town Manager's summary of his investigation into the 2017 revaluation process. Mr. Pease seconded the motion. The motion carried unanimously.*

*Mr. Haddad said that he conducted a review of the process not an investigation.*

*Board of Selectmen/Board of Assessors Meeting on December 12, 2017*

*On Friday, I delivered my report to the Board of Selectmen and Board of Assessors, per the Board of Selectmen's directive, relative to the Fiscal Year 2017 Property Assessment Process undertaken by the Board of Assessors and the Board of Assessors' staff. The Board of Selectmen requested that I conduct a review of the revaluation process following Jenifer Evans, an elected Assessor, raising concerns about the revaluation process to members of the Board of Selectmen. In order to conduct my review as directed by the Board, I sent an e-mail to each member of the Board of Assessors, the Principal Assessor, and the Assistant Assessor, requesting that each provide me with a detailed summary in writing of their recollection of the events relative to the revaluation process. I subsequently received statements from Ms. Evans, Assessor Donald Black, the Principal Assessor, Ms. Rena Swezey, and the Assistant Assessor, Mr. Jonathan Greeno. I delivered an original report to the Boards and Assessors staff on December 2nd. Following the issuance of my report, I received written statements from Ms. Evans and Mr. Garrett Boles, the third elected member of the Board of Assessors. As a result of these statements, I revised my original report and delivered an amended report to all parties on Friday, December 9th.*

*As stated by Selectmen Petropoulos at the Board's meeting on November 21, the purpose of my review was to understand what transpired during the revaluation process that had members of the Board of Assessors approach members of the Board of Selectmen to express their concerns. Before I answer that question, I want to remind the members of both Boards that the employees identified in my report have certain protected rights and the discussion you have tonight has to be respectful of those rights. I strongly suggest that tonight's discussion be narrowly tailored and focused upon the process undertaken by the Board of Assessors and Board staff during the revaluation process. The discussion should concern what happened, and when it happened, and it should be non-accusatory in nature. If a Board member believes that anyone engaged in wrong-doing during the revaluation process, the appropriate administrative steps should be taken by the Board member to advance those allegations, that is to say that the member should reduce their concerns to writing and deliver same to my attention for review and consideration for additional administrative action. This is not the forum to advance accusations of wrongdoing or misconduct by anyone involved in the process. I would respectfully ask that all the Board members follow this suggestion.*

*With respect to the revaluation process, my review determined that Ms. Swezey and Mr. Greeno first met with the DOR on the revaluation on February 2, 2016, at which time the DOR Representative requested various documents from the Town. The documents were provided the following day – February 3. Between February and June, Ms. Swezey and Mr. Greeno conducted inspections to review properties that had pulled building permits. As a result of these inspections, buildings with major renovations received grade changes. During this time, Ms. Swezey and Mr. Greeno also examined 2015 homes sales via visual inspection, review of permits, and realtor websites, to confirm information on the property record cards which they reviewed.*

*Ms. Evans began her review of the revaluation process in July, 2016. She started her review by requesting three years of sales data from Ms. Swezey. Ms. Swezey did not provide the requested information which caused Ms. Evans to generate her own report, sometime in August. Ms. Evans' report did not meet up with Ms. Swezey's report to the Assessors and she shared the differences with Ms. Swezey. A request to explain these differences from Ms. Evans to Ms. Swezey was not responded to by Ms. Swezey.*

*In September, statistics prepared by Ms. Swezey on the revaluation were different from those prepared by Ms. Evans. It appears that Ms. Swezey and Ms. Evans employed different methodologies in arriving at their respective numbers and that these different methodologies frustrated this revaluation process. The Board ultimately requested that property grades applied by Ms. Swezey on 70 properties be changed back per Ms. Evans' analysis. Ms. Swezey complied with the Board's directive. The Assessors were then able to set the valuations for all properties in Town by unanimous vote, and the DOR subsequently certified the sales report and has approved the methodology employed for the setting of property values. Last week Mr. Greeno spent the entire day with the Town's DOR Representative, who confirmed that the Town's values were "sound". This process was unfortunately prolonged by infrequent and often cancelled meetings of the Board of Assessors during this time, through no fault of any Board member or staff member. It is also evident that conflicts within the Department contributed to this revaluation process, thus coming to the attention of the Board of Selectmen. I am satisfied, however, based upon my review of the process and procedure*

*of this revaluation that the Board of Selectmen can confidently proceed with the tax classification hearing tonight to set the Fiscal Year 2017 tax rate.*

*I have limited my presentation to the procedural history of the revaluation process. I would request that the resulting discussion by the Boards on this subject be limited to the process, without being accusatory in nature. Such a discussion or discussions, should they need to be had, are more appropriately left for another day and in another, more private, forum, which respects the rights of all persons involved in the revaluation process, elected officials, and appointed employees, alike.*

*Thank you.*

Mr. Haddad said that based on this, he was asking the Board to continue their public hearing on this matter to 7:15pm on Monday, December 19th.

Mr. Petropoulos said that a lot of work had been done adding that people cared enough to raise concerns. He said that they would get past this and was pleased they were doing this. Mr. Haddad said that the major problem that he saw was that a member of the Board asked for information and that information should have been provided in a timely manner. He said that what compounded the problem was that the Assessors didn't have a regular meeting schedule and regularly set agendas. He thought that the Staff should be given direction for that. Mr. Petropoulos said that the accuracy of the data was also called into question adding that everyone could look at data and have a different interpretation of it. Mr. Pease said that the report called out the fact that if it was brought to your attention sooner you could have helped out. He said that he would have never put that in there adding he didn't want to portray that the employees would only act when their boss was called in.

Mr. Degen said he thought it was a good summary adding he could only speak to how their Board acted on its policies, agendas, etc. He said that the policies and posting of agendas needed to be followed and that full Open Meeting Law training needed to be had by the Board of Assessors and Staff. He said that they didn't always agree as a Board but it was how you disagreed and work together in the best interest of the Town. Mr. Haddad said that the difficulty the Board of Assessors had was that it was a three-member board adding that because there was so much that went into a revaluation if two members talk outside of a meeting, it was a violation of Open Meeting Law. Mr. Boles said he agreed adding that he thought the Town needed to invest in additional training for full time staff to give them the needed training in the appraisal software. Mr. Greeno said that it wasn't that the LA-4 report couldn't be produced it's that there were error messages which zeroed out the report. Mr. Pease said that they had an IT Department that enjoyed challenges adding this maybe something he could take a look at and recommend a path for training. Mr. Degen thought that was a great idea.

Mr. Petropoulos asked if the Assessors had started their review later than in the past. Ms. Evans said it was around the same time as the last eight years adding that you typically wait until the 2nd quarter sales had closed. Mr. Boles said that they acted when it was suggested they start reviewing the data. Mr. Petropoulos asked about the reference to three years' worth of data. Ms. Evans said that they had taken three years' worth of data during each of the previous revaluations. Ms. Evans said that she writes code for a living adding that statistics were learned by everyone in high school. She said that she didn't have access to Vision so she kept own spreadsheet. Ms. Evans said that she only had one goal which was for an equitable fair tax rate adding she didn't have an agenda. She said she felt as though they achieved that goal adding there were always outliers and that was what abatements were for. She said that she didn't hold grudges and would help anyone. She said that they used the same methodology that they had in the past except for this year. She said that they agreed on November 2<sup>nd</sup> to use her and Mr. Boles's methodology. She said that Mr. Boles was a wealth of knowledge. Ms. Evans said that she asked Mr. Haddad to remove appendix B from the report adding that it was an email from 2013 which was not relevant. She said that she thought it was done to be vindictive. Mr. Haddad said he objected to the accusation by Ms. Evans. He said that it was his report and he thought that the appendix was relevant and wanted it left it. Ms. Evans said that she had achieved her goal of a fair and equitable assessment and wouldn't be bullied by the Town Manager. Mr. Boles said that two individuals from the DOR had told him that Ms. Evans was correct and should settle any concerns. Mr. Haddad said he addressed both of those conversations in his report. Mr. Degen said that not everyone was going to agree with this report adding that if a member of the public wanted a copy, it had been redacted by Town Counsel.

Mr. Degen said it appeared that Ms. Evans needed to leave and they should reopen their hearing.

Mr. Cunningham said that his takeaway was that there was a process and some disagreement with the methodology. He said that corrections had been made and the rates had been certified, except for Open Space, and voted on by the Assessors. He said that in terms of the process, he thought it was good that it occurred even though it was painful adding that people would be mindful moving forward. He thought the public should have confidence that the process had been completely vetted adding there was a learning aspect to conflict. Mr. Boles briefly explained what the issue was on the LA-4 that was keeping the DOR from signing off on it that day. Mr. Greeno said that Vision was making sure the codes were in the correct buckets adding this would be corrected the next day.

*Mr. Degen moved to reopen the tax classification hearing. Mr. Cunningham seconded the motion. The motion carried unanimously.*

Mr. Boles said that it was his recommendation that the Board don't have a split rate. Mr. Degen said that given the differences in methodologies, he asked how confident Mr. Black, Mr. Boles and Mr. Greeno was on a scale of 1-10 with what had been submitted to the DOR. Mr. Black said that because he was the new kid on the block, he sat and listened a lot during this process. He said that he noticed there were two (2) divergent approaches adding that the process wasn't always perfect but that the approach taken brought something fair and equitable. He said he would scale this as a 9.9 out of 10. Mr. Boles said that there were only a couple of big outlier adding he was pretty confident that all properties fell within a range of 2-6% margin of error. He said that he was confident that the Board could vote for this adding he scale this as an 8 to 9 out of 10. Mr. Greeno said that he was a 9 out of 10. Mr. Petropoulos thanked Mr. Green for his hard work on this. Mr. Degen asked if it was typical to have a grade change for upgrading a kitchen or bath. Mr. Greeno said it all depended. He said that he would look at what was in the home if they didn't know. He thought that if the interior had been changed to a great extent the grade could change. Mr. Boles did not agree adding he would use the condition as a factor.

*Mr. Degen moved to continue the public hearing on the tax classification to Monday, December 19, 2016 at 7:15pm. Mr. Pease seconded the motion. The motion carried unanimously.*

### **TOWN MANAGER'S REPORT**

3. Mr. Haddad said that the School Committee had hired a search firm to coordinate the Superintendent Search. He said that the firm wanted to interview the Chair of the Board of Selectmen and Finance Committee to help establish an applicant profile. The question came up as to whether not the Board as a whole wanted to be involved in this process. Mr. Cunningham asked if this would be one meeting all together or separate meetings. Mr. Haddad said he wasn't sure. Mr. Cunningham said he would be open to having input into the process. Ms. Eliot said she would be open to having them into a meeting as opposed to individual meetings. Mr. Pease said he would prefer to meet with the consultant individually as individuals may not say certain things in a public meeting. Mr. Degen said he thought it was important to meet on a one on one basis adding he wanted to be part of the process. There were no objections to Mr. Petropoulos recommendation to meet individually.
4. Mr. Haddad said that he had drafted a policy for handling complaints and updated the policy per the discussion at their last meeting. Mr. Petropoulos asked why possible violations to the Zoning Bylaw Violations or Wetlands Protection Act or Bylaw that could not be readily observed from the public way may not be acted on. Mr. Haddad said it was implicit. Mr. Cunningham added that it was part of the law. Ms. Eliot asked if other departments could use this, not just Land Use. Mr. Haddad said it could be utilized by all departments. Mr. Petropoulos asked if all Departments Heads could look at this. Mr. Degen asked about a log being maintained. Mr. Haddad said it would kept by the Land Use Director.

Mr. Frank Kolak said he was a small business owner and tax payer who shared concerns about the process. He said that he received several letters stating he was in violation of the bylaws. He said that he reached out for better clarification and didn't receive it until there was intervention by a couple of Selectmen and

verification by the Town Manager that he was not in violation. Mr. Petropoulos stopped Mr. Kolak adding this was a discussion about a policy for handling complaints. Mr. Kolak said that he would like to receive all substantiating information that the Town had against me. Mr. Petropoulos said that his request wasn't relevant to the discussion of the policy. Mr. Kolak asked how he could make that request. Mr. Pease told him to submit a Public Records Request. Mr. Haddad said that he was implementing this policy in the Land Use Department adding because it was his policy and didn't need any formal action from the Board.

*Mr. Degen moved that they adopt the recommended policy of the Town Manager as written with any changes as presented that evening. Mr. Cunningham seconded the motion. The motion carried unanimously.*

Mr. Haddad said that he and Mr. Pease had been working with Town Counsel on a policy and procedure for how investigations were handled. Mr. Degen said he thought the policy was very good and suggested that they take a week to review it and bring it back at their next meeting for consideration. Mr. Cunningham had a question about item number 3, whether or not to investigate a complaint, and it being at the discretion of the Chair. Mr. Haddad said that it said it was at the Chair's discretion whether or not to place it on an agenda for discussion. Mr. Pease said that the Chair and Town Manager could triage things adding that it would be up to the Chair to add it to an agenda for Board discussion. Mr. Pease said it may help to strike the word "may" and replace it with "shall" that way it would be discussed as a Board. Mr. Haddad said he would make that change following agreement by the Board bring it back to their next meeting.

5. Mr. Haddad said that they received a one day beer and wine license request from Salt and Light Café for a private event on December 15, 2016 from 4:30pm-7:30pm and asked the Board to consider approving the request.

*Mr. Pease moved that they approve the one day beer and wine license request from Salt and Light Café for December 15, 2016 from 4:30pm-7:30pm for a private event. Mr. Cunningham seconded the motion. The motion carried unanimously.*

6. Mr. Haddad said that he wanted to provide an update on their assessment from Middlesex County Retirement. He said that Mike Hartnett had turned into a pit-bull trying to get clarification on the assessment and couldn't be happier with his persistence. He said that they received an email that afternoon letting the Town know that the actuarial had found something wrong which was good news for Groton. He said that they should hear the specifics in the next couple of days.

### **OTHER BUSINESS**

Mr. Petropoulos said that he wanted to see if the Board was in favor of asking Boards and Committee to develop annual goals and objectives. Mr. Degen said he thought they should. Mr. Cunningham said they could send a memo requesting it but didn't think they could mandate it. Mr. Petropoulos agreed it was not a good idea to mandate this. Mr. Pease asked if the charges outlined objectives of a committee. Mr. Degen said that they could include it in all new charges. Mr. Haddad said he would draft something for a future meeting.

Mr. Cunningham said that they needed to be careful with how they approach other boards. Mr. Pease said that there was a time or place for asking questions and recognized that they tend not to seek out internal resources before going to a Board they work with. He said that they needed to be more aggressive with asking their employees questions or advice. Mr. Petropoulos said that they went to the Planning Board that night with different objectives.

### **LIAISON REPORTS**

Ms. Eliot said that she attended the Planning Board meeting last week adding they were about to close the Indian Hill public hearing. He said that the 22nd was their next meeting. She said that the Board's concern was the intersections at Peabody Street and Old Ayer Road. She said that the Town's engineer would be looking at everything with the intersections.

Mr. Cunningham said that the Senior Center Town Meeting Committee held their kick off meeting. He said that the consultant from Reinhardt was there and went through the larger report in more detail. He said that they were meeting again on January 6<sup>th</sup>.

Mr. Petropoulos said that the Light Commissioners were meeting on Wednesday morning at 8am to talk about the RFP proposal they received. Mr. Haddad said that the Board was posted for that meeting.

**MINUTES**

*Mr. Pease moved to approve the Regular Session meeting minutes of November 21, 2016. Ms. Eliot seconded the motion. The motion carried unanimously.*

*Mr. Pease moved to approve the Executive Session meeting minutes of September 7, 2016 and not release them. Mr. Cunningham seconded the motion. The motion carried unanimously.*

*Mr. Pease moved to approve the Executive Session meeting minutes of September 19, 2016 and not release them. Mr. Cunningham seconded the motion. The motion carried unanimously.*

*Mr. Degen moved to amend the Regular Session meeting minutes of November 14, 2016 to include Ms. Eliot abstention to going into Executive Session. Mr. Pease seconded the motion. The motion carried unanimously.*

*Mr. Degen moved to approve the Executive Session meeting minutes of November 14, 2016 and not release them. Mr. Pease seconded the motion. The motion carried unanimously.*

Mr. Pease said he would like time to review the corrections to the December 2, 2016 Executive Session meeting minutes. Mr. Haddad said that they would bring them back.

Mr. Petropoulos adjourned the meeting at 9:30pm.

Approved: \_\_\_\_\_  
Barry Pease, Clerk

\_\_\_\_\_ respectfully submitted,  
Dawn Dunbar, Executive Assistant

Date Approved: 01/03/17