

**BOARD OF SELECTMEN MEETING
MINUTES FEBRUARY 6, 2017
APPROVED**

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

Members Absent: Joshua A. Degen

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.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that one of the recommendations the Sustainable Budget Committee made to the Board was to review all fees and determine if increases were necessary. Mr. Haddad said that Selectman Pease raised a concern that the Transfer Station and associated costs should be reviewed to determine its long-term viability. Mr. Haddad said that they reviewed the cost of the Transfer Station (Operation and Capital Expenses) against what fees were generated through recycling, stickers and bags. He said that in the spreadsheet he provided the Board, they would see that, on average, they come within \$6,000 of covering their costs through fees which was good news. He said that they had some major capital purchases coming up and felt that the entire fee structure at the Transfer Station should be reviewed by the Board of Selectmen. Mr. Haddad said that he had also provided the Board with a fee increase proposal to increase some of the fees at the Transfer Station that could raise approximately \$20,000 in additional revenue. He asked the Board to consider scheduling a public hearing to receive input from the residents before deciding on this recommendation. Mr. Haddad added that the Town Clerk was also looking at his current fee schedule.

Mr. Cunningham asked when the last time they raised the fees at the Transfer Station was. Mr. Haddad said that it had been at least 10 years ago. Mr. Cunningham said he thought it was appropriate to look at the fees and hold a hearing adding he also wanted them to consider assessing a late fee as of July 31st, if you didn't get your sticker in time. Mr. Pease asked about the possibility of an early rate to add to Mr. Cunningham's suggestion. Mr. Petropoulos said that they were good suggestions but didn't help the checkers from having to check each vehicle for stickers. Ms. Eliot said she was concerned about the potential for a decrease in sales if they raised the fees. Mr. Cunningham said that if people who used the transfer station heard that residents were paying over \$500 for private hauling, they could continue to buy stickers. The Board had no issue holding a fee hearing.

2. Mr. Haddad said that he had drafted a charge for Groton Energy Advisory Committee which consisted of a 5 to 7 member committee. Mr. Haddad said that he was proposing that the committee makeup be made of Town Planner Laurie Bonavita, Conservation Administrator Takashi Tada, Light Department General Manager Kevin Kelly, GDRSD Assistant Business Manager Michael Knight and DPW Director Tom Delaney and asked the Board to consider making adopting the charge and ratifying the appointments that evening.

Mr. Petropoulos said that he had a meeting with one of the Light Commissioner's and the Light Superintendent that day and discussed the importance of having someone on the Committee with background in different forms of energy. He said that it might be more beneficial to have people with that kind of expertise instead of the Conservation Administrator. He added that they should add an objective to obtain a green community designation on the charge. Mr. Cunningham said that there would be areas where conservation would intersect with grants but added there were other ways to get conservation involvement. Mr. Pease asked why they needed to form a committee if the members were mostly employees working on somewhat of that capacity already. Mr. Haddad said that some grants require that you have a committee appointed. Mr. Pease said he agreed with Mr. Petropoulos adding this topic may bring people out to

volunteer. Mr. Haddad suggested that the Board ratify the appointments of Ms. Bonavita, Mr. Delaney and Mr. Kelly and Mr. Knight that evening.

Mr. Cunningham moved to accept the charge as amended (adding the green communities' designation as an objective) and with the membership as just discussed. Mr. Pease seconded the motion. The motion carried unanimously.

3. Mr. Haddad asked the Board to consider appointing David Zeiler to the Local Cultural Council, term to expire June 3, 2021.

Mr. Pease made the motion. Mr. Cunningham seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that as the Board was aware, he had been posting Board meetings when there was a belief that there would be a quorum of the Board at a meeting of another Town Board or Committee. He said that he received the following opinion from the Attorney General last year when there was a concern that the Selectmen would be attending a meeting of the Finance Committee to discuss budget issues:

"Thank you for contacting our office. I cannot say whether the facts you describe constitute a violation of the Open Meeting Law, however I can provide general guidance on the Law's requirements. As I explained to Mr. Bouchard last week, there is an exception to the definition of "meeting" in the Open Meeting Law that allows a quorum of a public body to attend the meeting of another public body "so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate. See G.L. c. 30A, § 18. This exception would generally apply in both scenarios you describe below, so long as the members sat in the audience and participated on the same terms as the rest of the audience (and did not otherwise deliberate amongst each other, of course). I should note that if the liaison in scenario 1 makes a presentation at the joint meeting, the other selectmen in attendance should not stand with her and speak as a group, which would give the appearance that a quorum of the Board is presenting. The other selectmen should only participate like any other member of the audience."

Mr. Haddad said that unless the Board planned on deliberating on a matter at another Board or Committee meeting, it would appear that they did not have to post every meeting. Mr. Petropoulos said that they had been over this a number of times adding that opinions received from Town Counsel had been more restrictive than what they had just received from the Attorney General. Ms. Eliot felt as though there was no need to discuss this further based on this opinion.

LOST LAKE WATERSHED ADVISORY COMMITTEE ANNUAL REPORT

Mr. Prest started by explaining that the primary charge of LLWAC was to quantitatively attain if there was a water quality problem at Lost Lake / Knops Pond. Mr. Prest said that Lost Lake wasn't around in 1850 adding that a dam was built and fields were flooded so that ice could be harvested which created the lake. Knops Pond on the other hand is a natural resource. He said that Knops Pond was 30 feet deep whereas Lost Lake was about 8 feet deep. Mr. Prest said that a watershed was an area that drains into a body of water adding that with a watershed as large as Lost Lake / Knops Pond, the sources of nutrients could be coming from anywhere. Mr. Prest said that their efforts had been focused on looking at any potential water quality issues. They hired ESS Group out of Waltham to do the analysis. They tested 5 locations at both the surface and bottom of the water, inlet 1 which was a stream from Martins Pond Brook, and inlet 2 which was unnamed. He said they also took sediment samples from 6 different locations and tested 6 groundwater locations at 6 eroding sites.

Mr. Prest said that the Committee had received the data but their work had not been completed yet. ESS would be providing detailed explanations of the report in the near future. Mr. Prest said that Lost Lake and Knops Pond show major signs of petrification based on the draft report. He said that most lakes around the world are at some level of petrification using phosphate loading from fertilizer as an example. He said that Martins Pond Brook had the highest level of phosphates and ammonia was detected in one area off a narrow road which could be because of a leaking septic system. Mr. Prest said that they wanted to complete the study and provide a full report as well as explore additional funding, i.e. state grants for water quality. He said another one of their goals was to find ways in which they could reduce stormwater erosion.

Mr. Prest called the LLWAC to order at 7:41pm.

Mr. Pease asked if since they had detected a source, were there any solutions to prevent it from coming in. Mr. Prest said that was one of their long-term goals adding there was still a lot to be learned and considered. Mr. Petropoulos said that that was part of the second phase. He said that determining if phosphates were at the bottom of the lake being churned up was going to be expensive to do. He thought it had also been good to learn that this was not just because of septic problems. Mr. Cunningham asked if they knew what the activity was from Scarlet Hill and Gibbet Hill. Mr. Woodle said that Scarlet Hill had done a great job with any waste problem adding he was not sure about Gibbet hill or Lawrence Academy. Mr. Prest said that in 2013, phosphates were outlawed in Massachusetts from being used in fertilizers adding that soils could also have a high level of phosphates just by nature alone. Mr. Cunningham said that the Country Club was part of that watershed also and asked if they were complying with regulations. Mr. Haddad said that they were adding that was the only way they could get an applicators permit.

TOWN MANAGER'S REPORT

5. Mr. Haddad said that the Superintendent had submitted his proposed budget. The School Committee's public hearing on the budget was set for Tuesday February 28th at 7pm at the High School. He said that because of student population shifts, Dunstable's population had increased by 13 whereas Groton decreased by 8 students. He said that because of this, if Groton were to give \$750K to the schools, Dunstable would have to come up with approximately \$100K more. He said that based on this, Groton's portion was \$328K less than what he proposed. He said that he was proposing they keep the \$328K in abeyance and not spend it or use it on one time expenditures relative to the school.

Mr. Pease said that Town Meeting sent a clear message about free cash; keeping free cash for things that come up in the cycle and not return it to the tax payers. He said that it would be his preference to leave the free cash alone for now. Mr. Haddad said that Mr. Degen mentioned funding Sargisson Beach if there was excess levy capacity. Mr. Petropoulos said that he would also like them to consider further contributions to OPEB. Mr. Haddad agreed. Ms. Eliot said that she would like to see them give as much back to the taxpayers. Mr. Petropoulos said he was concerned that they needed such a large override last year and now that was not the case this year. Mr. Cunningham said that the needs assessment was a huge driver of that. Mr. Cunningham said that the School Committee needed to weigh in on this still.

OTHER BUSINESS

Mr. Haddad said that Mr. Degen requested they reschedule a discussion for a workshop on their working relationship for when they were all there. Mr. Cunningham agreed.

Mr. Haddad said that he and Mr. Petropoulos had a discussion about natural gas lines in town adding there were several areas in town with known gas leaks that had not been addressed. He said that the question came up as to whether they should be addressing this with the gas company. Mr. Petropoulos said that they should be fixing leaks for a lot of reasons. Mr. Cunningham said he thought they should be doing something about this and asked if the Department of Public Utilities had any oversight. Ms. Eliot said that they could at least send a letter and demand an update on the leaks and when fixes might be scheduled for. Mr. Pease asked if they should start with a phone call before sending a letter. Mr. Petropoulos asked Mr. Haddad to come back to them with a plan for them to discuss this further adding it might be helpful to have their liaison come in and meet with them to discuss this further.

LIAISON REPORTS

Mr. Cunningham said that the Council on Aging held a meeting that morning adding that information sessions would be occurring over the next week. He said that their forum was scheduled for February 25th.

Ms. Eliot said that she attended the Charter Review Committee and was concerned about the proposal that employees could not run for enterprise funds elected seats. She said that the change was made after the employees public hearing and thought the employees should be made aware of this.

Ms. Eliot said that she attended the Veterans meeting last week to discuss the Memorial Day parade. She said that Bob Johnson had always done a fabulous job with parade but was asking that the Board take part more in organizing this. She said that they should start putting this on their radar. Mr. Pease asked if they should form a committee. Mr. Cunningham said they should pull together some group involving all stakeholders to try to get them more involved in the planning process. Mr. Haddad said that he would come back with charge in the next couple of weeks.

MINUTES

Mr. Cunningham moved to approve the meeting minutes of January 23, 2017. Ms. Eliot seconded the motion. The motion carried 3-0-1 with Mr. Pease abstaining.

Mr. Petropoulos adjourned the meeting at 8:15pm.

Approved: _____
Barry Pease, Clerk

_____ respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 3/6/17