

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

BOS Members Present: John G. Petropoulos, Chair; Joshua A. Degen, Vice Chair; Barry A. 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. Degen read an announcement relative to a fundraiser that GD@Play was holding.

Ms. Eliot said that the Groton History Center was having a wine tasting at Groton School that weekend.

Mr. Cunningham said that Candidate's Night would occur on May 4th at the Black Box theater.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Board needed to vote on March 13th to put the unexpired one year term of a resining School Committee member on the ballot. He said that there would only be three Selectmen at their meeting on the 13th and if something were to come up, they would not have a quorum. He asked the Board if at least three of them could meet on Friday, March 10th at 8am to vote to add the vacancy on the ballot. The Board indicated that at least three members would be available for Friday morning.
2. Mr. Haddad said he reached out to Town Counsel and the Planning Board about instituting a moratorium on recreational marijuana dispensaries in Groton until such time as the Legislature takes action on the matter. He said he had discussed this with Russ Burke, Chairman of the Planning Board and found out that the proposed zoning article regulated dispensaries, not non-medical retail sales. The State legislation and regulations for medical dispensaries are already in place and have been for some time. Mr. Haddad said that Town Counsel said that in his view, this was permissible and either the Board of Selectmen or Planning Board could submit a zoning article to Town Meeting requesting this moratorium. Mr. Haddad said that Town Counsel had provided a sample article and asked the Board if they wanted to move forward with this moratorium. Ms. Eliot said she felt as though they should be proactive in this regard. Mr. Cunningham said that the Planning Board should have time to vet this adding he would be supportive of putting this on the warrant. Mr. Degen said he supported debating this at Town Meeting. Mr. Pease asked if there was enough time for the Planning Board to discuss this. Mr. Haddad said they could debate it and vote it up till two weeks before Town Meeting. Mr. Petropoulos said he didn't see a reason not to debate this and put it on the warrant.

PUBLIC HEARING - MCELROY LIQUOR LICENSE - 20 STATION AVE.

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

Attorney Bob Collins said that the owners of 20 Station Ave, Mr. and Mrs. McElroy had purchased the building from the Town and were in the process of renovating it. He said they would be opening a restaurant there and thought it was time to apply for a liquor license. He said that the owner and operator of the building was Groton Center Station, LLC with Mr. and Mrs. McElroy as its sole members. He said that building was 5,063sqft on the first floor and had a 1,200sqft patio for the front of the building planned. He said that the size of building under code was sufficient for 188 patrons and 9 staff individuals. Mr. McElroy was listed on the application as the Manager and they anticipated completion with an opening on August 15th. Mr. Haddad asked if they had any hours of operation listed. Attorney Collins said that Mr. Elroy had not listed any hours and after a brief discussion suggested maybe 11:30am to 10:00pm. Mr. Haddad suggested that the Board consider grating an all alcohol liquor license to Groton Center Station, LLC with hours of operation to be 11am-12am, 7 days per week with an expiration date of December 31, 2017.

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

Mr. Degen moved that the Board of Selectmen grant an all alcohol, on premise liquor license to Groton Center Station, LLC with Dan McElroy as Manager through December 31, 2017; hours of operation to be from 11am-12am 7 days a week. Mr. Cunningham seconded the motion. The motion carried unanimously.

PERSONNEL BOARD ANNUAL REPORT

Mr. Robertson said that this was their second annual report to the Board adding that they had a slower year this past year. He said they were involved in the search for a new Land Use Director and hoped to be on the next one; they conducted a salary survey for the Police Chief and Town Manager contracts and they recommended that a salary survey of all town employees be done. Mr. Haddad said that they were working with the Collins Center at UMass on obtaining a quote for the salary survey. Mr. Robertson said that they were also looking at the Fire Chief's salary survey and looking at doing a hiring review process. He said it would be recommendation that a committee be set up to develop a policy on the hiring process. He said that there was a process in place; it was just not codified. Mr. Petropoulos said he was grateful for the work done by the Personnel Board adding it was nice to have a third party looking at these things. Mr. Cunningham said it was important to keep information, like salary surveys, current.

OTHER BUSINESS

Mr. Haddad read a memo received from the Charter Review Committee about assembling a committee to codify, with a policy, the hiring process. Mr. Degen said he thought it was a great idea to do this even though it's what was occurring today. Mr. Degen said he thought the evaluation process was not occurring as it should be in that committees should be providing feedback on staff they receive support from. Mr. Cunningham asked if they could understand how the evaluation process happens now. Mr. Haddad said he was opposed to forming a committee to draft a policy that tell the Town Manager how to go about something. He said that the Charter required him to contact boards for evaluation input already which he does. He said that the Board of Assessors was the only Board he had never reached out to because for the first eight years he was Town Manager, the Principal Assessor was herself an elected Board member and he didn't feel it was appropriate to do that. He said that he should have this past year as the Principal Assessor is no longer an elected member. Mr. Cunningham said it seemed as though the review process was what they were talking about adding it sounded like there was input from the various boards. Mr. Haddad said that he received input from the Planning Board Chairman on the Land Use Director's 6-month review as an example. Mr. Cunningham asked if they knew whether the Chair solicited input from the other board members. Mr. Haddad said he was not sure adding he hoped the Chair would inform the other members.

Mr. Degen said he agreed with the hiring process and how it's been conducted. He said it had been very successful but didn't mind having it codified. Mr. Degen said he agreed a policy needed to be put into place for evaluations on staff that support elected boards adding that only talking to the Chair did not speak to entire boards beliefs. He said it was similar to the Town Manager's review adding that it could be done in executive session. Mr. Haddad said there were only three positions that supported elected boards, the Water Commission, Board of Assessors and Planning Board. He suggested that they ask the Boards to develop a policy on how they want to conduct their annual review. Ms. Eliot said that she had serious concerns with the OML and personnel issues. Mr. Pease said he thought the process Mr. Haddad used for hiring should be codified but didn't think a committee needed to do that. He thought they needed more time to consider this and debate about structures and realities and the review process. He said he thought this should be a Selectmen/Town Manager policy to receive input from those Boards and questioned adding another committee to do this. Mr. Cunningham agreed that they should hear from the Committees they were talking about and that it was something they could adopt themselves. Mr. Petropoulos said he was in favor of this and thought it should be just elected committees. He suggested that Mr. Haddad draft something for their review and to also run it by HR and the Personnel Board. Ms. Jennings said she didn't think they needed to exclude committees or ask them to develop their own policies. Mr. Petropoulos asked if there was agreement that it should go beyond elected boards. Mr. Pease said they needed more time. Mr. Cunningham agreed and suggested that they ask the Town Manager to solicit input from other boards. Mr. Pease said he would like to have input from employees also. Mr. Cunningham said that was a good point adding they had employees who were part of bargaining units. Mr.

Degen agreed that they didn't need to form a committee to do this and suggested they ask the Town Manager to draft a policy for discussion with input from employees and boards along with a review form for them to review in a couple of weeks. Ms. Eliot said she thought this could wait until after Town Meeting.

TOWN MANAGER'S REPORT

3. Mr. Haddad said he had drafted letters to Senator Donahue and Representative Harrington as requested and asked the Board to authorize him to mail them out if they were acceptable. Mr. Cunningham said they looked good and covered all the points he thought she be included. The Board had no objections to the letters and authorized them to be sent.
4. Mr. Haddad said he provided the Board with a first draft of the Spring Town Meeting Warrant. He said that Mr. Amaral was there to provide the Board with an update on Article 11.

Mr. Amaral said that the Town Meeting Senior Center Review Committee, formed through an amendment at the October Town Meeting, had already done a tremendous level of work. He said that as the Chair, he could confidently say that this committee had really bonded and taken the charge seriously. He said that part of their charge was to look at potential sites including other town-owned sites. He said they talked about a couple of sites and why they should be eliminated. Flo Ro as an example of one of those sites was being looked at by the School Committee and that review was not something that was going to be done soon. He said that Sacred Heart Church was on the market but a center and the required number of parking spaces was not going to fir. He said they looked at the Fairgrounds property but that was deed restricted. He said that they looked at a lot of sites to make sure they were not missing anything. Wanted to make sure we weren't missing anything. Mr. Amaral said that they also consider the existing senior center site, Prescott School, Country Club, GELD surplus property, and Lawrence Homestead property. He said that they had been in talks with David and Ed Lawrence about the Lawrence Homestead property adding they indicated they were open to future discussion about possibility selling. He said that many questions needed to be answered and costs discussed to acquire that land as well as preliminary layouts to make sure a center would fit there. He said that based on all of this, they were confident they could come to Town Meeting with a recommendation and facts to support it. He said that after gearing that open dialogue was found to be effective the Council of Aging held eight info sessions in January and February which were well attended adding they had over 50 people attend their 3-hour forum on February 25th. Mr. Petropoulos said he was concerned that there was only 14 day left for them to provide a decision. Mr. Haddad said that the Committee would be ready. Mr. Petropoulos said that the decision was important, not the timeline. Mr. Amaral said the Committee felt the same way adding they were focused on the time frame but quality came first. Ms. Eliot commended them on the work they had been doing.

5. Mr. Haddad said that the Park Commission received a \$5,000 gift from the Groton Dunstable Youth Basketball league to be put towards the Commission's Basketball Gift Fund to benefit the new basketball courts at Town Field and Cutler Field. Mr. Haddad said that the Board would need to vote to accept the gift.

Mr. Pease moved to accept the gift. Mr. Cunningham seconded the motion. The motion carried unanimously.

6. Mr. Haddad said he had no budget update for the Board adding he would be doing that tomorrow night at the joint BOS/Finance Committee budget meeting.

REVIEW FIRST DRAFT OF THE WARRANT

Mr. Haddad said there were a couple of challenges in article placement that the Board needed to consider. He said that for them to consider the budget and Charter amendments on the same night would be too much adding he thought it might be best to hold off on the Charter amendments until first thing on the second night. Mr. Pease said

he would also recommend that CPC articles be done on the same night as the financial articles. Mr. Haddad said he would make that change.

Mr. Haddad briefly reviewed each of the 41 warrant articles.

Mr. Haddad said that article 10 was asking the voters to vote on the recently amended regional school agreement. Mr. Pease said that DESE made some minor modifications and didn't see this discussion taking long. He suggested that they place it with the school related articles.

Mr. Haddad said that article 12 was to vote on enclosing the second-floor meeting room making it a more usable room. He said the quote to do this was \$24K. Mr. Petropoulos said he was not wild about it and asked if this was something they were going to do because money became available. Mr. Haddad said the Board asked him to get a quote to enclose the room which he did. Ms. Eliot said it was not high on her list of expense priorities. Mr. Hargraves said he thought it had a most of merit and wanted to see it placed on the warrant. Mr. Cunningham also said to leave it on the warrant. Mr. Degen also agreed adding that the acoustics in the room was horrible but saw no reason they could wait and add it to the Fall Town Meeting warrant. Mr. Cunningham said it was an issue and why they directed the Town Manager to look into this.

Mr. Degen said that article 22 had nothing to do with a sanctuary city and read the following proposed article wording:

To see if the Town will vote to adopt the following resolution, or take any other action relative thereto:

RESOLVED, that whereas a Presidential Executive Order has not been vetted nor passed by the United States Congress and therefore should not be treated as a law, the Town of Groton, by majority vote of Town Meeting, declares its intention and desire that the Groton Police Department not enforce any Presidential Executive Orders that instruct our local Police Officers to carry out any actions against individuals that may potentially be subject to arrest or detention, except for individuals who have committed a criminal act, provided, however, that such act does not include any offense related to the individual's immigration status;

And further RESOLVED that if it becomes the case that the law of the United States requires our local Police Officers to carry out such actions, then our Police Department should comply with such law.

Mr. Degen said that the purpose of this was to aid their police department in their duty to protect the Town of Groton. He said it didn't matter to them if a person was a green card holder or illegal immigrant. If illegal action occurred, they would be arrested just like anyone else. He said that the Executive Order of the President had not been properly vetted by the House and therefore should not be treated as a law. Mr. Pease and Ms. Eliot both said they did not want to see this on the warrant after being asked by the Chairman. Mr. Cunningham said he was concerned about divisiveness but also concerned about the dilemma this puts their police department in. Mr. Haddad said that he, Mr. Petropoulos and Mr. Degen via phone met with the Police Chief adding he was not sure the Chief was in favor of this. Mr. Petropoulos said he was in favor of the spirit behind this but when he started to think about the appropriateness on advancing this, he started to have questions. He said he could not recommend they put this before their town. Mr. Degen said that they would be bystanders if they didn't advance this adding that they were the political wing in local government. He thought they were making an executive order to not bring this forward to the voters at Town Meeting and accused the Board of having no backbone. Mr. Cunningham said he was sympathetic to this and understood the divisiveness throughout their country but was not sure how this would affect their police department adding he thought the divisiveness started tonight by calling them backboneless. Ms. Eliot said she didn't think they needed to indulge their town in what was going on in Washington, DC. Mr. Robertson agreed that this should not be brought forward to Town Meeting adding he was concerned about what they could have taken away in the form of grants. Mr. Petropoulos agreed that they ran the risk of federal funding being withheld from them.

Mr. Haddad said that article 35 was a Citizen's Petition to request the formation of a Town Seal Committee to look at possibly changing the current Town Seal. Mr. Haddad said Earl Carter had asked him to read something into the record. He said that the Town Seal was adopted in 1898 whereas the bible on the seal represented the faith of the

early settlers. He said it was not about religion but about the sacrifices they made. Mr. Haddad added that they were working on cost estimates but this could end up being a monetary article.

Mr. Haddad asked the Board to open the warrant to add an article that would add a moratorium on recreational marijuana dispensaries and alert the Planning Board of such for discussion. He also said that the Board needed to consider article 22 and whether they wanted to keep in on of take it off.

Mr. Pease moved to open the warrant. Ms. Eliot seconded the motion. The motion carried unanimously.

Mr. Cunningham moved to add an article for a moratorium on recreational marijuana dispensaries. Mr. Pease seconded the motion. The motion carried unanimously.

Mr. Pease moved to remove Article 22 off the warrant. Mr. Cunningham seconded the motion. The motion carried 4-1-0 with Mr. Degen opposed.

Mr. Pease moved to close the warrant. Mr. Cunningham seconded the motion. The motion carried unanimously.

OTHER BUSINESS

Mr. Pease said he needed input from the Board on the strategic plan.

MINUTES

Mr. Cunningham moved to approve the Regular Session meeting minutes of February 6, 2017. Ms. Eliot seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.

Approved: _____
Barry Pease, Clerk

_____ respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 3/27/17