

**BOARD OF SELECTMEN MEETING
MINUTES JUNE 26, 2017
APPROVED**

BOS Members Present: Joshua A. Degen, Chair; Barry A. Pease, Vice Chair; Alison S. Manugian, Clerk; John G. Petropoulos, Member; Rebecca H. Pine, Member
Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Degen called the meeting to order at 6:00pm and reviewed the workshop agenda adding this was a workshop for Board and they would not be taking comments from the public.

WORKSHOP

Contacting TC Policy – Mr. Haddad said that the Board had instituted a policy several years ago where access to Town Counsel had to go through the Board’s Office and or the Chair. He said that the policy worked well overall. He said that there were a couple of issues where individual Selectmen had received opinions and not shared them and that was where they needed to work to improve the policy. Ms. Pine said she was pretty sure that sharing what may be someone's opinion and Town Counsel's answer to that was not a violation of the OML. Mr. Degen said if the Town Manager was copied on an opinion, he could forward it. Mr. Petropoulos said he was not sure that was the case adding it was considered intermediary communication which could constitute serial communication. Mr. Pease suggested asking this question when they conduct OML training adding he too thought it was considered intermediary communication. Mr. Degen suggested holding OML training after summer vacation. Mr. Petropoulos asked if they should add language that all Board members have access to Town Counsel without being denied. Mr. Degen said he thought the Chair and Town Manager should be notified of access.

Review Process for Agendas and Schedules – Mr. Degen said that both the Town Manager and the Chair were aware of agenda items the Board may need to deal with. He said that if an individual Board Member wanted something added to the agenda, they should contact the Chair or Town Manager so that it could be discussed by the Chair and Town Manager for possible addition to the agenda. Mr. Petropoulos said that over the last 2 years the draft agenda would be sent out to all Board Members after approved by Chair. Mr. Haddad said that he had continued that practice adding he always tried to post agendas by Wednesday to give the public as much notice. Ms. Manugian asked if there were a process should the Chair push back on adding an item and but then two members ask for it to be added. Mr. Petropoulos said that it was the Chairs prerogative adding that the Chair had some discretion to oversee the meeting, but that they were all elected officials.

Procedures and Practices – Ms. Manugian talked about a policy manual that the School Committee had and was required by state law adding that it may be copious but found it to be a great resource. Mr. Pease thought that some sections should be updated to say in accordance with the Charter, like under Elections. Mr. Degen said that this was meant to be a layman’s explanation of their roles. Mr. Pease suggested reviewing this document every year for consistency. Ms. Manugian said it seemed liked busy work to have someone go through this every year for consistency. Mr. Petropoulos agreed that reviewing this annually would not be high on his priority list. Ms. Manugian said she just assume have everything in one document. Ms. Pine agreed adding if it was a guide for her as a Selectman, she would like to see everything in one place. Mr. Haddad said that this was meant to be a synopsis of what the roles are. Mr. Pease suggested that they have an onboarding policy.

Abide by Votes of the Board - Mr. Haddad said that when the Board first incorporated this statement, it was a way to show that being a Selectmen was a “team” approach. He said it wasn’t meant to stop them from their ability as a selectman, it was show that you work as a team especially if you’re on the losing side of an argument. Ms. Manugian said that once a vote was taken, the person against the vote had some right to address concerns but that it was important to not undermine the work of the Board in public. Ms. Pine suggested using the work “support” or “not obstruct” in place of “abide by”. Mr. Petropoulos said that they represent constituents and their issues and thought that even after a vote they should push things appropriately. Mr. Petropoulos used the Personnel Board and its vote at Town Meeting as an example. Ms. Manugian said that she thought Town Meeting was a different circumstance. It was decided that Mr. Petropoulos would draft up language for changing “abide by.”

Mr. Pease suggested under 2A on page 3 they should add “employees” and suggested using language that refers to the “stakeholders of the community” as it encompassed a much broader community. Ms. Manugian will recreate page 3 for future discussion so it aligned with the Charter.

Ms. Manugian said that she was struggling with whether this document was a guide for them or a memo for the public. Mr. Petropoulos said that this was the most disagreement they had had about this document. Mr. Haddad said that this was meant to be a guideline for the Board and how the Board operates adding it was available to the public but not for the public per say. Mr. Petropoulos said that this was something that they use themselves but always made it available to the public on the website. Mr. Degen asked the Board to redline the document with changes for discussion at a follow-up workshop.

Juxtaposition of Appointed Boards with the Board of Selectmen - Ms. Manugian said she asked this to be included on the agenda. She said she did not believe that other Boards would always be in agreement with the Board of Selectmen and thought they should talk about the ways in which they went about placing and wording items on an agenda related to this. Mr. Pease agreed adding that he wanted the best advise possible even if he didn’t want to hear it. He said that he needed to hear the contrary opinion to make the best decision and thought the best place to be in was a situation where you had two possible choices. He said he also would prefer it if more boards told him he was wrong and why. He said he didn’t want anyone to feel that as a member of this community (i.e.: volunteer of an advisory board) that they shouldn't approach him because they didn’t agree with him personally or the Board and think that they would be ignored or nullified because of it. He said that they needed to show a level of respect for those people who were also volunteering their time and expertise. Ms. Pine said that she agreed that a differing opinion should be respected adding that they were not well served if they shut out opinions. Mr. Petropoulos said that it was important to remember that advisory committees to the Board were just that, advisory. He said that there was an entity that was responsible for making those decisions. He said that the Board at the end of the day was responsible for certain things and the advisory committees were there to aide them. Mr. Degen said he agreed with what had been said. He said that it was important to hear the advice of the committees but that the Board may not always agree. He said that he welcomed free, independent thought, but once it had delivered and a decision had been made, it was important for the particular board to work with the Selectmen's decision.

Ms. Pine said she would like them to address their Investigation Policy further at a later meeting. Ms. Pine asked about adding goals. Mr. Petropoulos said that their goals were annual goals and something that was discussed in the fall for implementation at the beginning of the calendar year. He said he would like to stick to that schedule instead of opening goalsetting in the middle of the year.

The Board decided to hold another workshop on July 24, 2017.

Mr. Degen opened the regular meeting at 7:30pm and reviewed the agenda.

ANNOUNCEMENTS

Mr. Pease said that the Fireworks were scheduled for Friday, July 7th with a rain date of the 8th.

PUBLIC COMMENT PERIOD

Mr. Degen said that Mr. Harris would be recording portions of the meeting.

Ms. Ellen Baxendale said she saw something that said the term selectmen should be changed to something gender neutral. Ms. Pine said that was a larger conversation adding she was okay with being referred to as selectmen at this time. Ms. Manugian agreed.

Mr. Richard Lewis said that he read about Boynton Meadows in the newspaper and thought the Board should address that. He said that they voted to loan his money adding that the Town should get it back. Mr. Degen said that the Board and the Affordable Housing Trust were meeting in joint session on Thursday morning, and that Town Meeting authorized the funds through the CPC to be expended by the Trust as an investor. Mr. Haddad said that it was not a loan but rather an investment.

TOWN MANAGER'S REPORT

1. Mr. Haddad asked the Board to consider ratifying the following appointments:
Drew Patno, Camp Counselor; Anna Dunsmoor, Lifeguard; Isabel Conners, Lifeguard; Gabriela Blosil, Lifeguard; Alex Jefferson, Lifeguard; Kirsten Sjoberg, Lifeguard; Ian Corn, Lifeguard; and George Wheatley, Great Ponds Advisory Committee.

Ms. Manugian made the motion. Mr. Pease seconded the motion. The motion carried unanimously.

2. Mr. Haddad said that this topic was not in his report adding it had just come up earlier that day. Mr. Haddad said that Rena Swezey had originally announced her retirement effective August 31st but due to a change in circumstances, she moved it up to June 30th. He said that they had a really good meeting that day and wished her nothing but the best. Mr. Haddad said that he would like to appoint Jonathan Greeno as Interim Principal Assessor while he conducts a search adding he had met with the Board of Assessors who were unanimously in favor of promoting Mr. Greeno.

Mr. Petropoulos made a motion to ratify the Town Manager's appointment of Jonathan Greeno as Interim Principal Assessor. Ms. Pine seconded the motion. The motion carried unanimously.

Mr. Pease asked how close they were to obtaining the results of audit. Mr. Haddad said that he should have the final report sometime mid-July. Mr. Pease asked if there was any harm in waiting till their received the audit. Mr. Petropoulos agreed adding that they needed a Principal Assessor. He said it was the Assistant Assessor position that they needed to look at. Mr. Haddad said that they also had another vacancy in the Town Clerk's office coming up. He said that Marlene Kenney, the Assistant Town Clerk was just hired to be Harvard's Town Clerk. He said he was sad to lose her but happy for this career opportunity. Mr. Haddad said that he did not want to wait to fill that position. He said that they had personnel issues in that office and needed the coverage. Mr. Haddad said that this was an administrative function that he was prepared to move forward with adding they had debated this position four times and had it voted on at Town Meeting. Ms. Pine asked if there were any options for consolidation. Mr. Haddad said that her question raised something for thought.

3. Mr. Haddad said that the Board asked him at their last meeting if the clause Mr. Pease discussed in the regional agreement should be incorporated in the lease agreement. He said that his understanding of the legal opinion received from Town Counsel was that a clause was not required. Mr. Haddad said that based on that, he was asking the Board to approve the lease as presented with School District subject to final approval of a sublease with the Friends of Prescott. The discussion was continued till later in the meeting
4. Mr. Haddad said that the reappointment of Town Counsel had been inadvertently left off the Board's appointment list last week. Mr. Haddad asked the Board to consider appointing KP Law as Town Counsel through June 30, 2018. Ms. Manugian said that she had inquired as to the RFP process that was done a couple of years ago. Mr. Haddad said that he provided Ms. Manugian with copies of the minutes pertaining to those discussions and interviews. Ms. Pine asked what the basis was for staying with KP Law. Mr. Petropoulos said that no other firm that responded to the RFP had labor counsel adding that KP Law was the unanimous decision even by those that asked for the RFP process to occur.

Ms. Manugian moved to reappoint KP Law until June 30, 2018. Mr. Pease seconded the motion. The motion carried unanimously.

5. Mr. Haddad said that they were required to conduct mandatory harassment training every two years for employees. He said that they were planning on closing Town Hall on September 12, 2017 from 10am-12:30pm so that all employees are able to attend. He said that there would be two other session for police and fire and their differing shifts.

6. Mr. Haddad said that he thought the Board should consider holding another OML (Open Meeting Law) training. Ms. Pine agreed. Mr. Degen said they should schedule it and ask Attorney Lauren Goldberg to provide the training adding they should make it mandatory for appointed Boards and Committees but could only invite Elected Officials. Mr. Petropoulos said that they received a lot of resistance the last time they made it mandatory adding he was in favor of it being required. Ms. Manugian said that there was something to be said about being mindful of people's time adding that two hours was a really long time. Mr. Degen agreed adding that maybe something less cumbersome could be worked out. Mr. Pease thought that enforcement should be a last option.

DISCLOSURE - POTENTIAL OML VIOLATION

Mr. Degen said that he was inadvertently involved in an OML violation adding that three members were involved in a serial communication. He said that he had a discussion with a Selectman about the appointment process and later found out that another Selectman had a similar conversation. Mr. Degen said he spoke to Town Counsel who said the way to remedy this was to publicly state that they may have violated the OML. Ms. Pine said that she was the person that had multiple conversations with the Chair and another member adding it was completely inadvertent. Mr. Degen said that it was easy to get caught up in this, that it was done in error and that they learned a lesson.

REQUEST FOR INVESTIGATION

Mr. Degen said that they had a request for investigation on their agenda but that had been removed by Selectmen Pease who was the one that asked for it to be added. Mr. Pease said that after further investigating the situation, it was determined that there was no need for an investigation and the reason he asked that it be removed.

Ms. Pine read a statement into the record. (*see said statement attached*)

Mr. Petropoulos said that Ms. Pine's statement was dead adding. Mr. Petropoulos said that the meeting between himself, Mr. Pine, Mr. Haddad, Mr. Burke and Mr. Prest was to discuss getting the Economic Development Committee as a whole behind the lease to the Friends of Prescott. Mr. Petropoulos started to ask questions of individuals to which Mr. Degen interrupted him and asked him to please not ask questions of their Town Manager or others if he didn't want to see them investigate this. Mr. Petropoulos said he didn't feel it was appropriate for an advisory board of the Selectmen to try to go against what the Board was negotiating with the Friends of Prescott.

Mr. Pease said that the assumptions about the investigation were wrong and because he couldn't query members of the Board, he had no choice but to ask for an investigation. He said he didn't take anything for granted and recognized the severity of the issue. Mr. Degen said that when Mr. Pease had brought this forward, he (Degen) had to review their policy. He said he contacted Town Counsel who asked him where this information came from. He said that he spoke on the advice of counsel to verify information with a member and concurred after speaking to that committee member that if Mr. Pease wanted to move forward with an investigation that he would bring it forward for a discussion. Mr. Degen said that stories had softened since then and thus the reason that the request was removed. Mr. Degen said that Mr. Pease really thought he was doing the right thing and I thought so also after the story he received. Ms. Manugian said that this sort of thing happens when members met privately with the best of intentions but there are no minutes to go back to. She said that this should have been done in an open meeting. Ms. Manugian said that members of a board do not have the right to act independently adding they were not the managing board of committees they appoint. She said that they were appointed to complete their tasks. Ms. Manugian said that regardless of the details she was extremely uncomfortable with the whole thing at this point. Mr. Petropoulos said that when they make their appointments they make them individually not as a board. Ms. Pine said that she had asked for a meeting of the whole committee and it was suggested by the Town Manager and the Chair that she meet one on one with members. She said she didn't think that one on one was a good idea.

Ms. Anna Eliot said they were all there because they live Groton adding that volunteers made Groton what it was. She went on to explain the history of the EDC and how small businesses that had been in Groton were moving out of town. Ms. Eliot began to review the resumes of the current membership when Mr. Degen asked her to hold off until they began to talk about the actual appointments to the EDC.

Mr. Prest read a statement into the record. (*see said statement attached*)

Mr. Prest said that he was totally offended by what was said. Mr. Degen said he understood why everyone was upset over this. He said that this was tearing away at the fabric of volunteering within the community and thought nothing good would come of carrying this conversation further. Mr. Mike Rasmussen said that there was a lot of concern expressed at the EDC meeting of June 14th and suggested based on that meeting and the discussion occurring that evening that they hold a joint meeting to get everyone on the same page. Ms. Pine said she thought that was a great idea adding that that had been her original request. She said that concerns should not lead to this kind of investigation. Ms. Fay Raynor said that they were supposed to work as a board, not as individuals. She said that the agenda item they were originally invited in to discuss was removed from the agenda adding the wording of the agenda item was contentious in itself.

Mr. Degen presented an idea he received from resident Judy Anderson to make the EDC appointments staggered appointments. He also stated that Ms. Manugian had volunteered to serve on the EDC. Mr. Petropoulos said he was glad to consider this but don't want to make a decision on it that night after hearing about it for the first time. Ms. Pine said she supported the concept but thought the EDC should decide. Mr. Degen said that they (the Board) was the appointing authority and it was their decision. Mr. Pease said he agreed with Mr. Petropoulos's comment.

Ms. Pine said to Mr. Rasmussen that she was not going to recommend his reappointment but was surprised after reading the minutes of their last meeting. She asked if he could expand on his support of the Friends. Mr. Rasmussen said he thought the idea of a trial period was a good idea. He said that one of the concerns they (the EDC) had brought up in their letter to the Board was the problem with enticing a business to sign a lease knowing that the Friends only had a one or two-year lease. He said they wanted to understand how the Friends would be successful with a short-term lease. Mr. Degen said that benchmarks would be incorporated into to the proposed lease. Mr. Petropoulos asked Mr. Rasmussen if he would agree to allow the Board to work with the Friends to achieve success with the Friends. Mr. Rasmussen said he could not comment not knowing that the terms were. Mr. Degen said that a reasonable person could not come to a conclusion without seeing the terms. Ms. Pine thanked Mr. Rasmussen adding she believed what he had said adding she would support his reappointment. Ms. Pine asked Mr. Prest if he still wanted to serve on the Committee even after he tried to resign but the Committee wouldn't permit him to. Mr. Prest said he did.

Ms. Eliot said that she wanted to reiterate the qualifications of the Committee and its current members as Mr. Prest had spelled out and placed on the Town's website.

Mr. Degen moved to reappoint Mike Rasmussen for a one-year term to expire on June 30, 2018. Ms. Manugian seconded the motion. The motion carried 4-1-0 with Mr. Petropoulos voting against.

Mr. Degen moved to reappoint Russ Burke for a one-year term to expire on June 30, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Degen moved to reappoint John Konetzny for a one-year term to expire on June 30, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Degen moved to appoint Alison Manugian for a one-year term to expire on June 30, 2018. Mr. Pease seconded the motion. The motion carried unanimously.

Mr. Degen moved to reappoint Art Prest for a one-year term to expire on June 30, 2018. Ms. Manugian seconded the motion. The motion carried 4-0-1 with Mr. Petropoulos abstained as he was unable to obtain enough information.

Mr. Degen moved to reappoint Gina Cronin for a one-year term to expire on June 30, 2018. Ms. Manugian seconded the motion. The motion carried 4-0-1 with Mr. Petropoulos abstained as he was unable to obtain enough information.

Mr. Degen moved to appoint Fay Raynor for a one-year term to expire on June 30, 2018. Mr. Pease seconded the motion. The motion carried unanimously.

Mr. Degen asked that a joint meeting with the EDC be scheduled for July 24th.

TOWN MANAGER'S REPORT – CONT.

7. Mr. Haddad asked the Board to adopt the lease with the District, allow him to send it to School Committee for their approval prior to entering into a sublease with the Friends. Mr. Pease said that his interpretation of Town Counsel's opinion was that Town Counsel was unsure by the words "shall" in the Regional agreement. Ms. Manugian said he said it wasn't currently being used as a school and thus the reason why it wasn't needed. Mr. Pease said he thought it was complex adding he could not support this lease without a renewal clause. Mr. Haddad said that a one-year nonrenewable lease seemed acceptable to those he had met with. Mr. Pease said that if Mr. Haddad had that in writing he would accept this.

Ms. Gilbert said that there was no challenge by the School Committee not having a renewal. She asked the Board to please provide them with the lease to sign. She said they were prepared to sign a one-year lease and understood the terms. She said that if for some reason the Friends decided not to enter into a sub-lease with them, they were still required to enter into a lease with the Town. Mr. Pease said that he liked to make things bullet proof but that was just his way. Mr. Petropoulos asked if they could approve this conditional on that language. Ms. Manugian said that she was not voting on something that required another to enter into a sub-lease as she had been saying all along. Mr. Haddad said that the Board voted to enter into two lease arrangements for the next year but when they got together, they found it extremely difficult to say who paid who. He said that the sublease clarified that. Ms. Gilbert said that they already worked out terms with the Friends but could not do anything with it until they had a lease. Mr. Petropoulos asked if Friends could send a letter to the Board stating that the sublease would be worked out successfully. Mr. Easom said that they could do that. Mr. Pease said that they voted as a board that they should enter into two leases and asked if they needed another vote of the Board to proceed down this road. Mr. Haddad said Mr. Pease raised a good point.

Mr. Degen left the meeting at 9:30pm

Ms. Pine asked if this could be done at their posted meeting on Thursday morning. Mr. Pease said that if the School Committee agreed to not have a renewal built in put in writing then they were done as far as he was concerned. Mr. Pease suggested adding the following: "the lessee agrees to forego any right of renewal." He also said he was willing to accept the Town Manager's idea of having two leases if that was what was voted on Thursday morning. Mr. Haddad said he would add this to the agenda.

Mr. Pease adjourned the meeting at 9:42pm.

Approved: _____
Alison Manugian, Clerk

_____ *respectfully submitted,*
Dawn Dunbar, Executive Assistant

Date Approved: 7/24/17