

**EXECUTIVE SESSION MINUTES
BOARD OF SELECTMEN MEETING
TUESDAY, OCTOBER 17, 2017 – PART 2
APPROVED AND RELEASED**

Present: Joshua Degen, Chair; Barry Pease, Vice Chair; Alison Manugian, Clerk; Jack Petropoulos, Becky Pine
Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Pease moved to enter into Executive Session Pursuant to M.G.L. c. 30A, §21(a)(7) – “To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” for the purpose of discussing executive session meeting minutes. Ms. Manugian seconded the motion. Roll call: Manugian-aye; Degen-aye; Petropoulos-aye; Pine-aye; Pease-no

Mr. Haddad started out by commenting on the phenomenal job Ms. Manugian did drafting the executive session minutes before the Board. He thought approving them and releasing them put the Board in a favorable light adding it showed how hard they had worked to address Indian Hills concerns. Ms. Pine said that she asked earlier for a part of a sentence to be struck which had been done adding she was in favor of approving and releasing them. Mr. Petropoulos thought they should not be released until the issue had been resolved.

Mr. Haddad told the Board that the Sewer Commission did not adjust their fees which meant the Board could discuss lowering the building permit fee from \$500K to \$300K or stay where they were. Mr. Petropoulos said he was not interested in lowering the permit fee. He suggested they wait until Indian Hill publicly stated they would shrink the project. Mr. Haddad agreed and took back his original recommendation to release the minutes. Ms. Pine asked if there was any sense on whether they would announce a reduction of the project. Mr. Haddad said he did not adding he had to speak to Mr. Shephard the next day. Ms. Manugian was not in favor of releasing them. Ms. Pine said that Mr. Petropoulos made a good point and changed her mind on releasing them. Mr. Pease said he thought there should be a public process on this adding there was no benefit to doing this in private. Mr. Pease said that the Board went to Indian Hill with a permit fee of \$500K to build their classrooms and concert halls. He said that a downscaled version would be worth about \$180K in building permit fees. Mr. Haddad said that was correct adding that the future long term hit to Groton’s economy could be devastating. Mr. Pease argued that they would never see a project like this again. Mr. Degen said he walked into the meeting wanting to have the minutes released but thought Mr. Petropoulos made a valuable point. He said that releasing them didn’t change what was discussed.

Ms. Pine moved that they approve the executive session meeting minutes of October 10, 2017 and not release them. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Degen-aye; Petropoulos-aye; Pine-aye; Pease-no (4-1 in favor of approving them)

Mr. Degen moved that they exit executive session at 7:15pm and return to open session. Mr. Petropoulos seconded the motion. Manugian-aye; Degen-aye; Petropoulos-aye; Pine-aye; Pease-no (4-1 in favor of exiting executive session)

Approved: _____
Alison Manugian, Clerk

_____ respectfully submitted,
Dawn Dunbar
Executive Assistant to the Town Manager

Date approved: 11/20/17

**BOARD OF SELECTMEN MEETING
MINUTES OCTOBER 17, 2017
APPROVED**

BOS Members Present: Joshua A. Degen, Chair; Barry A. Pease, Vice Chair; Alison S. Manugian, Clerk; Rebecca H. Pine, Member; John G. Petropoulos;

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

Mr. Degen called the meeting to order at 7:20pm and reviewed the agenda. He explained how they had just exited from an Executive Session where they discussed collective bargaining and real estate.

ANNOUNCEMENTS

Mr. Haddad said that the Fall Town Meeting was next Monday, October 23rd beginning at 7pm.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that Ms. An Hee Foley and Ms. Heather Rielly were present adding he was recommending they be appointed to the Prescott Oversight Committee. Mr. Haddad said that the Board had originally appointed John Amaral to the three-year term, but Mr. Amaral was not sure he could give this a full three-year commitment and asked that the Board consider moving him to the one-year term. Mr. Haddad said that he had had opportunities to work with both of these women whom he regarded as consonant professionals and strongly recommended they be appointed.

Mr. Petropoulos said that he too had experience working with both of these individuals. He said that the way Ms. Foley, observed and questioned the way things were handled would be a valuable asset to this committee. He said that Ms. Rielly's experience with non-profits was extraordinary. He gave his strong support for each of them. Ms. Pine asked each what their interest was in serving and strengths they would bring. Ms. Rielly said she appreciated being considered adding she was new to town. She said that she had been very involved in her previous community of Arlington. She said she liked having a space for the community adding that her background was in banking and financing with commercial and non-profit accounts. She said she considered herself a good problem solver and worked well with others even if there were varying opinions. Ms. Foley said that her interest was to ensure that the Town was being run in support of a life comfortable for her children. She thought this was a great opportunity and fit for her background in managing non-profits. Ms. Pine said she thought they would be lucky to have these volunteers.

Mr. Pease moved to change John Amaral's term from three-years to one-year. Mr. Petropoulos seconded the motion.

Ms. Manugian asked if there were difficult decisions to be made, how they anticipated weighing the desire for success of the Friends of Prescott with sort comings. Ms. Rielly said that she felt confident in her ability to be able to work with various individuals regardless of differing opinions. She said she was not afraid to speak up when necessary adding she expected some tension which she was okay with. Ms. Foley said that he had dealt with her fair share of politically charged adding it was the nature of her work. She said it was her philosophy that the Town run for the people and at the end of the day it was what the town choose. She said she could provide her input but she would work toward what the Town wanted. Mr. Degen said that the vast majority wanted to see the Friends succeed. He asked if the Board could count on the them to make recommendations in the best interest of the Town and for the success of the Friends. Ms. Foley said that she had managed non-profits her entire career. She said they needed to be self-sustainable and strong. She said that there would be a lot of difficult decisions adding that they needed to make practical decisions and recommendations. Ms. Rielly said that she felt the same way adding that being able to make tough decisions was something she could do.

The motion made by Mr. Pease, seconded by Mr. Petropoulos carried unanimously.

Mr. Pease moved that they appoint An Hee Foley to the Prescott Oversight Committee for a two-term term. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Pease moved that they appoint Heather Rielly to the Prescott Oversight Committee for a three-term term. Ms. Pine seconded the motion. The motion carried unanimously.

Mr. Haddad said that he, Mr. Petropoulos, Mr. Degen and Mr. Robertson would be meeting with the Friends on Thursday morning at 7am. Mr. Petropoulos encouraged the Committee members to look at the charge and see if there were any changes they suggested making to it. Mr. Degen tendered his resignation from this subgroup adding he would not attend any meetings moving forward.

2. Mr. Haddad said that the Board needed to reaffirm a vote taken a few years ago stating that the Town website was the official posting mechanism for public meeting notices.

Mr. Pease moved that they notify the Attorney General's office that the Town of Groton's website, www.townofgroton.org was the official meeting posting location. Ms. Pine seconded the motion. The motion carried unanimously.

3. Mr. Haddad informed the Board that he held a pre-town meeting review meeting earlier that day. He said they reviewed the motions and made some minor modifications. He said that he and the Chair had also set article assignments as had been done in the past.

Mr. Petropoulos said that he was planning on making a presentation at Town Meeting on Article 1. He said he was planning on covering indications for various allegations against Mr. Kauppi, suggestions that there was collusion, that there was no disclosure that artifacts would be placed under the stones, and the issue that All Are Welcome was a threat to public safety. Mr. Degen said Town Counsel and the Moderator, believed they (the Board) should not be put in a position defending a position the Moderator may or may not have taken and any allegations of collusion adding both thought they should deal with the article as it stood. Ms. Pine asked if allegations were raised, who should address it. Mr. Degen read a motion, in support of the Moderator, he was prepared to make if those allegations came up.

Mr. Degen said that "the actions of our Town Moderator Jason Kauppi have been called in to question over his handling of the All are Welcome Markers Article at the Spring Town Meeting of 2017. We have all seen Jason handle many difficult Articles over the better part of the past decade. We as a Board of Selectmen hold the firm belief that his handling of each and every article that he has moderated has been done so beyond reproach. Therefore I (Degen) offer a motion affirming our complete faith in both his past and future abilities to continue as our Town Moderator." Ms. Manugian seconded the motion.

Ms. Pine said she strongly supported Mr. Kauppi and was in favor of this. Mr. Pease said that visuals from the stage were clearer than being in the audience and didn't see how one could call the Moderator's judgement into this adding he too supported Mr. Kauppi.

The motion carried unanimously.

Mr. Degen said there was no financing mechanism for the Town to remove the stones should the article pass adding they needed a funding mechanism. Mr. Petropoulos said that they used town money through time and labor to install the stones and thought to say otherwise was an ill-advised thing to discuss. Mr. Haddad said that Town Counsel just wanted to caution the Board that there was no funding mechanism like in the original article.

Mr. Petropoulos said he was happy to keep the presentation to what removing "all are" would mean. Mr. Degen thought that was what Mr. Petropoulos should do. Ms. Pine said she felt strongly about setting a dangerous precedent that if someone didn't like a vote they could bring it forward for change. Mr. Pease said that this was

town meeting politics 101 in that if something failed the first time, you bring it back again adding that it was also the public's right to do that. Ms. Manugian said she was struggling with how much time and effort they wanted to spend on this. She thought that a short statement explaining that the majority of the Board voted against this article was all that was needed. Ms. Pine asked if someone other than Mr. Petropoulos should make a presentation. Mr. Petropoulos said he was all for advancing this but appreciated the Board wanting to defend him. He said there was a benefit to having an argument presented and not just a brief statement. Ms. Manugian said she again thought it was important that they keep it short and sweet. Mr. Haddad said that it was suggested in their pre-town meeting review meeting that if you put oxygen on something it tended to expand. He agreed with keeping it concise and brief. Mr. Degen suggested that Ms. Manugian, if she was willing to, and Mr. Petropoulos work together on a short presentation and bring it to their next meeting where they could discuss who was going to present it. Ms. Manugian said that she stood behind the brief statement she presented and had no intent to waiver from it.

4. Mr. Haddad said that he had sent the Board an email about an issue with Sprague as it pertained to Article 2. He said that a contract was signed by a previous administrative assistant, not by him, that bound them to gas charges. He said that Town Counsel was working to settle this for \$14K (1/2 of the original \$28K they were seeking). Mr. Degen said he did not support this adding that because this was a third-party agent and because Mr. Haddad did not sign the contract he was prepared to fight this legally. Mr. Pease argued that lawyer fees could add up to \$10-14K. Mr. Petropoulos said that they had a contractual obligation and felt morally like they owed this. Mr. Haddad said he was not comfortable spending \$28K of tax payer dollars for this but was willing to settle this to keep it out of court.
5. Mr. Haddad said that there was no need to add money into the Stabilization Fund (Article 6) adding they had received good interest on this account. Ms. Manugian asked how much extra money there was. Mr. Haddad said \$13K. Ms. Manugian asked if they could move money out of it. Mr. Haddad said that could not move money out of the Fund with this article.
6. Mr. Haddad said that he was requesting, under Article 7, \$450K, of which \$175K would come from receipts and \$275K from E&D. He said that they went out to RFP, interviewed and negotiated with HKA Architects for \$310K to design and bid out the Senior Center. He said that they had also, as was required, negotiated with an OPM. Mr. Haddad said that any project in excess of \$1.5M required the Town to hire an Owner's Project Manager (OPM) to be the eyes and ears for the Town as the process goes along. He said that the cost was \$50K more than anticipated because the OPM would be providing them with an estimator who will look at the architects projected costs as another set of eyes. He asked the Board to support this article.

Ms. Manugian asked what guidance the Committee had given to the Architect. Mr. Cunningham said that they had given some direction of what the needs assessment and programming needs were. He said that they were also looking at renovation vs. new construction and had modified the needs assessment. Ms. Manugian said she was not able to find a copy of the modified needs assessment adding she did not have enough information to make a determination. Mr. Cunningham said that there were meeting minutes that reflected those discussions. He said they looked at ways in which they could scale back, bringing the building down to 9-11K sqft. Mr. Degen said that based on that the total sum of article 7 is representative of 10-13% of building costs. Mr. Haddad said that it was usually between 8-12% of construction costs which would bring the building costs to approximately \$3-4M based on that method of real rough estimating. Mr. Cunningham said that the Committee was sensitive to the numbers and what they may be. Mr. Petropoulos said he thought they were getting this stuff last minute adding this was the first time he had heard figures of \$3-4M adding he had been saying they need cost estimates on this. Mr. Haddad said that this number was based on the architect's fees. Mr. Cunningham said that this was not something they could or should be speculating. He said that they needed to have bids in hand first and before that the design work needed to be completed. Mr. Petropoulos said that he had been clear that this was bad practice. Mr. Haddad said he made a statement based on the architect's fees. He said that no one else has stated any numbers adding that they had to let the architect work through the design and bid process. He said that they didn't know the cost of the fire station project in advance of having bids in hand. Ms. Manugian said she agreed with Mr. Petropoulos adding she would like to avoid re-doing work because the costs were too high. She said she struggled with designing something and constraining a budget. Mr. Haddad reviewed the process they used in designing, bidding out and constructing the

fire station. He said there was no one that could give them an exact number right now. Ms. Manugian said she had been asking to see a reduced scope for a while and would prefer to set a realistic scope and or budget before designing.

Mr. Cunningham said that they had spent a great deal of time holding meetings and public meetings. He said that the scope was out there and apologized members hadn't availed themselves to the information. Ms. Pine said she appreciated all the work that had been done but argued that the information was not out there in the public.

Mr. Pease said he was hearing a range of \$3.1-5.5M. He said that when they went for engineering costs on the Four Corners Sewer Construction there was a limit adding there was no limit on this one. He said he couldn't help move this forward. Ms. Pine said if an estimate came in higher that there must be a scale it back number. Mr. Haddad said that the presentation passed at the Spring Town Meeting was 12,500 sqft and estimated to cost around \$6.9M adding this ultimately failed at the ballot. He said the Building Committee went back and scaled back the building. He said that they could not provide an exact construction cost estimate at this time. Mr. Cunningham said that the Committee fully understood what the community was looking for. Mr. Degen said he understood his colleague's perspective adding he wanted to make sure they didn't waste \$450K on a product that couldn't be yielded. He thought a ceiling of \$4.2M needed to be amended to the motion at Town Meeting so that this project could be afforded. Mr. Haddad said that they didn't do that with the fire station and asked why they would do it with this. Mr. Degen answered because of competing interests out there. Ms. Gilbert said she heard Kathy Shelp say at a meeting that \$450/sqft did not fly the first time. She said that the Committee knew what would be approved and not. She said that the Senior Center was a huge liability adding they wouldn't know what the cost was until they hire an architect to draw up something. She said they would never hear her as a taxpayer say they could only spend \$3.5M on a senior center, school or any public building.

Ms. Manugian, Mr. Petropoulos and Ms. Pine deferred till Town Meeting. Mr. Pease and Mr. Degen were in support.

7. Mr. Haddad said that the bid for cyclical inspections came in at \$103,500 adding they had anticipated \$110K. He said he was very happy about this.
8. Mr. Haddad asked the Board to reconsider their position on offsetting the tax rate. Mr. Haddad reviewed a spreadsheet he prepared. If they were to still take \$272K out of free cash in the spring to offset debt and \$100K to offset OPEB they would be left with a balance in free cash of \$112K after the spring town meeting. He said he was not comfortable with having less than \$200K in free cash and asked the Board to support the Finance Committee's recommendation to not offset the tax rate at this meeting. Mr. Degen said he wanted to keep more in free cash and why he originally voted against this. Ms. Manugian agreed. Ms. Pine changed her position to support not offsetting the tax rate.

Ms. Pine moved to reconsider their position on this article. Ms. Pease seconded the motion. The motion carried unanimously.

Mr. Degen asked for a motion to consider offsetting tax rate by \$0. Ms. Pine moved that they not offset the tax rate. Ms. Manugian seconded the motion. The motion carried 4-1 with Mr. Petropoulos against it.

Mr. Pease said he thought it was important to perform cyclical inspections all at once to make everything equal and the reason he changed his vote on this.

9. Mr. Haddad said that Mr. Palmer was not moving forward with his citizen's petition. Mr. Degen asked if they could make a motion to take this out of order. Mr. Haddad said he would talk to the Moderator about it.

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

Approved: _____
Alison Manugian, Clerk

_____ respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 11/13/17