

**BOARD OF SELECTMEN MEETING  
MINUTES NOVEMBER 13, 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 7:00pm and reviewed the agenda.

**ANNOUNCEMENTS**

Ms. Pine thanked the Fire Department for inviting them to witness up close and personal their fire training exercise on Townsend Road. Ms. Manugian added that the Fire Department was always looking for volunteers for their call department and EMT's.

**PUBLIC COMMENT PERIOD**

Mr. Russ Harris said there had been a significant delay in having the Charter approved by the legislature and asked for an update. Mr. Haddad said that the Charter was mailed to Representative Harrington and Senator Donoghue on May 16, 2017 but they never received the documents. He said that he was not concerned they hadn't heard from the legislature by now because when they requested updates in 2009, it took over 6 months to get called into the legislature for a hearing. He added this was the same case when he worked in Cohasset. He said in hindsight, they should have followed up and had learned a valuable lesson. Mr. Haddad said that Charter Review Committee Chairman, Mike Manugian asked for an update in early October which prompted this quick action. He said that the Town Clerk had received an update that day from the Senate that they would hear from them on November 16th with an update. Mr. Haddad said that he reviewed the new proposed Charter that day with the Town Clerk to see what was being done already and what was not. He said that with one exception, the recent appointment of a new Finance Committee member, which was acted on June 30, 2017, the new Charter was in process and they had been following the will of Town Meeting with regard to the new proposed Charter. He said the new Charter would not have been in effect on June 30<sup>th</sup> even if the document had been received by the Representative and Senator. Mr. Harris asked if the Board was aware of this delay. Mr. Haddad said that the Moderator made a statement at Town Meeting about the Charter process. Mr. Harris asked if they were following the correct process. Mr. Haddad said that it was the same process they had used the last time.

Mr. Jack Risdon said that Tarbell School still looked like a dump, and Squannacook Hall was still a mess. He said that he was also having trouble with a dog attacking his sheep and wanted people to know he had been in contact with animal control. Mr. Haddad said that the building permit for Tarbell School permit had been pulled the week prior. Mr. Degen asked folks to control their animals. Mr. Tom Delaney said that animal control was aware of this situation.

Mr. Delaney said that he wanted to provide the Board with an update on Williams Barn. He said that there had been a failure in the basement 2 years ago to which he received quotes from 4 vendors to fix the foundation. He said that Earthscape was the lowest eligible bidder. Mr. Delaney said that he spoke to the Town Manger about any potential conflicts with Mr. Degen's company doing the work. He said that Mr. Degen contacted the Ethics Commission and filed the necessary letters of disclosure. He said that Earthscape completed the work, had done a great job and came in \$8K under budget. Mr. Haddad said that the procurement laws were followed to the "T" adding he acquiesced during the process and turned it over to Mr. Delaney as Mr. Degen was his (Haddad's) boss. Mr. Degen said that he had done a tremendous amount of volunteer work at the Barn over the years and had done a lot of historic stone work. He said absolutely no funny business had gone on here.

Ms. Marlina Gilbert said that they had been trying to obtain a capital stabilization fund with approval from both towns adding that the 2015 Spring Town Meeting approved it in Groton. She said that Dunstable had recently approved it also. Mr. Degen said that they had asked Town Counsel for an opinion on the vote the Groton Town Meeting took in 2015. Mr. Haddad said that as long as the School Committee had not taken another vote and Dunstable voted based on the same vote Groton voted on, Groton's Town Meeting vote still held up. Ms. Gilbert could not answer for sure that another vote had not taken. Mr. Degen suggested that both towns meet to discuss this adding that it appeared as of now that there could be 2

stabilization funds set up and Groton needed to understand the mechanism. Ms. Gilbert said she was obtaining a legal opinion from DESE on this.

Ms. Ellen Baxendale asked for an update on signing up for email notification for meetings. Mr. Haddad said that he received an email from Mr. Petropoulos last week about their inhouse process. He said that he had a meeting that day with Mr. Chiasson and Mr. Bouchard about this. He said that Mr. Chiasson had some strong feelings why he wanted to keep their website in house. Mr. Petropoulos said that there were a lot of towns that had been purchasing software. Mr. Haddad said that was true but the off the shelf programs could not be customized and the Towns were having to make their own fixes. Mr. Haddad said he would set up a meeting with the IT Director and IT liaison to discuss this further.

### MINUTES

*Ms. Manugian moved to approve the Executive Session meeting minutes of October 23, 2017 as amended and release them. Mr. Pease seconded the motion. The motion carried unanimously.*

*Ms. Manugian moved to release the Executive Session meeting minutes of October 10, 2017. Mr. Pease seconded the motion. The motion carried unanimously.*

Mr. Haddad said that the Board of Selectmen began negotiations with Indian Hill on their permit fee with a sub-committee made up of Board Members Pine and Petropoulos along with himself. He said that when those negotiations were not going anywhere, he contacted Town Counsel about whether or not the entire Board could meet about this. The Board met and voted on October 23, 2017 to set the building permit fee at \$400K which included gas, plumbing and electric permits and included the foundation permit fee already paid to the Town of \$60K. Mr. Pease said that this was also contingent on the intersection at Old Ayer Road and Boston Road be completed 3 months prior to issuance of an occupancy permit.

Mr. Petropoulos said that all of this until present had been done in executive session. He said that Indian Hill had received approval from the Planning Board for a 120K sqft facility adding they were then provided a foundation permit to begin the construction process. He said that the sub-committee's initial approach was to work off of a full building permit fee and look at options for this fee paying over time. He said that Indian Hill refused to provide a project cost foundation for compiling a total project cost. He said Indian Hill told them they didn't know what the cost was adding it was private property and they didn't want a cost to be known. Mr. Petropoulos said that they had come up with proxy costs of between \$48M and \$70M with an estimated building permit fee of \$575-874K. Gas, Plumbing and Electrical Permit costs would be about \$100K more. Mr. Petropoulos said that based on all this, they estimated a building permit of \$776K. He said that this was a form of revenue to their town like nothing seen before adding they were not aware that any discounts had been given to projects in the past. Mr. Petropoulos said that on October 5th Indian Hill's Project Manager said they would stop the project construction if the permit fee was not reduced to \$300K. He said on October 6th they (the Board) had been lobbied by a member of Finance Committee/Economic Development Committee. Mr. Petropoulos said that on October 23rd the Board of Selectmen in executive session voted 4-1 to offer a \$400K permit fee to Indian Hill to which Indian Hill accepted. He said he thought it was important for folks to all hear these facts adding they had provided a tax payer subsidy to Indian Hill. He said that they would never be able to know what the project costs were adding that putting \$0 on the application would never be allowed by anyone else. He said this had all be done without public debate adding they were unable to represent the Town in these negotiations. He said that Indian Hill played them and they fell for it at the tax payers expense. Mr. Petropoulos said that they had announced their decision in the least public format possible. He said he was angry and disappointed in the Board adding he wanted to see the non-profits succeed but could not stand for this.

Ms. Manugian said she appreciated Mr. Petropoulos's willingness to step up and have his say but thought the appropriate time for raising these points was prior to a decision being made. She said that the job of a committee once a decision was made was to uphold that decision and she questioned what he had done there that night. She said it was inappropriate on his part to provide a "what could have been" picture. She said that this project would not have unfolded and would have been a detriment adding she was feeling similarly disappointed in him. Mr. Petropoulos said that the opportunity to discuss this was done in executive session adding that the public was entitled to know how this happened. He said they expected to keep this quiet. Mr. Degen told Mr. Petropoulos that was not true. Ms. Manugian said that the minutes accurately reflected the decision.

Mr. Degen told Mr. Petropoulos it was amazing how he always felt he was right even when he was wrong. He said that Mr. Petropoulos had put out higher than normal construction per sqft construction costs adding he had based construction on lower construction costs. He told Mr. Petropoulos that he was not taking into consideration the reputation Groton had of not being business friendly. Mr. Degen said that the intersection at Old Ayer and Boston Roads was woefully inadequate adding that if they were to take on engineering and reconstruction costs of the intersection, the project would cost the Town 30% more than a private organization because of prevailing wage. He told Mr. Petropoulos that he didn't have to throw Boynton Meadows into this discussion and asked if Mr. Petropoulos visited the Indian Hill site. He said that moth balling the project and in particular the large concert hall was in process when they couldn't agree on a permit fee. He said they needed to do something to stimulate economic development adding he was in favor of this. He said that they took a permit, brought it down to 400K and it was still the double largest permit they had ever given out. Mr. Degen said that this was a 4-1 vote of which Mr. Petropoulos was against. He said he was disappointed in Mr. Petropoulos and the audacity he had to tell the tax payers they were treated unfairly.

Mr. Petropoulos said that building permits were all paid the same way adding there was nothing unfriendly about it. Mr. Petropoulos said that there were no safety issues when the traffic study was done at that intersection and didn't know what planet moth balling this project was coming from. Mr. Haddad said that they were indeed capping it when Mr. Degen and himself were out there. Ms. Manugian said she thought it was best to believe applicants they were doing business with.

Mr. Pease said he was the one person who wanted this done outside of executive session. He said that this was an opportunity to move forward and look at Groton's future. He thought to authorize a fee based on the prosperity of Groton's future, he was responsible to see that it happened. He said he was satisfied that they could move forward adding it was a hard decision for him just like the hotel fee they discussed months ago was. He thought they needed to embrace this opportunity for their future.

Ms. Pine urged everyone to read the minutes they had released. She said the minutes would make it clear she was not happy with the way the negotiating process was handled. She said she did not dispute the facts Mr. Petropoulos listed adding she was willing to see this as it was; the largest project to ever come to Town. She said that because of that she was willing to consider a different way of evaluating a building permit cost. She said she was willing to look at the low end of the estimate to calculate costs adding she was offended that the amount was not low enough and that they were threatened. She said they received calls to lobby them by those with direct connection. She said she voted for this at the end of the day adding Indian Hill would add a lot to their community but thought this started off on a non-positive foot.

Mr. Bob Hargraves said that he attended all the Planning Board meetings and had seen the bullying that Mr. Petropoulos talked about. He said he had just learned about the fee reduction that day adding that this being discussed in executive session was his bone of contention. He thought this should have been done through a series of meetings and thought through. He said he was very disappointed that the Board allowed themselves to be bullied adding they didn't have to negotiate. He said that Indian Hill was a wonderful program and there were wonderful people involved. He added that the Finance Committee Member involved in lobbying should be dismissed forthwith for his involvement.

Mr. Kevin Lindemer said that because Indian Hill was non-profit, they would not pay property taxes. He asked if PILOT payments had been discussed. Mr. Petropoulos said that Indian Hill refused to talk about PILOT payments. Mr. Lindemer said he hoped the PILOT negotiation goes better than building permit negotiation did.

Ms. Connie Sartini asked how many other building permits the Town had reduced. Mr. Petropoulos said non. Ms. Sartini asked for the name of the member of appointed board who had lobbied. Mr. Degen said it would not be appropriate to provide that adding that individual was not present. Mr. Petropoulos said it was a member of the Finance Committee and Economic Development Committee.

Mr. Bob Hargraves asked the Board to withdraw what they had done. Mr. Haddad said that was not possible adding that the fee had been paid and permit issued.

Mr. Tom Delaney commended the Board on making a decision. He said he knew the people involved in this project and knew they would have walked away from the project.

Ms. Marlena Gilbert wondered if there were other ways Indian Hill could work with the Town if they were not willing to discuss a PILOT payment right now. She wondered if and when that right time came up if it made sense to involve the Superintendent in the discussions. Mr. Degen said that PILOTS was something they needed to start discussing with Indian Hill. Mr. Pease said he thought it might be too soon for that. Mr. Petropoulos said that there were ongoing discussions for how non-profits could work with the Town and other non-profits. Ms. Manugian said he agreed with Mr. Pease adding it was premature to discuss PILOT payments. Mr. Petropoulos said it was never too early adding that property had been off the tax roles for a few years now. Mr. Pease said they needed to table this discussion as it wasn't listed on the agenda.

Mr. Pease left the meeting but continued participation via phone.

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

1. Mr. Haddad said that the Conservation Commission had a vacancy due to the recent resignation of Susan Black. He said that the Commission was recommending that Mr. Laurence Hurley be appointed. He added that Mr. Hurley came highly recommended. Mr. Degen said that Mr. Hurley would be an excellent addition. Mr. Morrison said that Mr. Hurley would be a good representative from the Lake.

*Ms. Pine moved to appoint Mr. Laurence Hurley to the Conservation Commission term to end June 30, 2019. Mr. Petropoulos seconded the motion. Roll Call: Petropoulos-aye; Degen-aye; Pine-aye; Manugian-aye; Pease-aye*

2. Mr. Haddad asked the Board to consider ratifying his appointment of William Baron to the Commission on Accessibility.

*Mr. Pease made the motion. Ms. Pine seconded the motion. Ms. Baxendale said that Mr. Baron had attended a few meetings and was recruited to join. Roll Call: Petropoulos-aye; Degen-aye; Pine-aye; Manugian-aye; Pease-aye*

3. Mr. Haddad said that he wanted to present the first quarter FY18 financial report update. He said that the Public Safety budget was something they were monitoring due to the horrendous situation that occurred in October. He said their overall receipts were looking good and thought they were in pretty good shape with expenditures overall. Mr. Haddad said he thought they were off to a good start and expected it to continue. Ms. Manugian asked if the report could be run with one more level. Ms. Dufresne said that this was a high level executive summary and did not provide a large amount of detail. Mr. Petropoulos said that this was meant to be a management report. He told Ms. Manugian that she could always request to see more detail if she saw an anomaly.

4. Mr. Haddad said that it had come to his attention that the Town had not formally adopted M.G.L., c.48, §59A that authorized mutual aid agreements between local Fire Departments. He said that Town Counsel had recommended the Board adopt the following motion:

*I move that the Board of Selectmen vote, pursuant to Section 59A of Chapter 48 of the General Laws, to authorize the Groton Fire Department to go to the aid of any other city of town, fire district or area under federal jurisdiction in the Commonwealth of Massachusetts or in any adjoining state for the purpose of extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the Fire Department in such other community, or the joint based Cape Cod Fire District.*

*Ms. Pine made that motion. Ms. Manugian seconded the motion. Roll Call: Petropoulos-aye; Degen-aye; Pine-aye; Manugian-aye; Pease-aye*

5. Mr. Haddad said he had done his best putting together the goals submitted by the Board members. He said he thought they should cull them down adding there was too many to accomplish. Mr. Haddad suggested that they hold a workshop to concentrate on just goal setting. Ms. Manugian said she thought they should prioritize them so they

were only discussing those goals. The Board choose Monday, November 27<sup>th</sup> at 5:30pm for goal setting and to have it televised.

**LIAISON REPORTS**

Mr. Pease said he had reached out to the MMA about public safety and regionalization. He said he was trying to engage support to align several that were behind regionalism of EMS services.

Ms. Manugian said that Aaron Green had come to the Economic Development Committee meeting to talk about marijuana. She said that the working group met last week to finalize a survey that would be going out at the end of the month. She said that most towns were hung up because the Cannabis Control Commission still had a lot of work to do. Mr. Haddad said that Littleton had just extended their moratorium until December 31, 2018. Ms. Manugian said that the State’s deadlines were aggressive and the reason for the extensions they were seeing at the local level. She said Groton may also want to think about extending the deadline.

**MINUTES**

*Ms. Pine moved to approve the meeting minutes of October 2, 2017, October 17, 2017 and October 23, 2017. Ms. Pease seconded the motion. Roll Call: Petropoulos-aye; Degen-aye; Pine-aye; Manugian-aye; Pease-aye*

Mr. Degen adjourned the meeting at 8:59pm.

Approved: \_\_\_\_\_  
Alison Manugian, Clerk

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

Date Approved: 12/4/17