

**BOARD OF SELECTMEN MEETING
MINUTES MARCH 12, 2018
APPROVED**

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

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

Mr. Degen thanked the DPW, Fire Department, Police Department and GELD for doing a great job during the challenging storm the last week.

Mr. Degen introduced a group of individuals present to discuss a plaque that was to be dedicated in Sherborn Massachusetts for Betsy Sawyer and the Pages of Peace project she initiated adding that as most were aware, Betsy was no longer with us. Ms. Ann Polaski, the VP of Pages for Peace said there were many supporters with her today. She said they were very pleased when they received notification over the summer that Betsy would receive a plaque and have it placed in their park in Sherborn, MA. She said they thought it was important for the Board to know about this plaque before it was placed. Mr. Degen said that Betsy Sawyer was such an inspiration to so many within the district. He said that her legacy lived on through the work still going on today and thought this was a great honor for her and everyone she taught.

TOWN MANAGER'S REPORT

1. Mr. Haddad said he had proposed that there be a question on the Spring Town Meeting ballot regarding the senior center. He said that the bid opening was scheduled for April 19th. Mr. Petropoulos said he was fully in favor of putting a question on ballot and approving a senior center but was not at that time because they did not have a final number. Mr. Degen explained how there was a deadline to get things on the ballot. Mr. Pease thought that if they voted this, they were violating their guidance of not having the budget exceed 3%. Mr. Haddad said that article 7 was asking for construction money adding that the meeting would be making that expenditure contingent on a debt exclusion to prop 2½. Ms. Manugian said that they would still have an opportunity to vote in favor or not prior to.

Ms. Anna Eliot asked if they payment for construction would be able to be paid within the proposed levy limit. Mr. Haddad said that they could not pay for this within the levy.

Mr. Degen left the room at 7:20pm. Mr. Pease took over as chair in the interim.

Ms. Pine moved that they place a debt exclusion question on the ballot as referenced in the Town Manager's Report. Mr. Petropoulos seconded the motion. The motion carried unanimously.

2. Mr. Haddad said he had provided the Board with 2 non-binding referendum questions for marijuana adding the Board needed to decide whether or not to add them to the ballot. Ms. Pine said that this was a very complex subject. Mr. Degen said he had no problem with this going on the ballot as non-binding but thought it was better to bring this up in the fall. He thought this was a litmus test and added that 56% of the voters in Groton approved this at the ballot before. He said that nothing would be allowed until the end of the year if the moratorium passed. He thought this did nothing but confuse the voters and would not support this. Mr. Petropoulos said that the point of this was to gauge public input adding that the State ballot vote had nothing to do with local retail or cultivation. He said the question was whether voters wanted to allow it in the state or not. Mr. Degen asked if they could make the spring question binding. Mr. Haddad said they could not adding it was a 2-step process. He said that the ban question had to reference the bylaw. Ms. Manugian said she would like to see the language mirror what they were being asked to consider.

Mr. John Giger said that the State regulations identified 8 major types of establishments with several broken down into sub categories. He thought that if they were trying to get a feel they should be asking about all 8 categories.

Each “establishment” (type) required a license from the commonwealth. Ms. Manugian asked if they were assuming that if the majority didn’t want to see these 2 types, that they wouldn’t want to see the other 6. Mr. Petropoulos said that the voters should have an opportunity to speak to the others. He said they would bring them all to the Fall Town Meeting and Fall ballot adding he wanted to take the temperature now with these. Mr. Degen said he would change his position on this after a formal vote of the Planning Board telling the Selectmen whether they think they should bring this forward. Mr. Petropoulos said it was their job to test the waters. Ms. Manugian asked what the downside was to having 8 questions on the ballot; one for each of the categories. Mr. Petropoulos said he thought he was missing something adding he wasn’t sure why this was so hard or confusing. Mr. Robertson said the question was whether you wanted it or not. Ms. Manugian said that was not the question adding she was finding this confusing. Mr. Pease said that if they were not aware of the challenges they would be in failure of not doing their job. Mr. Degen said he agreed with Mr. Pease adding they had been elected to make decision and that he had an issue with adding 2 questions.

Mr. Petropoulos moved that they add questions 2 and 3 to the Spring Town Meeting ballot as stated with revised wording as provided by Ms. Manugian. Ms. Pine seconded the motion.

Ms. Manugian reiterated her concern with only asking 2 questions and leaving out the other 6 categories. She said that she didn’t agree with comments made that these were that these were 2 different votes (state and local) and that the survey conducted was different. She thought there would be another reason to throw out these results if this didn’t go one particular way. Mr. Pease agreed adding that a nonbinding vote was just another opinion adding they had done this already. Ms. Pine said she felt strongly they needed this on the ballot. She said there was a strong public discussion that just because the Town voted yes on the state ballot that Groton wanted this locally. Mr. Petropoulos suggested they ask the Planning Board to create zoning, hold a public hearing and put on a town ballot all 8 categories in a binding manner. Mr. Degen said he felt comfortable with doing that at the Fall Town Meeting. Ms. Manugian said it seemed reasonable for them to ask the Planning Board to draft zoning with 8 different zones of allowed/not allowed uses.

Mr. Petropoulos and Ms. Pine voted in favor of the motion. Mr. Degen and Ms. Manugian voted against the motion. Mr. Pease abstained because he still had far too many questions about the process and how they go through the process. The motion failed by a 2-2-1 vote.

Mr. Degen suggested they come back with 8 questions if they wanted. Mr. Petropoulos asked if Town Counsel could draft the 8 questions.

SARGISSON BEACH ANNUAL REPORT

Present was Conservation Administrator, Nik Gualco.

Mr. Gualco said that last summer the lifeguards provided 77 days of lifeguard coverage at the beach. He said that the utilization reports had been collected but that he had not had a chance to review them. He said that the beach was closed for 2 days and 2 complaints were filed concerning trash not being picked up properly. He said that the Committee held their first meeting of 2018 last week where they reviewed the rules and regulations. He said that Lynda Moore was a new member and that a new Conservation Commission recommended appointment of Larry Hurley would be coming forward to the Board. He said that Mr. Haddad had been great in communicating the expectations of the beach. He said that the site looked good last week before the snow fell and that light maintenance would be needed once the snow melted. He said that the proper permits had been applied for and the budget looked good through the end of the fiscal year. Mr. Haddad said in the FY19 budget, they increased the hours of the Park Ranger to 19 hours to help with having someone on site more. He said that April 7th was the target date for the beach spring cleanup.

Mr. Degen said that utilization of the lifeguards was not as high from Memorial Day through the close of school and suggested they not have lifeguards, except for the weekends, during that time. Mr. Gualco said that the hours from the start of season through the end of the school were limited adding they would continue to look at this and make any necessary

modifications. Ms. Pine reviewed the history of how the Sargisson Beach property was purchased and donated to the Town by a group of generous residents, about 45 years ago, after Town Meeting declined a proposal to purchase the land.

SPRING TOWN MEETING ON A SATURDAY

Mr. Degen said that resident Jeff Wallens had suggested having town meeting on a Saturday. He said that they needed to have their first night on a Monday according to the Charter. Ms. Manugian asked if they knew whether there was any availability on a Saturday. Mr. Haddad said they had not researched this yet. Mr. Wallens said he thought 4 nights of town meeting caused the disruption of normal town business and the possibility of changes on boards with the election coming up. Ms. Manugian said she thought a 4-night town meeting was daunting adding they should be thinking of ways to lessen it. Ms. Pine said that Saturday town meetings used to be held in March when the weather was not so good. Ms. Manugian said that spring sports would be going on in May which could create a problem. Mr. Pease said that there was no food or drink allowed in the PAC which meant that people would need to leave for a break. The Town Manager was asked to see if a Saturday was available.

TOWN MANAGER'S REPORT – Cont.

3. Mr. Haddad said that after consultation with the State Inspector, the Building Commissioner would like to conduct a Chapter 34 Review of the Prescott School. He said the review would be done by an engineer and they would examine the entire building, including structural, door, emergency issues, bathrooms, stairways, floor structures and anything else in the Building Code with would be required for a Use Change. He said he thought this was an important step if the Board intended to lease the Building for any proposed use. He requested the Board to seek quotes from qualified engineering firms to do this review. He said that once the bids were received, they could determine how to fund the work, either through a Reserve Fund Transfer Request or a line item transfer at the Spring Town Meeting.

Ms. Manugian asked how much this could cost. Mr. Haddad said anywhere from \$10-15k. Mr. Petropoulos said that he expected to be on the call with the State Inspector along with Halsey Platt. He said he couldn't have made that any clearer and the fact that it happened without them being informed was very disappointing. He said that they cancelled the RFP because they needed to know what uses the building could have. He said that the Architect that completed the final work on Prescott was fully capable of doing the work and thought out of fairness and total transparency they should let the Friends help choose someone to do this. Mr. Pease said he thought it might be useful to have one member of the Friends provide input with the Town Manager to the State Inspector. He nominated Bruce Easom to be that member. Ms. Manugian said she thought parts of this were covered in the Bargmann report and thought the other process piece was where they foresaw this going. Ms. Manugian said that the Bargmann report stipulated what needed to be updated for various uses and thought some of that should be relevant. Ms. Pine said that the Bargmann report was quite old at that point. She said that C3 provided a fair amount of data and was potentially an excellent person to provide this next step. She said that change of use was something that had a particular meaning to the Building Inspector and that he needed this information to feel comfortable with making a decision on what was allowed. Ms. Manugian said she dealt a lot professionally with the building code adding they were dealing with the use groups B and E. She said that some of the proposed changes could not be used in use group B. She said she didn't see any outcome from this report that wasn't costly and that they needed to know where they thought they would be going. Mr. Platt said he wanted to make sure they undertake the review under the 9th edition of code and would request that. He said there were also specific exemptions for historic buildings and leniency. Mr. Degen applauded the patience of the Friends. He thought that overall, they had had the support of the Board as much as they could provide. He said that the age of the building had been a stumbling block adding he would support this review at the anticipated cost. Mr. Degen said that he welcomed Mr. Pease's suggestion to have Mr. Easom work in conjunction with this.

Mr. Jennings read the following statement into the record.

CRACKING THE SECRET CODE

The Prescott School has faced many challenges during its lifetime. It burned to the ground once, served as the Town's high school and a polling place and most recently has been brought up to current ADA standards and fire codes through CPA grants written by Friends of Prescott. Now the continued use of this building as envisioned by the Town and Friends is threatened.

As you may recall from Friends' response to the RFP (request for proposals) accepted over a year ago by the Selectmen, we planned to follow the Town's "Strategic Blueprint for the Future" and create a mix of uses for the building, both non-profit and for-profit organizations. We created Prescott School Community Center educational offerings, reached out to local and area businesses seeking tenants, and opened the doors for local groups to use space.

But six months ago, our Groton Building Inspector and Town Manager, following input from those opposed to the building's use as a community center, informed us that only "educational" programming could take place in the building. No small business spaces, (other than the Groton Inn offices which the Building Inspector had approved several weeks earlier); no birthday parties for children; no recreational activities in the gym; no town offices; no community gatherings or meetings; no artist studies. Only educational use.

As the Building Inspector put it, we can show an educational film as part of a class but not sponsor a town film society; we can teach basketball, but not host a basketball league; we can study history, but not host a meeting of the Groton History Center. With this new interpretation the Town Manager informed the Groton Dunstable Educational Foundation that its annual fundraiser scheduled for January at Prescott was canceled, and Friends canceled a proposed meeting of the Groton Business Association.

In October we asked the Town for this code decision in writing along with the legal basis for it. Receiving nothing by December, Friends asked local attorney Bob Collins to work with the Building Inspector towards a clear, written definition of use. After two months, this effort broke down.

And now, four months later, while in the midst of negotiating a lease with us, the Town was told by those opposed to the building's use as a community center that use even a community "educational" center may not be correct-- that perhaps only K-12 education could take place in the building.

The Town now has rescinded the previous RFP, halted negotiations with us, and seeks a third party professional review of the building. This was recommended to the Town Building Inspector by the State Building Inspector last week in a phone meeting that Friends had been assured we could be part of. We were not.

Until there is a clear definition of the allowable use of Prescott, we can do nothing but proceed with the second semester of Prescott School Community Center offerings (approximately 190 registrations have been processed to date); and seek continued CPA Funds to sprinkler the building so that it doesn't burn down again. Support at Spring Town Meeting will be needed.

Only through a transparent process between the Town and its citizen-partners can this "secret code" be cracked.

Ms. Pine said they needed to move forward on this as quick as possible and asked that the two firms who were already familiar with the building quote this. She reminded everyone that the Friends were residents and a completely volunteer organization. She said they were trying to take this building off the tax payer's shoulders adding that the Town responded very favorably to programs put out there.

Mr. Petropoulos moved that they ask the Friends of Prescott to nominate an individual to work with Town Manager to select an architectural firm to provide the required input for the review of the Building Inspector against the current building code, 9th edition. Ms. Pine seconded the motion.

Mr. Haddad explained how offended he was about comments made by Ms. Jennings that he was motivated by people against the Friends of Prescott and the use of Prescott. He said that was absolutely not the case. I said he wanted an apology for that statement. He said she had no idea what his motivation was. He explained how he was on the negotiating team to make this work and thought for her to email that out was just not true. Mr. Petropoulos said Ms. Jennings didn't say motivation. Mr. Haddad said that was how he interpreted it. Mr. Pease said he would only accept the motion on the table if it was amended to include his recommendation adding he had extreme and profound trust in Mr. Easom. He said that his methods, demeanor and interactions made him a rock-solid recommendation. Mr. Degen said he understood why Mr. Pease made the recommendation but to not put someone up that was qualified was not in Friends best interest. He added that it was the Town Manager's decision at the end of the day.

Mr. Degen said that the motion should specify needing an engineer. Mr. Petropoulos amended his motion to include an engineer not an architect and further amended the motion to specify a Registered Design Professional after clarification provided by Mr. Platt.

The motion carried 4-1 with Ms. Manugian voting against.

Ms. Manugian said that she aware of Mr. Petropoulos's facial expressions and demeanor adding she voted against this because she was unsure of the process still.

OTHER BUSINESS

Ms. Pine asked about the status on the hiring policy and if they were going to get to vote on it. Mr. Haddad said it was going to the Personnel Board and would come back to the Board. Mr. Degen asked Mr. Haddad to let them know when the Personnel Board was meeting to discuss it.

MINUTES

Ms. Manugian moved to approved the minutes of February 26, 2018 as presented. Ms. Pine seconded the motion. The motion carried unanimously.

Mr. Degen adjourned the meeting at 8:53pm.

Approved: _____
Alison Manugian, Clerk

_____ respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 3/26/18