

**SELECT BOARD MEETING
MINUTES MAY 15, 2018
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 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Mr. Haddad thanked Ms. Connie Sartini for bringing to his attention the Groton Soldier's Angels. He read a statement about their inception and their contributions to soldiers serving and showed a couple of short videos.

Mr. Haddad read a proclamation prepared in memory of Tom Hartnett who passed away in December.

TOWN MANAGER'S REPORT

1. Mr. Haddad reviewed a new piece that would be on every agenda titled On-Going Issues. He said that he had come up with a list with help from Board members, of issues the Board was currently facing. Mr. Haddad reviewed the list outlining a couple of items that he had updates on.
 - A. Mr. Haddad said that they would be starting interviews for Police Chief that week. He said he was hoping to bring the Board finalists the week of June 11th. Mr. Degen suggested bringing as many candidates as Mr. Haddad saw fit to the assessment center. Mr. Haddad said he gave the interview panel that same exact direction.
 - B. Mr. Haddad said that the RFP for Town Counsel services was due the following week. He said that he would deliver the responses to the Board prior to Memorial Day for their review.

Ms. Pine suggested adding union negotiations to the list and a task force to look at the public safety departments.

2. Mr. Haddad said it was time for the 3rd quarter financial update. He said that they were tracking ahead of last year on building permits, because of Indian Hill, and property taxes were up because of the change in the tax law (people paid earlier than usual). Mr. Haddad said that they had a company bid on taking over collections of some taxes. He said that the company would be doing nothing different than the Town would have adding this allowed the Town to receive their money now and not have to wait for it. He said that the other thing the Town would save by doing this was legal fees. Mr. Haddad said that they were also tracking well on expenditures and thought the Town was financially very sound.

7:30PM – INDIAN HILL BUILDING PERMIT DISCUSSION

Mr. Degen said that the Board granted a permit fee reduction to Indian Hill which had been discussed at length during multiple executive sessions. He said that an OML complaint had also been filed to which the AG found that the Board was in violation of discussions held in a couple of the executive session even though the vote to reduce the fee was done in open session. He said that they had already discussed the rationale behind this reduction but that because of requests from the public, they wanted to continue the discussion that evening.

Mr. Bob Hargraves said he wanted to hear the Board members personal rationales for keeping this under wraps. Mr. Petropoulos explained how he and Ms. Pine initiated the request for an executive session for discussions. He said that Indian Hill did not want to disclose the value of their building and asked that the Town try to get to a reasonable building permit fee. He said that they asked Town Counsel if there was an exemption to go into executive session to which Town Counsel said there was. He said that they started under the exemption for negotiating a land value but at some point, along the way the noble cause broke down and they stopped talking about the value of property. Ms. Pine said that she was a long-time supporter and season ticket holder at Indian Hill and that she was very excited about this project and wanted to see it succeed. She said that she also wanted to make sure the Town was being treated fairly. She said that she and Mr. Petropoulos were appointed as a subcommittee to meet with Indian Hill adding it was her intention to negotiate a payment

schedule for the building permit fee. She said that Indian Hill was not going to release their building costs to anyone adding the Town needed to come up with a viable cost of the building and assess a fee. She said that they were trying to do what was right for Indian Hill and the Town. Mr. Pease said that he acted as Chair for the first executive session and allowed it to occur for which he took some responsibility for. Ms. Manugian said that by the time the process came to the full board, it was very convoluted adding having the executive session seemed reasonable and appropriate. She said that discussing this in open session would have tipped their thinking toward Indian Hill. She said it was unfortunate that the executive session had contaminated the whole process. Mr. Degen said that they had followed the advice of Town Counsel and were between a rock and a hard place. He said that Indian Hill would not disclose the value of real property. He said that they discussed what the value of the building permit should be adding that was where they went wrong. He said he was wrong for his part in that and had learned from it.

Mr. Richard Lewis said that he was very much concerned about this adding he had always paid a full building permit fee for houses he had built. He asked if the fee was based on a percentage on value or the sales price adding he felt like the Town had taken his money and was upset about that. Mr. Petropoulos said that a total dollar value was provided to Building Commissioner and a 1.2% assessment should have been assessed on that amount. He said that electrical fees and the like were beyond that. Mr. Petropoulos said that the permit was issued in 2 phases; foundation permit and building permit. He said they went through how to come up with a dollar value during their first few meetings to see if Indian Hill would use the model for this project. He said that Indian Hill refused to pay for an expert to come in and help them estimate the total project cost. Mr. Petropoulos estimated a \$1M building permit fee based on assumptions made adding it was in his opinion that they gave away half a million dollars in fees. Ms. Pine explained how they had contacted towns to compare but that there were no standards for them to compare to. Mr. Pease said that he too had done a lot of research and for him it came down to a choice of do they take Indian Hill at their word that they wouldn't build or take the risk that they were bluffing. He said that he thought they got \$200K more than they would have if they didn't negotiate the fee this way. Ms. Manugian said that there was no estimated construction cost and that she agreed with Mr. Pease in that developers change projects and walk away regularly. She said that was a valid concern of hers adding she felt as though the long-term benefit of having Indian Hill as a member of the community was a larger benefit than the building permit fee number. Mr. Degen said that the economic viability of this project was not a make it or break it over a few \$100K. He said that he had been brought into the discussion about Indian Hill walking away from the project but also thought that the Town would have received before Town Meeting a large donation toward their senior center. He said that he should not have allowed the donation to sway his decision adding he wouldn't change his decision now. Mr. Petropoulos said that this was someone who knew how to work this and thought the Town had been worked. they worked us. Ms. Manugian said that there were many different opinions but still felt there was adequate debate. She said she hadn't heard anyone mention anything that they didn't discuss.

A resident said she appreciated the work that went into this but did not understand why it was the Board's job to figure this out. Mr. Degen said that the Board could change application fees that mandate the value of construction. The same resident said that the Board should be setting fees not negotiating them. Mr. Petropoulos explained how the developer had placed a \$0 figure on the application adding that they needed to get to the cost of construction. He said they should have never made an exception. Mr. Greg Sheldon said he thought this was an important exercise that was long overdue. He said that this was no way to build a relationship but was pleased that Indian Hill was coming to town. He mentioned the relationship with the Groton Inn that had been established and how that was missing with Indian Hill. Ms. Sartini said that in her review of the executive session minutes, there was a dramatic change in what people were willing to support. She said she also saw inference to bullying in the minutes. Mr. Petropoulos said that individuals from Indian Hill were pleasant to have conversations with adding that they had a representative that was challenging to work with. He said that there were some allegations he heard 3rd party that they had bullied individuals of Indian Hill. Ms. Pine mentioned phone calls made to the other 3 members of the Board by Art Prest, husband of Indian Hill Chair, stating that she and Mr. Petropoulos were not treating Indian Hill fairly. She said that Mr. Prest was a member of the Finance Committee adding she found it disturbing that he made call to influence members. Mr. Degen stopped Ms. Pine from continuing her sentence adding she was crossing a line by talking about Mr. Prest when he was not present. Ms. Pine added it was not possible to know if calls placed influenced anyone's decision. Mr. Pease said he found it hard to believe that some people knew about these discussions and others didn't. He said that he received many calls from different people adding it was not a closed secret society of decision makers. Mr. Bruce Easom said he too was upset when he heard about this. He said that he wanted you to know how this looked from the outside. He said he thought the Board got played bad and suggested they look at their procedure and follow

it. Ms. Sue Lotz said it seemed like mistakes were made on both sides. She said she was a supporter of Indian Hill and thought they would bring so much quality and life into Groton. She said she hoped they could all work together and learn from this moving ahead in a positive way.

Mr. Degen said he thought they should reach out to Indian Hill again. He said it was important that Indian Hill understand that they need to work collaboratively.

TOWN MANAGER'S REPORT – CONT.

3. Mr. Haddad provided the Board with an update on where they were at with their goals. Mr. Degen asked that meetings with the department heads on the audit recommendations be scheduled throughout the summer. He also asked that the Board discuss the non-binding referendum questions at their next meeting after the election. Mr. Pease welcomed any help or input on their regionalization goal. Mr. Degen mentioned regionalizing the town halls of Groton and Dunstable and how it could work. Ms. Manugian said that the Economic Development Committee had also been talking about zoning at a high level. Mr. Degen said that the Affordable Housing Trust had also working on some things.

Mr. Haddad reviewed the status of the Town Manager's goals also.

Mr. Degen left the meeting at 8:52pm. Mr. Pease took over as Chair.

4. Ms. Manugian moved to ratify the Town Manager's appointment of Norm Card as the new Gas/Plumbing Inspector with a term to end on June 30, 2019. Ms. Pine seconded the motion. The motion carried unanimously.
5. Mr. Petropoulos moved to ratify the Town Manager's appointment of Claire Hansen as a Lifeguard at the Country Club. Ms. Pine seconded the motion. The motion carried 3-0-1 with Mr. Pease abstaining.
6. Ms. Pine moved to ratify the Town Manager's appointments of Anna Leonard, Justin Ottesen, Ashleigh Siciliano, Declan Lowney and George Lowney as Lifeguards at the Country Club and Cortney Murray and Amber Edwards as Camp Staff at the Country Club. Ms. Manugian seconded the motion. The motion carried unanimously.
7. Ms. Pine moved to ratify the Town Manager's appointment of April Iannacone as an Election Worker with a term to end June 30, 2018. Mr. Petropoulos seconded the motion. The motion carried unanimously.
8. Mr. Haddad presented the Board with a new rule the Police Chief wanted to add to their existing policies. He said that the new rule concerning Tattoos and body modifications was a good rule and something he (Mr. Haddad) had seen in a number of other communities. The new rule would not allow the wearing and display of tattoos, body art of any type, branding, scarification, dental art or any other form of personal expression while on duty to be shown. Mr. Haddad said he ran this by Town Counsel who signed off on it.

Ms. Manugian said that she was torn on this. Mr. Pease said that he asked a police lieutenant friend of his who said this was regular practice amongst police departments. A resident said she was concerned with the words and "any other form of personal expression" adding she thought it was a violation of people's rights. Mr. Pease said that there was a sense of professionalism while in the uniform. He said he thought it might be better if they saw it in the context of all other police regulations and suggested tabling it until the next meeting.

Mr. Degen returned at 9:05pm. He said the Board could bring this back but he would not be supporting it that night or the following week.

Mr. Pease said that it had been disclosed at their meeting the week before that Ms. Manugian attended a meeting about the Prescott School to discuss the engineering study where two other Board members were present but did not say anything. Mr. Haddad said that it was important to note that this was his meeting. Mr. Degen said it was not a posted meeting and no deliberation occurred. Ms. Pine said she agreed the week before that there was no deliberation. She said they were asking questions and receiving information. Mr. Haddad said that the Board at a posted meeting directed him to procure an engineering firm to do a code review of Prescott. He said that he, Mr. Easom and Mr. Platt put together a scope of work to present to the firms. He said that Mr. Petropoulos asked for a meeting to discuss the report and asked for Ms. Pine to attend also. Ms. Manugian was in the building and asked to

sit in on the meeting. She simply was there to observe. Mr. Haddad said that the structural engineer was not available to attend adding there were a lot of missing explanations in the report. He said that the Building Commissioner, upon review of the report needed more information. He said that they agreed at that meeting that they wanted to hold another meeting to go through the full list of issues. He said that he was trying to set up a meeting for May 29th and asked the Board how they felt about having Mr. Petropoulos involved in that. He said that one issue had come up that day that concerned him was whether the \$630K spent on renovations on that building to date hit the one-third percent of the value of building, which if so, would require them to bring the entire building up to code. He said they were in the process of getting all the information they could on this.

Ms. Manugian said that part of the reason she opted to attend the meeting was her concern about the process and about the neutrality for which things were being handled. She said that several fairly significant items came up that the engineer was not aware of. She said she remained concerned that the Board was not represented in an equitable manner. She said that the process to date had been here's the outcome we want, how do we get there. Intended use was brought forward. Ms. Pine said that she had asked repeatedly for the Building Commissioner to put in writing what was required for a change of use. Mr. Haddad said that he was trying to do his best to navigate through this issue adding there were a lot of moving parts and new issues presented to him every day. He said he thought they were finally getting to a place where they would get the answers they needed. Mr. Petropoulos said he was concerned they didn't consult the customer, and the Building Commissioner when putting together the scope of work. Mr. Haddad said that they asked for an entire review. Ms. Manugian said she was concerned moving forward with having two members present at all the meetings guiding the process and the outcome. Mr. Degen said he shared that concern. Mr. Pease said when he saw two Board members going into a private meeting, the optics looked bad. Mr. Haddad said he would like to have an opportunity to sit in a room with only the Building Commissioner, engineer, and Mr. Easom to hash this out. Mr. Haddad said that Mr. Cataldo felt that comments made in his (Mr. Haddad's) review had put his back against the wall. He said if the Board wanted to participate, he would never say no but asked for the Board to allow him to have this meeting without them being present. Mr. Petropoulos said that members of the Board were elected because of the Prescott School. Mr. Degen suggested that the liaison to the Building Department be there. (The liaison is Mr. Degen). Mr. Petropoulos said that Mr. Degen's views on this had not been clear thus far. Mr. Degen said he wanted to see this work but not at the taxpayers' expense. Ms. Pine said that her support of Prescott at times has been used to discount her or made her biased. She read a brief statement into the record. (See attached). Mr. Degen asked Mr. Haddad if he held the meeting by himself if he would make this happen. Mr. Haddad gave the Board his word. Ms. Manugian said she was fine with MH handling the meeting as outlined. She said she was not comfortable with others carrying one position or another attending. Mr. Degen agreed. Mr. Pease was concerned they were getting close to violating involvement in the day to day operations as outlined in the Charter and thought they could give guidance but didn't need to attend.

Mr. Pease moved that the Board request the Town Manager get from the Building Commissioner in writing a document regarding change of use requirements for Prescott School. Mr. Degen seconded the motion. The motion carried 4-0-1 with Mr. Petropoulos abstaining because he was not sure what they just voted on.

Ms. Pine said she too was fine with Mr. Haddad having the meeting. Mr. Petropoulos said he thought it was a bad move to keep people from this meeting. Mr. Haddad said that nothing would get accomplished at an open meeting. He said that if having Mr. Platt and Mr. Easom there as the Friends Board of Directors wasn't enough, he didn't know what to do.

MINUTES

Ms. Pine moved to approve the Special Meeting minutes of April 22, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Ms. Pine moved to approve the Special Meeting minutes of April 29, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Ms. Pine moved to approve both part of the Joint Meeting with the Finance Committee minutes of March 19, 2018. Mr. Petropoulos seconded the motion. The motion carried unanimously.

Ms. Pine moved to approve the Regular Session minutes of April 9, 2018. Ms. Manugian seconded the motion. The motion carried unanimously.

Ms. Manugian moved to approve the Meeting Prior to Town Meeting minutes of April 30, 2018. Ms. Pine seconded the motion. The motion carried 3-0-1 with Mr. Degen abstaining.

OTHER BUSINESS

Mr. Haddad said that the Town of Wayland had been found to be in violation of OML on their review process of the Town Manager. He said that because their process was similar they had changed their policy to go along with what the AG recommendations were. He said that for this time, instead of doing a compilation of the reviews, the Board choose to release all individual reviews. Mr. Degen said that everything he wrote stood on its own. Mr. Pease said he would be happy to discuss his review with anyone that had questions. Ms. Pine said she too stood behind everything she wrote. She said she wasn't aware that her comments would show up in the newspaper and didn't mean to shame the Building Commissioner. Mr. Petropoulos said that Mr. Haddad had wrote just as much as he did adding it appeared that he was in turn being reviewed. He suggested that maybe something within the process should be changed.

Mr. Pease moved that they submit the five individual reviews of the Town Manager as the 2017 calendar year review. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Haddad said that there would be an article on the fall town meeting warrant, once the Charter was approved, to change Board of Selectmen to Select Board throughout all the bylaws and zoning bylaws. The Board agreed it was not worth going through all their policies to change to Select Board. They suggested making changes as they amended them.

Mr. Degen adjourned the meeting at 10:17pm.

Approved: _____
Alison Manugian, Clerk

_____ respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 6/4/18