

**SELECT BOARD MEETING  
MINUTES JUNE 4, 2018  
APPROVED**

**BOS Members Present:** Joshua A. Degen, Member; Barry A. Pease, Member; Alison S. Manugian, Member; John R. Giger, 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 said that the Planning Board Master Plan Implementation Committee was looking for a representative from the Select Board. He said that their next meeting was scheduled for June 21st at 6:30pm. Mr. Degen asked that it be added to their next agenda allowing the Board to look at schedules.

Mr. Haddad said there were 2 vacancies on the Planning Board adding he was looking to bring finalists to the Board on July 9th in joint session with the Planning Board.

Mr. Degen welcomed new member John Giger to the Select Board.

Mr. Pease said he was thankful to the individuals that come out and make the Memorial Day parade happen and successful.

Mr. Giger said that the Conservation Commission, their Administrator and the Sargisson Beach Committee had done a fantastic job at the beach.

**PUBLIC COMMENT PERIOD**

Ms. Ellen Baxendale asked about the Police Chief interview process. Mr. Haddad outlined the process adding he was hoping to bring forward an appointment on June 18th.

**BOARD REORGANIZATION**

Mr. Degen nominated Mr. Pease to be the next Chair. The nomination was welcomed unanimously.

Mr. Pease took over the meeting as Chair.

Mr. Degen nominated s. Manugian to be Vice Chair. The motion was welcomed unanimously.

Ms. Pine nominated Mr. Giger to be Clerk. The motion was welcomed unanimously.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad asked the Board to ratify his appointment of Chief McCurdy as Acting Emergency Management Director.

*Ms. Pine moved to ratify the Town Manager's appointment of Chief McCurdy as Acting Emergency Management Director. Ms. Manugian seconded the motion. The motion carried unanimously.*

2. Mr. Tada started by updating the Board on the Viewpoint permitting software. He said that they went online in October with electrical permits and gas/plumbing permits went live on Friday. Mr. Tada said that the switch to online permits had gone relatively smoothly adding that IT had been great with the transition. He said that the addition of Maureen Adema who came to the Town with the software experience has been so helpful. Mr. Tada said that the applicants like it as well as the inspectors. Ms. Pine said that she had not tried the software but said it appeared that there was no checklist listed for what was going to be required when applying for a permit. Ms. Dunbar explained that there was information listed on what was required under the new user tab. There was a

discussion about how to give people more information without making them come in to Town Hall or by having them have to make a phone call. Mr. Pease suggested making short videos on what was required for certain things.

Mr. Giger said that he had asked Mr. Haddad if all the recommendations had been accepted by the Board yet. Mr. Haddad said that he told Mr. Giger that as they go through the recommendations he would take the list and keep a running tally of those accepted and not accepted.

3. Mr. Haddad explained that the Board had received a letter from Michael Cote of 16 West Main Street explaining a land ownership issue he was having with the MBTA. He said that there was an error on the map used when he purchased the property. A portion of his home was actually on land owned by the MBTA. He wanted to resolve the issue and the MBTA was willing to sell him the land, approximately 13,000 sqft to resolve this. Mr. Haddad said that the Board had to approve the sale in order for this to happen. Mr. Haddad asked the Board to vote to authorize the Town Manager to draft a letter to be sent to the MBTA approving the sale of this land to Mr. Cote.

*Ms. Pine moved that the Board authorize the Town Manager to send letter to MBTA to allow the sale of this land to Michael Cote. Ms. Manugian seconded the motion.*

There were questions about whether the size of the land purchase was enough for Mr. Cote. Mr. Pease said they needed to assume that the parties had worked this out.

*The motion carried unanimously.*

4. Mr. Haddad said that now that Town Meeting had approved the Duck Pond Restoration Project, part of the project required them to install an air compressor and related equipment on property that abutted the Pond. He said that the property in question was located at 228 Whaley Road and was owned by Remiginsz Kaleta. He said that in order to install the air compressor on the property, the Town needed to enter into a license agreement with the land owner. He said that Town Counsel drafted an Agreement and asked the Board to consider approving the Agreement. Mr. Gualco provided a brief explanation of the Agreement and showed a map of the property in question. Mr. Pease said he thought it was very nice of the homeowners to agree to this and to allow this to occur on their property.

*Ms. Manugian moved to approve the license agreement between the Town of Groton and the licensee. Ms. Pine seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.*

5. Mr. Haddad reviewed the election results from the non-binding marijuana questions with the Board. He recommended that they schedule a meeting with the Planning Board and work with them to move this forward. Ms. Pine thought they could have a preliminary discussion on July 9<sup>th</sup> adding it was worth having a conversation with the Planning Board. Mr. Giger said that a key decision had to be made of whether to allow any of these 8 marijuana establishments based on the election results. Ms. Manugian said that logistically they needed to potentially have zoning changes drafted for the Fall Town Meeting and then bring them to a vote. She said that the difficulty was the fact that they needed a 2/3rds majority vote. Ms. Pine said that the votes were close but thought they needed to draft the zoning to ban everything but those voted in favor of. Mr. Pease said that he thought it was important for the Board to review these and discuss further those close votes. He said that they may not get a 2/3rds vote at Town Meeting. Ms. Manugian said it was also helpful to understand from the Planning Board if it was more leg work to take these items individually or keep them all together as a group. Mr. Tada said that the Planning Board had not discussed the results yet; however, it was his sense that the members would be reluctant to be seen as trying to steer any results. Mr. Haddad asked whose responsibility was it to bring this forward, the Select Board of Planning Board. He said it wasn't clear. Mr. Giger said that they were also facing a tight timeline. He said that they needed to have their act together for Town Meeting and for a ballot vote in November. Ms. Manugian asked Mr. Haddad if he could put together a timeline together.

Mr. Cunningham encouraged the Board's dialogue with the Planning Board. He said that the ballot questions were advisory adding that because there was only 20% voter turnout, they should take the vote with a grain of salt. Mr.

Petropoulos said he was concerned that the Board said the votes were very close adding that wasn't the case on some of them. He said it was not useful for the Select Board to try to foresee the future and to decide what to pursue. He said he thought this was a well thought out vote and the thought of dismissing it was concerning. He encouraged the Board to advance the opportunity to advance one or more zoning regulations to the Fall and maybe Spring Town Meeting.

Mr. Giger reviewed a couple of articles he asked to be included in the Board's packet.

Ms. Jennings said that this was an advisory vote where 20% of the people voted. She said she thought it was the impression that this was advisory to the Select Board on what to bring forward. She encouraged the Board to look at the demographics of those that voted.

Ms. Manugian said she thought one of them needed to draft a pathway forward for discussion adding that wasn't going to happen that night. Mr. Degen said that only a certain segment might have come out at this election adding the Fall election populous might turn this in a different direction. Mr. Degen talked about the economic opportunities this could bring. Ms. Manugian said she could put together a flow chart explaining all this. Ms. Pine said she thought they needed to work collaboratively with the Planning Board. Mr. Haddad asked Mr. Tada to ask that the Planning Board review the results at their next meeting.

6. Mr. Haddad asked the Board for their feedback on the proposed Fire Department Task Force Committee. Mr. Degen said that under "purpose" he thought they should be establishing the need first not the means. Mr. Haddad said that the objective was to determine whether to go to 24/7 department or expand their call department. Ms. Pine said that she read it as though they already determined they needed 24/7 coverage. She asked if they were ready for a 24-hour coverage fire department adding she had not heard anyone say they needed one. Mr. Haddad said the wording was not meant to suggest they needed it. He said that they wanted the input of the community and needed to review data. Mr. Giger said he hoped that all alternatives would be reviewed and that everything would be costed out. Mr. Giger then asked about compensation for on call staff. Mr. Haddad said that the plan was to look at comp towns and do a comparison. Ms. Manugian asked about the potential for combining this with the Police Department. She said that the two were related and should both be examined. She added that part of impetus for considering 24/7 coverage was that it would change the regionalization possibilities. Mr. Haddad said that regionalization was purposely left off adding that Dunstable signed an agreement with Tyngsboro after Groton said it wouldn't work right now. He said that they wanted to keep the Police Department separate because they were bringing on a new chief and wanted him to be able to review the department and not muddy the waters. Mr. Degen said that this didn't negate the need for a police department task force down the road adding the new chief needed time to evaluate the department.

Mr. Pease said that he thought that recommendations of this nature should not be voted on by insiders to keep from compromising the majority of the committee. Ms. Manugian suggested a 5-member committee with voting rights plus 2 non-voting members. Ms. Pine agreed. Mr. Greg Sheldon said it felt like a rush to a 24/7 department and thought they should look at public safety as a whole. Mr. Degen said that the last thing this was, was a rush. He said that bringing forward an override would have been a rush adding this was the slow approach. He said they talked about forming a task force after Town Meeting to review this over the summer. He added that the requests brought forward from both chiefs were very different. Mr. Haddad said it was their intent in the spring have this ready for Fall Town Meeting and to discuss it at budget time for next spring depending on what was decided. Mr. Giger said it seemed unlikely that a new police chief would have time to review all this prior to a fall town meeting. He suggested working them sequentially and thought there may be some advantage to that. Ms. Manugian said it would be good to have the same group of folks or some overlap. Mr. Haddad asked the Board to give him their comments as soon as possible. Mr. Degen said he would like to see a 7-voting member committee with one member of the Select Board and one member of the Finance Committee. Ms. Manugian said she preferred not to have a member of the Finance Committee on there. She said she didn't want them guided by one individual who may say there was no room for that.

*Ms. Pine moved that they advertise for 5 members to serve on a task force. Ms. Manugian seconded the motion.*

Mr. Pease said he would love to see people who had not volunteered before as it really helped the Board to have newcomers.

The motion carried 4-1 with Mr. Degen opposed.

7. Mr. Haddad explained how productive a meeting he had had with Mr. Easom, Mr. Cataldo and the engineers and architects about Prescott the week before. He said he was very pleased with group that attended the meeting. Mr. Haddad discussed some of the items that would need to be upgraded/fixed in order to comply with the fire code and ADA accessibility. Mr. Haddad said that the Building Commissioner agreed with the engineer and architect that they could have a change of use on the first floor and basement only. He said that because the second floor had complete ADA issues, it would not be able to be used once the school department moved out. He said it would need to be shut down. He said that they were looking into having to put in a chair lift between the first floor and the basement so one could access each other as going outside and back in was not an option. Mr. Haddad said that they could issue a RFP for the building but that the Board needed to decide if they wanted to issue it for the lease of the building or for the sale and/or lease of the building. Mr. Haddad said that he wanted to get the RFP drafted as soon as possible adding he also wanted to have the Prescott Oversight Committee meet to review the RFP with him.

Mr. Degen asked that the Building Commissioner provide them with a formal letter stating he was in agreement with the change of use. Ms. Pine said she thought the RFP issued in 216 was good to go and wondered why the Prescott Oversight Committee needed to be involved. Mr. Haddad said that members of the Committee wanted to have an active role. Mr. Degen said he would not support a RFP that said "sale". He said that the Friends had worked very hard and deserved a chance. Mr. Degen said he wanted to obtain an opinion from Town Counsel as to whether the 2016 RFP was still valid.

Mr. Giger said he was not sure that it had been well understood by the public how much had been spent over the years on the school. He said that the Town needed to make a decision to keep the building and preserve it for town use or allow it to be rented out. Mr. Giger said that it was a sizeable sum of money that would have to come from somewhere. He said that if the money came from the CPC or another source, it was still taxpayer money. Mr. Giger thought they needed to get a plan in front of the voters and make sure everyone was comfortable with it. Ms. Manugian said she didn't think Mr. Giger could have said it any better. She said that one of the big next steps was to look at a business plan. Mr. Jennings said that they had been unable to do a business plan because they didn't know what the use of the building was going to be. She added that they had raised \$45K in donations and \$20K in programs in just one year. Ms. Pine said that she was opposed to including the word sale in the RFP. She reminded folks of past town meeting votes on this. Mr. Pease said that the 2016 RFP might be invalid because of the references made about the District as tenants. Ms. Manugian said that she would not favor a sale at this point. Mr. Giger said that he was still undecided. He said he looked at the town meeting vote when Mr. Yanchenko wanted to buy it. He wondered if the vote failed because of the deal that was put on the table or because the Town wanted to preserve the property. He thought that they needed to make the Town aware of what was being proposed.

Mr. Degen said he heard Mr. Haddad said it would take 37 days to advertise which he thought was a fair amount of time for a business plan to be put together. He thought that if the Friends responded to the RFP, they had a year under their belt in the building and should be able to write a business plan based on their past year. Ms. Pine said that a business plan was not asked for in the original RFP adding that the evaluation was not going to be reviewed for a business plan. Mr. Haddad said he would seek an opinion from Town Counsel on whether the RFP was valid or not and bring back the RFP to the next meeting.

8. Mr. Haddad said that they received four proposals for Town Counsel services. He said that according to the matrix he had put together, 3 of the 4 proposals meet all the criteria. He asked the Board who they wanted to interview and how they wanted to proceed.

*Mr. Degen moved to extend the appointment of KP Law past 6/30/18 until such time we get a new Town Counsel or decide to continue with KP Law. Ms. Manugian seconded the motion. The motion carried unanimously.*

Mr. Haddad said that Sugarman Rogers was the firm that didn't meet all of their requirements. Ms. Manugian asked if this was done in executive session. Mr. Haddad said that interviews needed to be done in open session. Ms. Pine wondered how they addressed some of the situations that some people had expressed less than acceptable Town Counsel guidance from when it was done in open session. Mr. Pease said he was looking for a firm to tell them why they should not do something rather than tell them why they could. Mr. Degen said he thought they should interview them all. Ms. Manugian said she preferred to eliminate Sugarman Rogers adding they had no OML experience, no Town Meeting experience, no collective bargaining experience, etc. Mr. Giger agreed. Ms. Pine said that she was happy to interview just the other 3 firms.

Mr. Haddad suggested the meeting on June 18th at 6pm to discuss the interview process for Town Counsel.

Mr. Haddad presented the Board with their summer schedule. The Board decided to hold interviews on Monday, July 16th at 5pm, 6:30 and 8pm. Mr. Degen suggested that KP go last. Mr. Haddad said that if the Board signed off on it that night, he could reach out to the firms and schedule them.

9. Mr. Haddad asked the Board to consider approving a one day beer and wine license for First Parish Church for an event to be held at the Herb Lyceum on June 24, 2018 from 4:00pm-7:00pm.

*Mr. Giger made the motion to approve the one day license request. Ms. Manugian seconded the motion. The motion carried unanimously.*

10. Mr. Haddad asked the Board to consider approving a one day beer and wine license for Groton Conservation Trust for an event to be held at the General Field on June 7, 2018 from 7:00pm-8:30pm.

*Mr. Giger made the motion to approve the one day license request. Ms. Manugian seconded the motion. The motion carried unanimously.*

### **ON GOING ISSUES**

H – Mr. Haddad said that they had planned to burn down the Senior Center but there were neighborhood concerns that would make the burning delay the project. He said that he and the Fire Chief had made a decision earlier that day to not conduct the burn. Mr. Haddad said that they would be a change order if the contractor demolished the building or they (the Town) were also looking into subbing it out themselves. He said that they were in the process of getting quotes. Mr. Haddad said he would have an update for the Board at their next meeting.

Mr. Haddad said he had received an email from Ms. Manugian about change orders and how the Board would be notified. He reviewed the process for bills and change orders. Mr. Haddad said he would keep the Board as informed as they wanted to be. Mr. Haddad said that change orders were tracked very carefully. Mr. Pease asked that they be kept in the loop. Mr. Giger said that the process Mr. Haddad had described was very standard and didn't want to see them micromanage this. He said they had a lot of eyes looking in on this.

M – Mr. Degen said that the MassDOT sidewalk public hearing was going to be held on Wednesday, June 6th at 6pm at Legion Hall.

L – Mr. Haddad said that he had met with Ms. Pine and Mr. Green earlier that evening to discuss further a Capital Planning Committee. He said that it seemed to them as though the Major Initiative Planning Committee proposed by Mr. Petropoulos and the Permanent Building Committee were somewhat related. Ms. Pine said that the changes they made took it out of being a Building Committee.

### **LIAISON REPORTS**

Mr. Degen asked if Mr. Giger would entertain being the Harbormaster adding he thought he would be perfect. Mr. Giger appreciated that but said he thought it should be a sworn officer. Mr. Haddad agreed that it had to be a sworn officer.

Ms. Pine said that she was in the process of generating an email to send to existing and new non-profit members of the Non-Profit Council to see if there was interest in keeping the Council.

Ms. Manugian said that the EDC was wrapping up a questionnaire they had sent out in the light bills. She thanked Ms. Fay Raynor for her time on the EDC adding that she had stepped down to become a new School Committee Member.

### **MINUTES**

*Mr. Degen moved to approve the meeting minutes of April 23, 2018. Ms. Pine seconded the motion. The motion carried 4-0-1 with Mr. Giger abstaining.*

*Mr. Degen moved to approve the meeting minutes of May 7, 2018. Ms. Pine seconded the motion. The motion carried 3-0-2 with Mr. Giger and Mr. Degen abstaining.*

*Mr. Degen moved to approve the meeting minutes of May 15, 2018. Ms. Pine seconded the motion. The motion carried 4-0-1 with Mr. Giger abstaining.*

*Mr. Degen moved to approve the meeting minutes of May 21, 2018. Ms. Pine seconded the motion. The motion carried 3-0-2 with Mr. Pease and Mr. Giger abstaining.*

Mr. Pease adjourned the meeting at 9:50pm.

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

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

Date Approved: 6/11/18