

SELECT BOARD MEETING MINUTES
MINUTES AUGUST 6, 2018
APPROVED

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

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant; Fire Chief Steele McCurdy; Lt. Mike Culley; Lt. Art Cheeks; Town Accountant Patricia Dufresne; Finance Committee Members Gary Green, David Manugian, Bud Robertson, Art Prest, Lorraine Leonard and Colby Doody; Fire Department Task Force Members Jenifer Evans, An Hee Foley, John Kane, Ryan Monat, and Peter Myette

Ms. Manugian called the meeting to order at 6:00pm.

Mr. Myette called the meeting of the Task Force to order.

Mr. Green called the meeting of the Finance Committee to order.

Mr. Haddad said that he had met with Mr. Degen and Chief McCurdy the week before and thought it was best to have everyone in that night to discuss some numbers and issues that had come to light. Mr. Degen explained how the Select Board had put together a Task Force to study the future needs of the department. She said that this situation that had been brewing for many years and has come to a head. He said that this was a public safety issue adding the Fire Department may not be able to protect structures and save lives going forward unless something was done. He said that his didn't negate the need for the Task Force and looking at the long-term needs of the department adding that this would address the short-term current needs.

Chief McCurdy said that the Department had seen a number of injuries and staffing issues over the summer adding they had also lost personnel to full-time jobs in other communities which was leaving major holes in their organizations. He said that two members of the department had really stepped up over the summer, Lt. Michael Culley and Lt. Art Cheeks adding that both had been burning both ends of the candle this summer. Chief McCurdy took a minute to thank both for the time they had dedicated to the department over the summer. He said that Lt. Culley and Mt. Cheeks were two of the on-call Lieutenants who over the summer had worked 20 of 31 shifts (12 hours shift) and were tiring out. Lt. Culley said that he had been on the department for 13 years and had not seen a shortage like this in all his years on the department. He explained how he was a father and a husband and how much this had been taxing his household. He said that they really needed some additional help. He said that he was happy to do the job and loved the department but thought they need to provide better service. Lt. Cheeks said that their job was to provide the best service they could but that they needed adequate staffing to do that. He said that he had 3 children and loved coming in to help but that it was taxing. He said that he had been on the department for 10 years adding that a majority of them had full time jobs that put roofs over their heads and with working all the extra shifts, run the risk of getting hurt on duty.

Chief McCurdy said that this was becoming a safety issue for their personnel and the community. He said that he had provided, within his memo, 3 staffing options. Chief McCurdy said that option 1 would allow them to hire per diem staff from other communities. He said that you would be bringing in staff with different levels of experience who were not familiar with their community. He said that the department would need to equip them and train them, familiarize them with the community and to the departments standards. He said he was opposed to this idea adding there was no guarantee of success and their return. He said that option 2 would add two additional day staff which would expand into the evenings somewhat. He said that the cost from January 1, 2019 – June 30, 2019 would cost \$80K including benefits. He said that this would only provide 1 person which didn't alleviate the need for the call members to pick up the extra shifts. Chief McCurdy said that option 3 would add 4 additional career personnel for a cost of \$122K for 6 months. He said that with this option, they would also see a savings of \$37K (offset in call incentive pay) that would be relocated from existing budget numbers. He said that these personnel would have to be trained at the fire academy. Mr. Haddad said that in FY20 they wouldn't have to re-budget for gear and uniforms. Chief McCurdy said that that number would also start to come down a little. He said that they could also use money from their EMS receipts to pay for the 6 months left in FY19.

Chief McCurdy stated again that this was a safety issue within his organization and for the community. He said that they were reaching the edge of failure and needed to address this critical need. Mr. Degen said that at the meeting he had with the Chief and Town Manager a week ago, they had also spoken about a typical day for the Chief right now. He said that Chief

McCurdy was not performing his typical duties as Chief because of the shortages. Chief McCurdy said that they had diminished capabilities during the day time. He said that often times he was the 4th person on duty where he would be responding to calls and/or performing maintenance on the trucks or driving the trucks. He said that there were a few days that he was also 1 of 2 people able to work. He said that during the night time hours they had fewer call people available due to vacations, work, etc. Mr. Haddad asked how mutual aid was being affected. Chief McCurdy said that they were relying more on mutual aid and had been true for the past several months. He said that as their staffing levels dropped down they were not able to reciprocate which had an impact on their relationship with other towns.

Mr. Green asked if they had the data that showed the number of missed shifts a year ago and now for both fulltime and call members. Chief McCurdy said that this was not new information adding it had existed for 4 years. He said it had reached a critical point and saw it sliding down further. He said that he was the third man on many shifts last year. He said that they would see a significant number of vacancies this year and could get them the numbers. Mr. Manugian asked if other towns charged them if they were unable to meet staffing for support purposes. Chief McCurdy said that there were not any repercussions if they couldn't support mutual aid but if you have utilized it more than you provided it, you need to pay it back. He said that their other communities were happy to help for now but that they would get to that point eventually. Ms. Pine asked about the per diem option and if they were competitive in pay. Mr. Haddad said that their call salaries were competitive but may not compete with career salaries. Ms. Manugian asked if the per diems would come from mutual aid. Chief McCurdy said not necessarily. Mr. Giger said that mutual aid was for handling a catastrophe adding that the notion of using it to fill staffing was stretching the intent of it. Mr. Giger said that five people was just not enough adding this was how they got to where they were that day. Ms. Manugian said that the Select Board bared some responsibility for this too. She said that both Chiefs had come to them and they voted 4-1 to shut the request down. She said that the Board didn't listen to the Chief's concerns. Mr. Haddad said that he wanted to fall on the sword. He said he thought both Chiefs had valid concerns but that if he could do it all over again he would have concentrated on the Fire Department. He said they would have had a much better discussion if he had brought forward only the Fire Department. Mr. Haddad said that the Fire Chief was also putting in a lot of hours. He said that he was worried about him also and his level of anxiety and burnout. Mr. Green said he was very concerned when he read the memos but said it was very easy to say there was a risk and just hire 4 more people. He said they had been there a long time without a 24/7 department adding that the right number for the department was subjective. He said that the Chief could not bring the risk level down to zero. He asked if this was a temp problem or if there was a long-term issue. Mr. Degen said that the needs of the Fire Department were very much of a concern to him. He said that this model used to work well when people worked close to the community adding that was not the case anymore as people commuted distances for work. Mr. Degen said he didn't support option number 3 right now adding that the gaps in coverage warranted hiring a couple of full time employees right now. Ms. Leonard asked if they would be able to take advantage of a staffing grant in FY20. Chief McCurdy said that the household income was too high to take advantage of that

Mr. Peter Myette said that the charge of the Task Force was to look at the future need, not the present need. He said that the Town needed to concentrate on what needed to be done today adding the Committee didn't have a lot of answers yet.

Mr. Pease arrived at 6:42pm.

Ms. Jenifer Evans said that the Task Force had only had 3 meetings so far adding they were still fact finding. She said she believed their work was still at least 3-6 months out. She said that they needed to address the call department and recruitment adding they needed to support the department. Mr. Giger said that his focus was not on the work of the committee but rather how they met the requirement of 6am-6pm 5 days a week. He said that this had become dangerous adding they needed to decide that night and buy time for the committee to do their job. Ms. Pine said that she was aware of the need but could not support option 3 at this point. Ms. Manugian said that option 2 was where people sounded to be most comfortable with. She asked if that was a reasonable temporary short-term solution. Chief McCurdy said that any additional staffing was greatly beneficial. He said that they couldn't sustain the way they were operating today for an elongated period of time. He said that this wasn't just a summer issue. He said that they had an issue 24 hours a day right now because they were taxing their staff. He said that they wouldn't utilize the biggest savings by only adding 2 but it would provide the assistance needed. Ms. Manugian asked if they could you hire on 6-month contracts. Chief McCurdy said that there could be contractual issues by doing that. Mr. Degen said that the amount of missed days by full time staff over the last few years along with per diems and call members taking shifts was in the thousands of hours. Mr. Robertson asked if they were to hire one FT person and one

per diem person if that would alleviate the hole until the study was done. Chief McCurdy said that any relief was critical at this point.

Mr. Haddad said that they were looking for guidance on how to move forward. He said that they were not trying to overrun the committee but rather bring a critical need forward. He asked for a couple of weeks to come back with iron clad information.

Ms. Pine moved that they allow the Town Manager and Fire Chief to look at option 1 and option 2 with a further breakdown of option 2 for further clarification for the Board to review. Mr. Pease seconded the motion for discussion.

Mr. Giger said that hope didn't put out fires adding he wanted to vote on something in 2 weeks. Ms. Manugian said that she was having trouble with option 1. Mr. Haddad said that they had not approached surrounding departments to ask for their help. Ms. Manugian said that they would not think to do that with teachers and wondered why they would here either. Mr. Degen said that kicking this can down the road was not a smart idea. He said that spending money without knowing budget issues wasn't smart either. He thought they should authorize per diems now and discuss option 2 two weeks from now. Mr. Green asked if there was money in the budget for this now. Mr. Haddad said there was. Ms. Manugian said that they could always post a meeting sooner if they could get the numbers together. Mr. Prest said that no department more important than the Fire Department in his opinion. He said he agreed with Mr. Degen that they couldn't keep kicking this down the road. He said that they needed to do something now and thought option 2 as an interim solution was what they needed to do. Ms. Manugian agreed adding she would support option 2 with 2 people. She said she didn't think they needed to wait 2 weeks adding there was an awful lot that couldn't be put into a spreadsheet. Mr. Haddad said that he was not trying to kick this down the road adding there was money in ambulance receipts to pay for this in FY19. He requested a week or 2 to look at FY20 with my team. Mr. Haddad said he agreed that option 2 is the best.

Mr. Haddad requested that they revise the motion to move to authorize the Town Manager to come back with a funding scenario for 2 FT personnel. He said that the earliest they could do anything would be October 1st. Chief McCurdy said that even if it was October 1st there would still be 2 months of hiring, fitness tests, etc. Lt. Culley said that he was one of 2 people left from his recruitment class adding that their call department was getting older. He said that training under Chief McCurdy had been so well done that their call members were getting hired in other towns as FT personnel. He said that the Town of Groton had always been good to the department adding that they had also worked hard and would continue to work hard as best as they could. Lt. Cheeks said there was no guarantee they would get per diems from other towns. He said that he and Lt. Culley would be going back to their fulltime jobs in 3 weeks adding they were currently filling per diem roles now. He said that they were using per diems on a regular basis which was not a solid option. He said that they were looking for a solid option and that was option 2. Chief McCurdy said that hiring internally was beneficial. Mr. Myette asked what they did for an immediate need. Chief McCurdy said that they pray a lot that they didn't have a major event. He said that they anticipated shortages but not to this magnitude.

Ms. Manugian said that there was a motion on the table and called for a vote of the Select Board.

The motion carried unanimously.

Mr. Pease took over the meeting as Chair at 7:23pm and reviewed the agenda for the public.

ANNOUNCEMENTS

Mr. Haddad announced a ribbon cutting at the Four Corners Project whereas the Lt. Governor would be coming out for the ceremony. This was scheduled for Monday, August 13 @ 4:30pm.

Mr. Pease said that on Friday, August 3rd the Town Clerk received an email from Jack Petropoulos regarding a possible violation of the OML. Mr. Pease read Mr. Petropoulos's email and the violation attachments dated 8/3 and further revised on 8/4 along with his (Mr. Pease's response to Mr. Haddad) into the record. Mr. Pease said that they would be discussing this in

more detail on August 27th with Town Counsel present. Ms. Pine requested that they ask Town Counsel if the meeting packet is public record before a meeting or at the time of a meeting.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Police Chief had brought forward a request to have Casey O'Connor appointed as a Reserve Officer. Mr. Haddad read a brief bio on Ms. O'Connor and asked the Board to consider ratifying his appointment. Chief Luth said that Ms. O'Connor had started out as an intern in the department adding that feedback from the officers was that she was driven and enthusiastic which made this request for appointment an easy one for him to make.

Ms. Pine moved that they ratify the Town Manager's appointment of Casey O'Connor as a Reserve Officer effective immediately. Ms. Manugian seconded the motion. The motion carried unanimously.

2. Mr. Haddad asked the Board to consider ratifying his appointment of Bernadette Rogers as a Police Matron.

Ms. Pine moved that they ratify the Town Manager's appointment of Bernadette Rogers as a Police Matron effective immediately. Ms. Manugian seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that because of the recent resignation of Evan Boucher, there existed a vacancy within the Highway Department. He said that after a search, he was recommending that William Morris of Groton be appointed and asked the Board to consider ratifying appointment that evening.

Ms. Pine moved that they ratify the Town Manager's appointment of William Morris as a Truck Driver/Laborer effective immediately. Ms. Manugian seconded the motion. The motion carried unanimously.

4. Ms. Manugian said that she was surprised with the direction the Board wanted to move in with regard to choosing a Town Counsel. She said she didn't think that Brooks & DeRensis was a good move for their community. She said she was not impressed with their interview and could not support them. She said she agreed that it was time for a change adding she was comfortable with Mead, Tallerman and Costa (MTC) and thought that was the direction they should be moving in. She said that they had the right balance with cliental and felt like they were responsive during their interview. She said that Brooks & DeRensis spoke for a long time and said very little. Ms. Pine said that there had been quite a bit of discussion at their last meeting where there were 3 of them that had strong feelings for Brooks & DeRensis. Mr. Degen said he liked the fact that there were fellow elected officials within Brooks & DeRensis adding he was pretty comfortable with them. He said that they choose to keep labor counsel with KP Law adding he thought they had been served well by them for labor. He said that he spoke with a couple of other communities who use MTC and didn't think they would be served well by them. He said that this appointment would be for a one-year term allowing them to see what they get from Brooks and DeRensis. Mr. Giger said he didn't see the strength Ms. Manugian saw with MTC. Mr. Pease said he felt the same as Ms. Manugian but wasn't hearing that the majority was interested in reconsidering.

Mr. Degen moved that they appoint Brooks & DeRensis as Town Counsel for a term to end June 30, 2019 and authorize the Town Manager to sign an agreement with them. Ms. Pine seconded the motion. The motion carried 4-1 with Ms. Manugian opposed.

Mr. Degen moved that they appoint KP Law as Labor Counsel with a primary attorney of Brian Maser with a term to expire June 30, 2019. Ms. Pine seconded the motion. The motion carried unanimously.

5. Mr. Haddad reviewed the draft fee waiver policy with the Board. He said that the public hearing process was still within the revised shortened policy. Ms. Manugian said she thought the revised policy was vague and open ended. She thought that \$5K was a low bar to bring to Town Meeting and was concerned about the reality of needing Town Meeting approval. Mr. Degen said that if an applicant was to request a waiver they would have to put the entire fee up and would be reimbursed if Town Meeting agreed. He thought they should make this a bylaw giving it more

teeth. Mr. Degen said that the Building Commissioner had to review the application and see if he concurred that the fee was proportionate to the construction cost adding that an audit would be done at the end of the project. Ms. Manugian said that they made her even more uncomfortable with this proposed policy. Mr. Giger said he was happy with the intent of it adding that a building permit was not a permit for other things. He said that he wanted to be sure they were clear that they were talking only about a building permit. He said that this achieved getting fee waiver requests out in the public and allowed the voters an option to discuss this. Mr. Pease said there was a loop hole on the Town waiving its own fees. Mr. Haddad said that the Board had had a long-standing practice to waive fees for town departments. Mr. Giger said that they had been focused on building permits but after a brief discussion about permits associated with building permits, he thought they could be clearer about the permits intended to fall under this. Mr. Haddad asked if Mr. Giger would work with him on Thursday to clean this up further.

6. Mr. Haddad said that the GDRSC had asked him to sit on the Flo Ro School Building Committee as a voting member and Ms. Manugian as a non-voting member. He reviewed the make-up of the Committee with the Board. He said that the Select Board would need to vote to make him the voting member and Ms. Manugian as the non-voting member or make a change. Ms. Pine said she was fine with the way they had proposed it. Mr. Giger said he was comfortable with this.

Ms. Pine moved that they confirm the appointments of Mark Haddad as a voting member and Alison Manugian as a non-voting member to Flo Ro School Building Committee. Mr. Giger seconded the motion. The motion carried unanimously.

7. Mr. Haddad said that they had received one proposal for the lease of Prescott School. He said that he, Mr. Robertson and Mr. Sheldon had gone through the RFP and its requirements and found the Friends proposal met the requirements and could be considered responsive. He said that the Friends provided a budget for the building and were anticipating income next year of between \$75-\$98K. He said he was convinced that they should sit down immediately and negotiate a 3-year lease with Friends.

Ms. Manugian asked about capital projects costs. Mr. Haddad said that they were estimating needing between \$40-50K adding that the Board supported the CPC's decision to allow the Town to use CPA funds to pay for the change of use costs. Ms. Manugian asked if Friends would be taking on phone and data and the Town would be paying for water, sewer, etc. Mr. Haddad said that rent collected from Friends would pay for a portion on the utilities adding that they Town would pay for some. He said that snow removal and grounds work was not included in those estimates. Mr. Robertson said that they needed to start lease negotiations in order to understand the costs. Mr. Haddad said that they anticipated annual costs when they went to Town Meeting based on the original lease negotiations with Friends. Mr. Haddad said he was asking the Board that night to vote to accept the recommendation that the proposal was responsive to the RFP and that it received highly advantageous on 6 out of the 7 categories and that negotiations commence immediately. Mr. Giger questioned getting this done by August 27th adding it didn't seem like enough time. Mr. Haddad said that they already had parameters of the lease worked out from previous negotiations. Ms. Manugian said she was very concerned about the Friends ability to manage a building. She said that the organization had tremendous strength but that it was a concern adding she was not sure the projected incomes were realistic. Mr. Giger said that the Friends would have to figure out how to manage a building and didn't think they should get into the weeds.

Mr. Degen moved that the Select Board authorize the Town Manager to begin negotiations with the Friends of Prescott with a lease not to exceed 3-years where Friends were the successful respondent to the RFP issued by this Board. Mr. Giger seconded the motion.

Ms. Pine asked about whether or not they needed the word award in the motion. Mr. Degen tabled this motion.

Mr. Degen moved that the Select Board award the RFP to the Friends of Prescott. Ms. Pine seconded the motion.

Ms. Manugian questioned awarding an RFP. Mr. Degen withdrew this motion and reverted back to his tabled motion.

Mr. Degen moved that the Select Board authorize the Town Manager to begin negotiations with the Friends of Prescott with a lease not to exceed 3-years where Friends were the successful respondent to the RFP issued by this Board. Mr. Giger seconded the motion. The motion carried unanimously.

Mr. Haddad reminded the Board to keep in mind that they needed to vote on a lease still. Ms. Manugian volunteered to negotiate the lease on behalf of the Select Board.

8. Mr. Haddad said that he provided the Board with a tape of the 2015 Spring Town Meeting to review the debate when the Town Meeting voted to approve engineering funding for the Four Corners Sewer Project. He said he watched the entire debate and found there was never any mention of repayment. Mr. Pease said he didn't have a challenge with this adding he would need to vote to uphold his commitments to individuals. Mr. Giger said that he was pretty adamant that this should go to the rate payers through the enterprise fund adding he was not aware of a vote that took place at an earlier town meeting. He said that based on the information, he could no longer support this money going back to the rate payers. Mr. Degen said he was with Mr. Pease in spirit adding he was under the impression that it was to be paid back but nothing was said about that. He said he was in full support of agreeing with the Sewer Commissioners on this. Mr. Haddad asked the Board to consider withdrawing their request to enter into a MOU with the Sewer Commission.

Mr. Degen made a motion that they withdraw their request. Ms. Pine seconded the motion. The motion carried 4-1 with Mr. Pease opposed.

9. Mr. Haddad reviewed the three (3) articles on the 2018 Special Town Meeting Warrant.

Mr. Haddad reviewed the 2018 Fall Town Meeting Warrant. He said that they had received 21 articles by the close of warrant. He said he would go into more detail at the public hearing on August 20th.

OTHER BUSINESS

Ms. Pine asked about whether the Chair and/or Town Manager could add something to an agenda without the Board approval. Mr. Pease said that in the instance he thought she was referring to he wanted to have the Board decide as a whole to add this or not.

Mr. Haddad asked the Board to enter in Executive Session pursuant to MGL c30A, §21(a)(3) "to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares" to review a step 3 grievance filed by SEIU 888 – Town and Library Employee Union.

Ms. Manugian moved to enter into Executive Session. Ms. Pine seconded the motion. Roll Call: Manugian-aye; Pease-aye; Degen-aye; Pine-aye; Giger-aye

Approved: _____
John Giger, Clerk

_____ respectfully submitted,
Dawn Dunbar, Executive Assistant

Date Approved: 8/20/18