

**SELECT BOARD MEETING MINUTES  
MINUTES DECEMBER 10, 2018  
APPROVED**

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

**Member Participating Via Phone:** Barry A. Pease, Chair;

**Also Present:** Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Ms. Manugian called the meeting to order at 7:00pm and reviewed the agenda.

**ANNOUNCEMENTS**

Mr. Haddad said that with Christmas Day and New Year's being on Tuesdays, the Town Hall would close at 12pm on December 24th and 2pm on New Year's Eve.

Mr. Haddad said that the Fire Department Task Force would be holding a meeting for public input on Tuesday, December 11th at 7pm.

**MINUTES**

*Ms. Pine moved to approve the minutes of November 19, 2018. Mr. Giger seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Ms. Pine moved to approve the minutes of November 26, 2018. Mr. Giger seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-abstain*

*Ms. Pine moved to approve the minutes of December 3, 2018. Ms. Manugian seconded the motion. Roll Call: Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that Select Board Member Pine had provided the Board with an Editorial that appeared in the Boston Globe last week concerning funding for the Community Preservation Act. She had requested that the Board draft a letter to their State Representatives urging them to increase the State Matching Funds for this program. Mr. Haddad said that he had drafted a letter and asked the Board to consider sending it to both Representative Harrington and Senator-elect Kennedy. Ms. Perkins said that she was very appreciative of this letter and that the CPC might send their own letter. He said that if they approved, he wanted to send out the letter the next day. Mr. Haddad said that one of the issues that the Board had on its "future agendas" list was the issue of whether or not to continue with the CPA. He said that it was something the Board should consider this while approving the letter.

Ms. Manugian said that she had questions about whether it made sense to continue commitment toward the CPA program. Mr. Degen said that they were originally getting matching money but that it was only at about 19% right now. He said that they had commitments for that money citing Surrenden Farm as an example. He said that pulling out of the program prior to that debt being paid off didn't make sense. He added that the registry just doubled their fees which would hopefully help the match. He suggested revisiting the suggestion to pull from this program when the debt was paid off. Ms. Pine said she was astounded to see this suggestion. She said that the Town was used to it at this point and had provided money for really good projects. Mr. Pease said that they would not be in a position to fund another project like Surrenden Farm adding that this should be reevaluated adding it was not the same program they signed up for years ago. Mr. Giger said that there might be some middle space they could look at adding that they were contributing 3% now and thought they could look at reducing it. Mr. Haddad said that the open space and historic bucket were spent every year. He said it was the housing bucket that wasn't something that got spent down. Ms. Manugian said she was not in support of this letter adding it was not a priority of state spending.

*Mr. Degen moved that they authorize the Town Manager to send the letter as written to the State Representative and incoming State Senator and to copy the Registrar of Deeds. Ms. Pine seconded the motion. Roll Call: Roll Call: Manugian-nay; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

2. Mr. Haddad said that he had presented the Board at their last meeting with a proposed Memorandum of Agreement between the Town and Indian Hill to resolve any outstanding issues relative to Town fees required for the Indian Hill Construction Project. He said that the Board had some issues with the Agreement and requested that Town Counsel amend the agreement to include those issues. He said he asked Town Counsel to address these issues immediately and get back to him with the revised agreement for Board consideration. Mr. Haddad said that Indian Hill asked for clarification on the proposal to institute a ticket tax. He said that they wanted that resolved as part of these negotiations. Mr. Haddad said that he asked Town Counsel for an opinion on the legality of this type of tax. Mr. Haddad said that Town Counsel in his conversations with Indian Hill thought that the police details and special permit were outside of this and should be handled separately. He added that the ticket tax was outside of this issue and thought the Board should invite Indian Hill into a future meeting to discuss. He said that he didn't have a final agreement to bring to the Board that evening because of that.

Ms. Pine questioned why they should not be included. Mr. Giger said that they would not get an occupancy permit until the special permit was signed off on by the Planning Board. Mr. Giger agreed with the notion of holding off on the ticket tax in this agreement adding it should not be ruled out completely. Mr. Giger said that the police detail question concerned him. He said that the police details was part of the intersection project and would need to be paid for. He said that the issue was between the contractor and Indian Hill. Mr. Degen asked to invite Indian Hill to a meeting to discuss the ticket tax to bring forward to the spring town meeting for a vote. He said it would need to go to the Legislature as a special act. He said that police details were not discussed by the Planning Board as part of the Special Permit. He thought there should be some language about that as a side note. Mr. Pease agreed with the ticket tax being part of a future agenda. Mr. Pease said he liked to separate powers of the different boards and didn't want to create a conflict with the Planning Board over details. Mr. Degen said that the Select Board was in charge of the roads and could implement that. Mr. Haddad said that the could put in a statement that said in conjunction with the Special Permit issued by the Planning Board police details may be required. Ms. Manugian said she agreed with what she was hearing. Ms. Manugian asked if they could have the process laid out in writing as to what the process was for a ticket tax.

3. Mr. Haddad said that Mr. Giger had drafted a Capital Definition Policy for the Board's review and approval. Mr. Haddad reviewed the definition with the Board. Mr. Haddad asked the Board to consider adopting the definition. Ms. Pine said that this was an excellent beginning but thought it might make sense to add a second category for major capital. Mr. Giger said that minor capital was anything under \$25,000. He said he thought this is where they ought to get started from.

*Mr. Giger moved to adopt the proposed policy as written labeled draft version 2 2018-11-27. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

4. Mr. Haddad said that the Select Board at their last meeting asked him to contact Town Counsel and seek his opinion on the Town's liability relative to plowing sidewalks. He said he had requested Town Counsel's opinion and would forward the opinion to the Board as soon as he received it. He said that the Board requested that they investigate other Towns to see how they handled this issue. He said that during their review they found a decision made by the Board in 2008 that set forth the following sidewalk policy:

*Purpose and Scope: It is recognized by the Board of Selectmen that for public safety reasons certain sidewalks located in the public way must be cleared from time to time of snow and ice. It is understood that the Town will not be responsible for clearing all sidewalks and to the extent that reasonable property owners should clean snow and ice from sidewalks located in front of their homes or businesses. It is especially important for citizens work with the Town to maintain free and easy access to hydrants.*

*Policy: The Board accepts and adopts the attached map detailing sidewalks that are currently cleared of snow and ice by the Groton Highway Department (map attached to this report).*

Mr. Haddad said that a couple of the Board members he spoke to thought that the map adopted years ago should only show what sidewalks were to be plowed and not those that were not.

He said that they also reviewed regulations from the following Towns:

- Pepperell: No policy on sidewalks
- Ayer: The DPW clears snow and ice from sidewalks on major pedestrian routes in Town. Clearing snow and ice from other sidewalks is the property owner's responsibility. Please assist us with clearing sidewalks in a timely manner.
- Brookline: Snow and Ice - Removal from Sidewalks The by-law requires property owners to "maintain sidewalks contiguous to their property in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width". The Town of Brookline will continue to enforce this by-law to ensure the safe passage of pedestrians within the Town. Single family and residential buildings occupied by fewer than five families must comply with this by-law within 30 hours of a storm's end. Multi-family property owners and businesses must comply within 3 hours. If you fail to comply with the Town's sidewalk by-law, you could be issued fines ranging from \$25.00-\$100.00 per day.
- Littleton: No policy on sidewalks
- Townsend: No policy on sidewalks
- Westford: The Town of Westford does not perform winter maintenance on sidewalks. Residents are encouraged to clear sidewalks in front of their property.

Mr. Haddad said that the Town's current Highway Snow Policy read as follows:

*Sidewalk Policy - The Town maintains the sidewalks in the town center area and the West Groton area. These are cleared as soon as time permits after the roads are plowed.*

He said that should Town Counsel provide an opinion that the Town has no liability, he suggested that this policy be amended by adding the following sentence to the end of the current policy: *Clearing snow and ice from other sidewalks is the property owner's responsibility. Please assist us with clearing sidewalks in a timely manner.*

Mr. Degen said he thought it was a great recommendation but wanted to see what their liability was before voting on anything. Mr. Giger said that he thought they were clearing one subdivision's sidewalks but thought that they should discontinue that practice if they moved forward with this. Mr. Haddad said he would clear it up and bring it back.

5. Mr. Haddad said that next Monday night Mr. Chiasson would be coming in to roll out the new website. He said that he would be sending the Board a link the following day for the new website to try it out for a week. He said Mr. Chiasson would also be using Mr. Giger's suggestion to send it out to some residents after next week's meeting. Mr. Pease suggested sending IT an email in advance of the meeting and not bring their questions to the meeting.
6. Mr. Haddad said it was time for the Board to review their annual licenses (list attached).

*Page 1: Mr. Degen moved to approve as presented on page 1 as read by the Town Manager. Mr. Pease seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Page 2: The Board discussed granting Johnson's license year round from 6am-9pm.*

*Ms. Pine moved to approve page 2 as read and as amended. Mr. Giger seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Page 3: Mr. Degen moved. Mr. Giger seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Page 4: Ms. Pine moved to approve page 4 through GPH Pub, LLC Ms. Manugian seconded the motion.*

Ms. Manugian said that Salt and Light had entertainment events once in a while. Mr. Haddad said they would look into that.

*Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Page 4: Ms. Pine moved to approve the CVL license for AL Prime. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

Page 4: Station House: Mr. Haddad read a letter into the record from The Station House. He said they were asking for a fee waiver for next year. He said that they had already paid \$6K for licenses for licenses they hadn't used. Mr. Giger said that they were applying not wavering. Mr. Degen said that this was a one-time waiver. Mr. Haddad said he that it was a reasonable request.

*Mr. Giger moved to approve the license for the Station House Restaurant. Mr. Pease seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

*Mr. Giger moved that they apply the general on premise all alcohol fee for 2018 to the 2019 license. Ms. Manugian seconded the motion. Mr. Degen asked if they would accept an amendment that for any additional payments received before would not be applied to future years. Mr. Giger accepted the amendment. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Pease-aye; Degen-aye*

7. Mr. Haddad said that Ms. Manugian had done a great job outlining all the goals. He said that after a conversation with the acting Chair, he would send out a list the next day asking each member to list their top 5 goals for the next year and those ones would be the goals that would be discussed. Mr. Degen thought that 5 was too little a number. Ms. Manugian suggested ranking the top 8. Ms. Pine suggested ranking more than 8 so they would come out to a better consensus. Mr. Haddad said that he needed the Chair and Vice Chair to sit down and go through his goals for next year too.
8. Mr. Haddad said that on January 15th at 7pm there would be a joint meeting with the Planning Board, Light Commission, Conservation Commission and Select Board to hear a presentation on the Green Communities initiative. Ms. Manugian said that they had a Flo Ro meeting that night. Mr. Haddad said he would get back to them with another night.
9. Mr. Haddad said that he wanted to talk about their legal bill. He said that they had spent a total of \$54K in FY18. He said that for the first 5 months of FY19 they had already spent \$66,843. He said that he had a \$90K budget. He said that he was concerned about the cost when they decided to switch counsel. He said that he needed guidance. Mr. Degen said that litigation was not going to be covered by KP anyway. He said that there was a ramping up cost associated with changing counsel but said that in any case, a discussion needed to occur. Mr. Giger asked for a copy of the retainer part of the bill to be sent to them.

#### **OTHER BUSINESS**

Mr. Degen said that over the last 6 years in collective bargaining they had negotiated cost share changes in health insurance with the unions. He said that they had negotiated to a 70/30 cost share just recently which prompted him to ask the Town Manager what the retirees were paying. He said that the retirees cost share was 65/35 which had been that way for at least 12

plus years. He said he asked Mr. Haddad to look at the surrounding towns adding that the average share was 57.19%. He said that they should take input from the retirees but in fairness to the employees that they needed to ask the same of the retirees. Mr. Haddad said that they could not go below 50%. Mr. Haddad said that the unions had been 80/20 since he had been there but was 90/10 for some time prior to that he believed. Ms. Pine said that there was some unfairness to change the agreement on those who had been retired for a certain amount of time. She said if they were going to contemplate a change, they should not change those that were currently retired. Mr. Haddad said he negotiated those change with their unions and mitigated them. He said that town meeting would have to agree to this but that there was no way to mitigate this with the retirees. Mr. Haddad said that they did a study on what a 5% change would mean to retirees vs. the retirees and would get that number to them as per Ms. Manugian's request. Mr. Pease asked to hear about the legality of offering different rates for new retirees.

Irm Pierce asked how many retirees there were in Groton. Mr. Haddad said he wasn't sure. Mr. Pierce said that that number would not impact anything if very low.

### **ON-GOING ISSUES**

A: Mr. Haddad said that the Senior Center project continued to move forward. He said they were on target for winter tight on January 1st.

E: Mr. Haddad said that the sidewalks would be finished by the end of this week.

F: Mr. Haddad said that he and Ms. Manugian attended their first meeting about Flo Ro last Tuesday. He said that Fay Raynor was elected Chair. He said they had a definitive meeting schedule adding that the first step would be to pick an Owners Project Manager. He said that an architect would be selected next and would take 12 months to complete the study. He said that the Town of Dunstable would not be responsible for any portion of this project. He said that Dunstable and Swallow Union may have to look to take back some 5 and 6 graders as part of this study. He said that they were looking at almost 50% reimbursement from the State which was really good news to get. He added that they were looking at a \$60-65M project. Mr. Degen asked if it would make sense to look at building a bigger school in Groton and have Dunstable not use Swallow Union any longer and have Dunstable contribute toward the new school. Mr. Haddad said that the State would not allow for that to happen. Mr. Haddad said that they were going to make all members voting members also. Mr. Degen asked if Mr. Haddad would start to run numbers on the debt for this.

### **LIAISON REPORTS**

Ms. Manugian announced that there were 2 vacancies on the EDC.

Ms. Manugian adjourned at 8:46pm.

Approved: \_\_\_\_\_  
John Giger, Clerk

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

Date Approved: 12/17/18