

**SELECT BOARD MEETING MINUTES
MINUTES JANUARY 14, 2019
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

Mr. Pease called the meeting to order at 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Ms. Marlana Gilbert said that the School Committee met last week. She said that they had earmarked \$750K for their feasibility study out of their E&D account adding that their fund was at \$1.7M or 4.13% of their budget. She said that they were above their 3% minimum as outlined in their policies, which calculated out to approximately \$120K. She said that their circuit breaker account was also above its minimum outlined in their policies. She said that they were going to be looking at each of these accounts further at subsequent meetings. Mr. Degen asked if there was any discussion on the table right now to decrease the assessments to the Town. Ms. Gilbert said that there was nothing on the table at this time.

Ms. Pine said that there was a meeting at 7pm on Thursday, January 17 to discuss the potential Green Communities Designation.

Mr. Degen said that tomorrow was January 15th and it was the first day to obtain burn permits. He said that permits could be obtained on their website at grotonfire.org and were valid through May 1st.

PUBLIC COMMENT PERIOD

Mr. Jeffrey Wallens said that the Board had fallen into the trap of talking about people when they weren't there. He said that happened a couple of weeks ago when they talked about the Fire Department Task Force Committee and their recommended timeline. He asked that the Board be more aware of this in the future.

TOWN MANAGER'S REPORT

1. Mr. Myette said that the Task Force had voted at their last meeting to recommended 4-1 in favor of increasing staffing at the Fire Department by 2 more full-time firefighters. Mr. Myette asked if they could have a few more weeks to complete their final report. Mr. Haddad said that the vote taken by the Committee also stated that the additional two positions be done within the operating budget with no override.

Mr. Giger moved that they grant the Committee until February 25th to finalize their report. Ms. Manugian seconded the motion.

Mr. Degen asked what the cost was for 2 additional full-time firefighters. Mr. Haddad said that it was \$110K which included health insurance, assuming that they both would take family plans. He said that it could be less if they took single plans or didn't take the insurance at all. Mr. Degen asked when they would need a recommendation for inclusion in the budget. Mr. Haddad said that the Finance Committee usually finalized their budget in March. Ms. Manugian said that she was concerned that pieces outlined in the charge had not been addressed. She outlined 2 items, #3 & #4 as not being looked at by the Committee citing alternatives specifically. Ms. Evans said that she was the one dissenting vote and didn't recall discussing alternatives adding she agreed that they didn't cover all items listed in the charge. Ms. Foley said that the charge ended up being bigger than they initially thought it was going to be. She said that this was a preliminary recommendation based on what they had discussed. Mr. Degen said that they had a request from Mr. Myette for additional time to document a report and comments from 2 members that they didn't have enough time to discuss all items in their charge. Mr. Myette said that they could give them the best data that had to this point. Ms. Foley said that the piece they would miss was engagement of the community adding that was not something that could be done in the next 6 weeks. Ms. Pine said that she shared some of the concerns and thanked them for the time and data they had compiled. She said that in a perfect world, she would have liked to see more public engagement. She said that as a Select Board, they set them up with an impossible task; a large

charge with not enough time to complete the work. Mr. Giger said that his recommendation for adding 5 weeks was so that the Committee could pull itself together and finalize their work/report by February 25th.

Mr. Jack Petropoulos said that the Board got what it should have expected. He said it would be helpful for the Board to complete a post mortem on this committee and suggested this be done by a committee such as the Personnel Board.

The motion made by Mr. Giger and seconded by Ms. Manugian carried unanimously.

2. Mr. Haddad said that the Chair asked him to take some time at the meeting to review procurement procedures with the Board. He said that there were several laws that covered procurement by local government bodies. He provided the Board with a procurement matrix that summarized the requirements of the various laws and reviewed them in more detail. He said that the Inspector General's website had manuals which provided excellent details on procurement under both M.G.L., c.30B and M.G.L. c.149 which he also provided to the Board.

Ms. Manugian asked if the Board wanted to set a policy in addition to MGL. Mr. Haddad said that they could make procurement more stringent by adopting a policy but thought it was not necessary adding they always followed MGL on all procurement. Mr. Giger said that MGL was very complicated and wanted to be cautious of changes to the process. Ms. Pine asked if someone who had done a feasibility study could also bid on the construction aspect of the project. Mr. Haddad said that they put wording in the construction bid specs that said they would allow retaining the same architect which allowed them to do just that. Ms. Manugian said that she asked this to be brought forward for the smaller projects citing Fitch's Bridge repairs done in the Fall.

Mr. Degen recused himself.

Mr. Delaney said that they followed Chapter 30B on the Fitch's Bridge project. He said that within the scope of what was seen was below \$10K which according to MGL meant they needed to follow sound business practices. He said that there were rules in there that allowed for unknown circumstances once they got into a job and found other issues, like what happened at Fitch's Bridge. Mr. Haddad said that an anonymous complaint was filed with the AG's Office and it was determined that there was no illegal activity that had taken place but wanted us to do more in the future to avoid any issues. He said that he was working with Town Counsel on a compliance agreement with the AG's office.

Mr. Degen speaking as an individual, said that he understood Ms. Manugian's concerns but didn't want any aspersions cast upon him. He said he received a call while he was away in late summer to come look at a collapsed wall at Fitch's Bridge. He said he looked at it and provided a quote for approximately \$9K. He said that once they started repairing the wall, they found there was no foundation below the wall. He said that the wall needed a foundation or it would collapse again. He said that he provided Mr. Delaney with a quote to put stone down and Mr. Delaney had told him to proceed with the work. Mr. Degen said he would no longer be performing any work for the Town while an elected official and didn't care for the aspersions that were being cast that evening.

Mr. Giger said that he had not heard or seen any evidence that said anything was done wrong in this instance. Mr. Delaney said that they couldn't see what was behind the wall until it was taken down. He said that 30B was flexible for circumstances like this. Ms. Manugian said it was not her intent to cast aspersions. She said that there were potential changes they could make but wasn't hearing an appetite for possible changes. Ms. Pine said that there was always room to be careful but she had no issues with the work done on Fitch's Bridge. She said she was concerned and thought they should be careful with hiring the same architect for a study and the design. Mr. Haddad said that he understood Ms. Pine's concerns and said that he was very confident with their compliance with procurement laws. Mr. Pease said that they had a perception challenge, not a legal challenge. He said he personally would not want to bid on town services while serving. He said that he would not see setting policy against things like this from happening as an issue.

Ms. Manugian said that she would not be bringing anything further forward on this matter or topic. Mr. Degen said that they lived in a small community and didn't think there should be anything on the books limiting a local business person the ability to bid on a project while volunteering on boards and committees. He said that disclosures could be filed with the Town Clerk for such work to be allowed and had been done in this case.

3. Mr. Haddad said that he had been working with Select Board Member Manugian, Human Resources Director Melisa Doig and IT Director Michael Chiasson to draft a Social Media Policy. He said that he had provided the Board with a copy of the proposed policy. He requested that the Board review this policy and develop comments and proposed edits. He said based on discussion, it would be his intention to bring the Policy back for formal adoption at their January 28, 2019 meeting. Ms. Manugian provided some comments. Mr. Degen said that when someone was using their personal device, as long as they weren't offering disparaging comments against the Town, he thought it was alright. He said that they needed to be careful not to usurp people's first amendment rights. Mr. Haddad suggested that the individual members review the policy and email him with their comments. Mr. Pease asked that this be provided to Town Counsel for review also. Mr. Giger said that the Massachusetts Selectmen's Association encouraged a policy like this and didn't expect the first draft to be perfect.
4. Mr. Haddad said that he had updated the Sidewalk Plowing Policy for the Board's review and adoption and respectfully requested that the Board consider adopting the policy.

Ms. Manugian moved to approve the policy as presented. Mr. Degen seconded the motion. The motion carried unanimously.

5. Mr. Haddad said that he had set aside time on the Agenda for the Board to discuss the need for a Capital Improvement Planning Committee. He said that as he had stated to the Board before, he was not in favor of the creation of such a Committee as he strongly believed that for the last ten (10) years, he and the Finance Team, in conjunction with their Department Heads, had done an excellent job preparing and implementing the plan. He respectfully requested that the Board review the Proposed FY 2020 - FY 2024 Plan that he submitted to them on December 31st. He said that he did not understand how a Committee would improve this process. He said that more importantly, the revised (and current) Groton Charter put the responsibility of preparing the Plan squarely with the Town Manager. Specifically, Section 6.6 of the Charter read as follows:

"Section 6.6: Capital Improvement Plan

The town manager shall annually submit a capital improvement plan to the select board and the finance committee not later than December 31. The plan shall include: (i) a clear, concise and general summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the ensuing 5 years along with supporting information as to the need for each capital improvement; (iii) cost estimates, methods of financing and recommended time schedules for each improvement; and (iv) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. The information in the plan shall be revised annually by the town manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed."

Mr. Haddad noted that in 2009, the Groton Town Meeting voted to abolish the Capital Planning Committee based on the adoption of the Groton Charter which put the responsibility of development of the Plan with the Town Manager. He added that Wall Street thought they had a sound capital plan when reviewing their financials.

Ms. Manugian said that they put forth on their goals to establish as Capital Asset Committee. She said that a committee may be able to do a better job of narrowing down costs. Ms. Pine said that she thought more community involvement was a good thing adding Mr. Haddad had not done a bad job with the capital plan in the past. Mr. Degen said that Mr. Haddad had done a great job with capital planning in the past. He said that some items got pushed back or moved forward in any given year depending on the need. He thought that by creating or merging a committee that looked at capital plans and major initiatives (MICA) was something worthwhile. Mr. Giger said it would behoove them to define MICA better. He said that the vision needed to be clearer and the roles needed to be more defined. Mr. Pease said that he thought prioritization was missing adding that was a policy issue. Ms. Pine

said that the goal was popular to all of them and she wasn't hearing opposition toward forming such a committee. Mr. Giger said that they owed it to themselves and the Town to fully understand what they wanted to do here. Mr. Delaney said that the last Capital Planning Committee had volunteers that didn't understand what the departments did and needed. He said that most departments had rolling stock and that needed to be taken into consideration. He said that Mr. Haddad was good at balancing out the capital needs of the departments and the Town. He said that special interest groups that yelled the loudest were granted their needs above others and that also should be taken into consideration. Mr. Pease suggested waiting until they voted on their goals and assigned their goals to individuals to bring this back for further discussion.

6. Mr. Haddad said that he set aside time to discuss the budget should the Board have any questions. He noted that the Finance Committee Meeting was scheduled for January 26th. There was no further discussion.

OTHER BUSINESS

1. Mr. Degen said that with the recent marijuana ballot vote, most people were not aware of what they were being asked to vote on. He suggested a ballot question review focus group/committee whose purpose would be to bring forward ballot questions to the public prior to a vote. He said that he would like to see a committee formulated to do just this. Mr. Giger said that they could establish a policy that there be one. Mr. Degen suggested that a policy be drafted by the Town Manager, Town Clerk and one member of the Board. He said it would be followed up by a committee who would sample this. Mr. Degen offered to help draft this policy.
2. Mr. Giger said that he saw some discussions about towns banning plastic bags. He wondered if Groton had ever thought about doing this. He said that he provided the Board with some bylaws of those towns that had banned plastic bags from being used. Ms. Manugian said that she supported this but was concerned about low mil bags. Mr. Haddad asked if they wanted him to put something on the Spring Town Meeting warrant. Ms. Pine said that she was in favor of this. The Board was in favor of Mr. Haddad and Mr. Giger working on this. Mr. Degen suggested putting a reasonable date on this policy allowing stores to use their supplies, etc. Mr. Bud Robertson suggested reaching out to the local businesses about this proposal. Ms. Connie Sartini asked if they were planning on including the orange trash bags in this ban. Mr. Degen said that he didn't think those bags should be included.
3. Mr. Pease said that he sent an excerpt to the Board from their current policies and a couple of examples for assigning residents to committees. Mr. Pease said that they currently used the majority method but asked the Board to review the options for discussion at a future meeting.

MINUTES

Ms. Manugian moved to approve the workshop meeting minutes of January 3, 2019 as presented. Mr. Degen seconded the motion. Ms. Pine questioned the list of goals attached to the minutes. The Board was okay with removing the goal tabulation. There was a friendly amendment to approve them as amended. The motion carried unanimously.

Ms. Manugian moved to approve the minutes of January 7, 2019 as written. Ms. Pine seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.

Ms. Manugian moved to enter into Executive Session pursuant to M.G.L., c.30A, §21(a), Clause 2 - "To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel" for the purpose of discussing the Fire Chief's Contract with no intent to return to Open Session. Mr. Degen seconded the motion. Roll Call: Pease-aye; Manugian-aye; Pine-aye; Giger-aye; Degen-aye. The motion carried unanimously.

Approved: _____
John Giger, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 1/28/19