

**SELECT BOARD MEETING MINUTES
MINUTES JANUARY 28, 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

Mr. Haddad told the public that Middlesex Savings Bank granted the Library and Council on Aging a \$15K gift and thanked them for their generous donation.

Mr. Haddad said that Lawrence Academy was going to change the way they paid a PILOT payment. He said they would be giving \$60K annually plus an additional \$15K to be used at the Town's discretion for projects.

Mr. Haddad said that Chief Luth gave his budget presentation on Saturday and talked about the cost of a new police dog. Mr. Haddad said that Mr. Art Prest donated \$3K and Mr. Giger donated \$1K toward the cost of obtaining a police dog.

Mr. Giger said he attended the MMA Annual Trade Show on Friday the 19th in Boston. He said it was a very educational experience.

Ms. Anna Eliot said that the Open Space Committee was hosting a public hearing on the Open Space Plan on Thursday January 31st at the Groton Inn.

PUBLIC COMMENT PERIOD

Ms. Jenifer Evans said that she was dismayed that her complaint was not acknowledged by the Town and thought she had filing it in confidence under some level of confidentiality. She said she was not even notified that this was on the agenda. She asked that in the future that the Board review their process on complaints adding she didn't know if this was ineptness or another form of intimidation.

REQUEST FOR INVESTIGATION

Mr. Pease said that Brian Maser, Town Counsel was present. Mr. Pease said that the Board would be deciding whether or not to proceed with an investigation or not and if so whether to do it internally or not. Mr. Pease said that this was in open session because it was the right of the Town employee to make that determination. Mr. Pease asked if the Board wished to proceed with an investigation. Ms. Manugian asked Town Counsel to explain the process and choices before them. Mr. Maser said that the Board had an investigation policy and reviewed the policy. He said that in light of receipt of the complaint the Board could choose to investigate it internally or externally or choose not to investigate it at all. Mr. Degen said it was hard to investigate a complaint they couldn't discuss the merit of at that time. Mr. Maser said that any discussion they had should be focused on the procedure and not the merits of the allegations themselves.

Mr. Pease asked if everyone read the complaint. The Board acknowledged having read the complaint. Mr. Pease said that the document became a public document at the conclusion of the meeting. Mr. Giger said that if they moved forward with an investigation it should be done by someone from the outside. Mr. Giger said that they should conduct the standard investigation associated with these types of complaints. Mr. Degen said he read the complaint and witnessed the event and based on that that some actions mentioned in the complaint warranted an investigation. He said he thought they should fully investigate this matter and agreed with Mr. Giger on hiring an outside investigator. Ms. Manugian said that the information received gave no dates or specific information and asked if it could be requested prior to opening an investigation. Mr. Maser said that information would come out during an investigation. Ms. Manugian agreed with Mr. Giger. Ms. Pine said that it gave her no pleasure to be considering this issue. She said that she thought they were trying to be fair in what they did. She apologized to Ms. Evans adding it was an honest error. She said she witnessed the interaction that triggered the complaint and was very disturbed by what she had heard. She said she heard the comment that this was not the first time which

concerned her and was strongly in favor of having an investigation and having it done by an independent investigator. She said that they should not limit the scope to just this one person's complaints. She said she had heard rumors and second-hand reports adding that given the fact that four of them had served less than 3 years and had no firsthand knowledge of history that may be relevant to this, they should not limit the scope to just this one complaint. Ms. Manugian said that they didn't have the ability to review complaints that did not have. Mr. Pease cautioned them not to stray from the scope adding it was up to the investigator to do their due diligence. Ms. Pine said it was up to them to provide guidance as to what they feel should be investigated. She said that "charges made in this case are of a nature, that had this behavior been experienced by other people, they might have been silenced, and we wouldn't have heard about those other potential...(cut off by the Chair)...That is why I think we should not limit the scope." Mr. Pease asked that they constrain conjecture.

Mr. Maser said that the Town Manager had the right to comment before a motion was made. Mr. Degen asked Mr. Pease for his comment. Mr. Pease said that he concurred that allegations of this nature should always be investigated. Mr. Haddad had no comments.

Mr. Degen moved that the Board conduct an investigation pursuant to the Investigation Policy previously adopted by the Board authorizing the Chair to get a list of investigators from Town Counsel that have not worked conducting an investigation on behalf of the Town of Groton previously; to review the allegations made by Jenifer Evans in her complaint up to and including the earliest reference of complaint contained within her allegations.

Mr. Pease asked that this be broken out.

Mr. Degen moved that they authorize an external investigation pursuant to their Investigation Policy. Ms. Manugian seconded the motion.

Mr. Degen moved that they proceed with an investigation pursuant to the complaint by Jenifer Evans as described. Ms. Manugian seconded the motion. Mr. Degen added that this be conducted in accordance with their Investigation Policy. Ms. Manugian seconded the motion. The motion carried unanimously.

Mr. Giger moved that they engage the services of an independent investigator who has not provided services to the Town before and has no prior relationships with either party involved in the investigation. Ms. Manugian seconded the motion. Mr. Giger added that the Board not investigate this matter but rather hire a private investigator.

Mr. Giger moved that the Board not take it upon themselves to investigate the complaint but rather to engage the services of a private investigator who has not done work for Groton in the past and has no previous relationship with either party involved in the complaint. Ms. Manugian seconded the motion.

There was a discussion about obtaining an investigator and if they would be from a law firm or private company. Mr. Maser said that they had investigators within their firm and outside investigators they knew of. He said he could provide them with a list of names. Mr. Pease asked if it was reasonable to ask for a 2-week deadline to come back with a list of investigators. Ms. Pine said that there was a sense of urgency with this. Mr. Degen said that they needed to come up with a scope of services and list of those that should be investigated and the parameters they needed to set. Mr. Pease said he didn't want to control the investigation.

Mr. Pease said that Ms. Pine did some research on the insurance for the Town and whether or not this was covered. It does not appear that it would. Mr. Pease said that he didn't think cost should be an issue. Ms. Pine said that she was referred to MIIA, the Town's insurance company, who also could refer them to an investigator. Mr. Giger said that this was not an invitation to wander into other areas. He said that if others wanted to submit complaints, they could do so and they would be handled the same way. Mr. Giger said that they should handle what was in front of them. Mr. Pease said that it was the Chair's intent to roll the other complaint received into this adding the other letter could be used as materials within this complaint. Mr. Maser said that the other letter was based upon the eyewitness of a meeting. Mr. Maser said that an investigator would not seek out unnamed individuals. Ms. Manugian said that the scope should remain around the complaint. Ms. Manugian asked if it was viable for the Chair to come back with maybe 5 names, contact having been established, etc.

Mr. Giger said that their HR Director might have a boiler plate of a statement of work for an investigation like this. Mr. Pease said that the lawyers had this boiler plate statement also. Mr. Maser said that he could provide names and contact information within the next 48 hours. Mr. Pease said that he would do his best to get the list compiled in a week. Ms. Pine asked again about other complaints that may come forward. Mr. Maser said he would advise against roping them in.

The motion carried unanimously.

TOWN MANAGER'S REPORT

1. Mr. Haddad asked the Board to authorize a letter to the MRPC to update the Housing Production Plan. Ms. Stanley provided some additional information relative to the request for a grant. Ms. Manugian asked what the ballpark cost was. Ms. Stanley said that it was approximately \$15-20K. Ms. Pine asked what the timing on knowing was. Ms. Stanley said that they would hear back in March.

Mr. Giger said that they paid money to be part of the Planning Commission and moved that they submit a grant request. Mr. Degen seconded the motion. The motion carried unanimously.

PARK COMMISSION VACANCY

Mr. Haddad said that they advertised the vacancy on the commission as per MGL for the seat recently vacated by James Gaffney. The Park Commission called themselves into session. Mr. Haddad said that the Park Commission had met with Mr. Don Black adding that he was the only applicant. Mr. Haddad said that he thought Mr. Black would be a great addition to the Park Commission adding he had experience as a former Park Commissioner.

Ms. Manugian moved to appoint Don Black to the Park Commission until the next election in May 2019. Ms. Eliot seconded the motion. Roll Call: Manugian-aye; Pease-aye; Giger-aye; Degen-aye; Pine-aye; Siok aye; Eliot-aye; Boucher-aye

TOWN MANAGER'S REPORT

2. Mr. Haddad said that the Conservation Commission received land donations and that the Board needed to accept those gifts. Mr. Nik Gualco provided the Board with a history of these land donations. He said that a 24.4 acre piece of land on Longley Road was gifted to the Town by Hilda O'Hara in her last will and testament. He said that the second piece of land was 1.35 acres off Winding Way and gifted to the Commission by Robert Lacombe. See maps for information on the gifted land. Ms. Manugian asked if there were costs associated with maintaining these. Mr. Gualco said that there would be nothing out of the ordinary. Mr. Greeno asked if they would be filing deeds for these properties. Mr. Gualco said that they were being signed tonight.

Ms. Manugian moved that they accept the gift of land of 24.4 acres from Hilda O'Hara as described in their packet. Mr. Degen seconded the motion. The motion carried unanimously.

Ms. Manugian moved that they accept the generous gift of 1.35 acre parcel from Robert Lacombe as outlined in their packet. Ms. Pine seconded the motion. The motion carried unanimously.

OTHER BUSINESS

Mr. Haddad asked the Board to authorize him to draft a letter to the CPA on their behalf in support of the Library's request for their roof application. Ms. Manugian asked if they had an idea on the costs yet. Ms. Abraham said that they didn't have numbers yet on a 100-year roof vs. a 20-year roof. Ms. Manugian said that they didn't have an explanation of alternatives and didn't know if this was premature. Mr. Degen said that what was there currently on the historic portion should probably be restored to its current condition but not the other portion. Mr. Degen said that the grant application was only relevant to the historic portion. Mr. Giger said that the trustees had engaged engineering assistance and had done a tremendous amount of homework on this. Mr. Zeiler, a Trustee, said that they had been sharing information as they received it. He said that access to some of the roof was difficult as well as the scaffolding that was necessary. Mr. Zeiler said that the investment in slate would pay off. He said that they were applying for roofing materials for the historic portion of the roof only. Ms. Manugian said that the application wasn't specific for material at this point. There was a brief discussion on the material.

Mr. Giger moved that they make a recommendation that they grant the request from the Library Trustees to make the repairs to the historic portion of the Library roof. Ms. Pine seconded the motion. The motion carried 4-1 with Ms. Manugian opposed.

TOWN MANAGER'S REPORT – Cont.

3. Chief Luth said that parking during services at the First Parish Church was an issue. He said that Chief McCurdy had brought this to his attention. He said that he was proposing the elimination of a couple of parking spaces on High Street (Powderhouse Road) adding he had spoken to the Minister who was in agreement with the proposed solution. Ms. Pine said that it was a safety issue and she supported this.

Ms. Pine moved that they support the parking solution as presented by the Police Chief. Ms. Manugian seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that they had a request to change the manager of record for the Groton Inn and Forge and Vine to Patricia Tompkins. He said that the application would go to the ABCC once the Board accepted the request. It was asked what happened to the previous General Manager. A representative of Migus Hotel Group said that the previous General Manager had decided to leave the organization.

Ms. Manugian moved to approve the change in manager for the Groton Inn and Forge and Vine to Patricia Tompkins as requested. Mr. Degen seconded the motion. The motion carried unanimously.

5. Mr. Haddad discussed the 2nd quarter financial report. Mr. Haddad said that the motor vehicle excise was down as he had stated in previous meetings and that he still had concerns about it moving forward. He said that building permits was down as compared to last year but was confident that they would still make their estimates this year. Mr. Haddad said he was comfortable with revenue so far this year. He said he was also comfortable with expenses except for the legal budget this year. He said that this would have to be addressed at the Spring Town Meeting.
6. Mr. Haddad said that the annual Taste of Nashoba event would be held on Tuesday, March 19 from 5:30pm-8:00pm and asked the Board to consider granting a request for one day all alcohol license.

Mr. Degen moved to approve a one day all alcohol license for Taste of Nashoba as requested. Ms. Pine seconded the motion. The motion carried unanimously.

7. Mr. Haddad asked that the Four Corners Sewer be turned over to the Sewer Commission to manage.

Mr. Degen moved that they turn over the Four Corners Sewer management to the Sewer Commission. Ms. Manugian seconded the motion. The motion carried unanimously.

8. *Ms. Pine made a motion to approve a request for Common Victualler license for the NESSP Temple. Ms. Manugian seconded the motion. The motion carried unanimously.*

9. *Ms. Manugian moved to ratify the Town Manager's appointment of Gail Chalmers to the Emergency Management Agency term to expire June 30, 2019. Ms. Pine seconded the motion. The motion carried unanimously.*

10. Mr. Haddad asked the Board to formally adopt their goals that evening. Mr. Haddad suggested that Board Members write to him with what goals they would like to spearhead and he could include that in their packet next week. Mr. Giger said that they hadn't gotten to an implementation as to what SMART goals was all about. Mr. Pease asked if they should adopt a goals policy. Ms. Manugian said that they could as part of their policy review. Ms. Pine suggested that there be an explanation on a SMART goal so that they all understand what it is.

Mr. Degen moved that they accept the 8 goals as outlined in their packet for calendar year 2019. Ms. Pine seconded the motion. The motion carried unanimously.

11. Mr. Haddad asked the Board to approve the 5 goals for the Town Manager as provided to them but allow additional time to discuss the benchmarks adding he didn't agree with some of the timelines. Mr. Degen said that the goals given were part of the Town Manager's day to day operations and not really goals. Mr. Haddad agreed adding that his goals should then be to assist the Board with their goals. Mr. Degen said he would not support these goals. Ms. Manugian said that they needed to step back and reevaluate. She said that they had had this for a few weeks now and was frustrated that nothing had been said before this. Mr. Degen said that this was the first opportunity he had had to comment on this. Ms. Manugian said that they should hold off for another week and regroup. Mr. Pease said that he thought it was obvious that the Town Manager would work with the Select Board on their goals and why they left it off.
12. The Board was provided with a hard copy of his self-evaluation as per the policy on the Town Manager's Annual Review. Mr. Pease said that the Board had until February 19th to provide their review to the HR Director and to meet with the Town Manager on their individual review of him.
13. Mr. Haddad said that the budget was off to a great start this year. He said that they had a good meeting on Saturday with the Finance Committee. Mr. Haddad said that there was a summit meeting next week with GDRSD and that Nashoba Tech would get rolling out their numbers on Thursday.

OTHER BUSINESS

Mr. Pease said that he had some obstacles that would cause him in February to miss the start of some of the meetings. He said that he needed to hear from the members on their schedules to see if they had any quorum issues.

ON-GOING ISSUES

A: Mr. Haddad said that there were a couple of issues due to weather on the Senior Center site. He said that the Building Commissioner issued a stop work order on the interior work until it dried out. He said that they had a meeting today with the builder, architect and Clerk of the Works and was hopeful things were going to turn out okay.

C: Mr. Haddad said that they were in discussions on whether or not they needed to have another vote on the Charter at the Spring Town Meeting where it had been 2 years.

E: Mr. Haddad said that the Board asked the DPW Director to do a punch list on the sidewalks done by the State adding it had been done.

F: Mr. Haddad said that they were moving forward with reviewing the proposals on the OPM on the Florence Roche project. He said that the subcommittee would be meeting tomorrow night.

MINUTES

Ms. Manugian moved to approve the meeting minutes of January 14, 2019 as presented. Ms. Pine seconded the motion. The motion carried unanimously.

Mr. Degen 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 and to enter into Executive Session Pursuant to M.G.L., c.30A, §21(a), Clause 7 “To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirement” for the purpose of reviewing and considering for Release Executive Session Minutes and to return to Open Session at the conclusion. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Degen-aye; Giger-aye; Pease-aye; Pine-aye.

Mr. Degen moved to exit Executive Session and return to Open Session. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Degen-aye; Giger-aye; Pease-aye; Pine-aye.

Mr. Haddad said that the Board entered into negotiations with the Fire Chief for a new 3-year contract beginning July 1, 2019. Mr. Haddad reviewed the details of the contract and asked the Board to ratify the agreement.

Ms. Manugian moved to ratify the agreement as outlined. Mr. Degen seconded the motion. The motion carried unanimously.

Mr. Pease read the following list of Executive Session meeting minutes to be approved and released:

10/17/17-Part 1; 1/8/18; 1/16/18; 2/6/18; 2/26/18 – Part 2; 3/12/18 – Parts 2 & 3; 4/2/18; 4/9/18; 6/25/18; 7/9/18; 8/27/18; 12/3/18 & 1/7/19.

Ms. Manugian made a motion to approve the minutes as read for release. Mr. Degen seconded the motion. The motion carried unanimously.

The meeting adjourned at 9:27pm.

Approved: _____
John Giger, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 2/11/19