

**SELECT BOARD MEETING MINUTES
MINUTES FEBRUARY 4, 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 7:08pm and reviewed the agenda.

ANNOUNCEMENTS

Mr. Giger said that he attended Military Night on Saturday at the GD Varsity Hockey game. He thanked them for supporting the veterans.

Mr. Haddad said that the cost for a new police dog had taken on a life of its own. He said that they have received a \$500 donation from the Anderson's and a \$5K donation from an anonymous donation along with \$20 from his step daughter. He said that they had received \$9,520 so far. Mr. Haddad said that the annual cost to have a police dog was approximately \$8K. He said that they would be sending out letters to everyone and was pleased with the generosity. Mr. Haddad asked the Board to create a K-9 gift fund and could bring it back to for a vote next week.

Ms. Pine said that she and Mr. Giger had attended the public official's breakfast at Nashoba Tech last week.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Sustainability Commission had requested that the Board vote to appoint Marina Khabituyeva to the Commission with a term to expire on June 30, 2019.

Ms. Pine made a motion to appoint Marina Khabituyeva to the Sustainability Commission. Ms. Manugian seconded the motion. The motion carried unanimously.

2. Mr. Haddad said that the Board had provided him with their proposed goal assignments. He said if there was an objection to say so and if not to approve them so that they could get started on them. Mr. Giger said that his acceptance of goal 4 was conditional on the Board identifying what they expected out of the language provided. Ms. Manugian asked how they wanted to look at the Community Compact and see how they fit in there. Mr. Haddad suggested that he and Ms. Manugian look at the Community Compact and discuss it further.

Ms. Manugian moved to approve the individual Select Board assignments as provided. Ms. Pine seconded the motion.

Mr. Degen offered an amendment that said subject to the individuals being a continuing part of the Board. Mr. Pease said that they could re-look at them at that time. Mr. Degen withdrew his amendment.

The motion carried unanimously.

3. Mr. Haddad said that as they were aware, they had been gathering information for pursuing a Green Community designation for the Town of Groton. He said that they had had several meetings with state officials concerning the process and conducted one public hearing. He said that because they were ready to make a decision, he recommended that the Board vote to pursue that designation and start the process for certification. Mr. Haddad explained that the first step in the process was to adopt the so-called "Stretch Code" at Town Meeting. He asked the Board to vote to place an article on the warrant.

Mr. Giger said that he would vote to approve the article conditional that it be approved by Town Counsel and Ms. Brown. Mr. Haddad said that this wording was provided to them by Ms. Brown adding that Town Counsel always

reviewed all articles. Ms. Manugian asked why they listed a January 1st implementation. Mr. Haddad said that it allowed time for people to understand it and get the approvals necessary for it to be implemented.

Mr. Degen moved that they add the language provided to them by Kelly Brown to adopt the Stretch Code for possible Town adoption at the Spring 2019 Town Meeting subject to wording confirmed by Town Counsel. Ms. Manugian seconded the motion. Mr. Haddad suggested that the motion also say that the Board vote to pursue a Green Communities Designation based on that vote.

Mr. Degen withdrew his original motion and moved the following:

Mr. Degen moved that they pursue the Green Community Designation and to file the first step in the process which was to seek adoption of the Stretch Code at Town Meeting subject to wording approved by Town Counsel. Ms. Manugian seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that a proposed Warrant Article to request Special Legislation to adopt a Ticket Tax in the Town of Groton. This proposed Warrant Article has been reviewed by Town Counsel and is ready for inclusion on the 2019 Spring Town Meeting Warrant should the Board decide to pursue such a Tax. He said that this had been reviewed by Town Counsel and further amended. He said that under the bylaw it would have caused a ticket tax for school events which he worded to exclude those events. He said it would be a ticket tax not to exceed 5%. He added that he had invited Indian Hill to the meeting. Mr. Degen said that he proposed this a while back adding that the same would be applied to Indian Hill for nonpaying events. Mr. Degen said that the Planning Board's decision approved 12 events in year one with a total of 2,500 attendees which was a potential of 30,000 tickets in year one if it was sold out. Mr. Degen reviewed potential income to the Town based on different ticket fee structures (\$1.00 to \$2.00/ticket as an example) adding this was a conservative estimate. Mr. Pease said he was concerned about the word 'event' not being defined and was concerned that charity nights would be impacted. Mr. Degen said that was a good point adding that his intent was to see a ticket tax imposed on those events that paid a performer. Ms. Pine said that she wondered about the other schools in addition to GD. She asked about the up to 5% language. Mr. Haddad said that the Board would have to discuss that adding it could not be an "up to" amount. Mr. Degen said that there was a cost the community to have events here such as police, fire and possibly DPW needs. Mr. Degen asked the Board to review the proposed and report back to Mr. Haddad with comments and suggestions for discussion at the end of the month. Ms. Pine said she supported the concept. Ms. Manugian said she also supported the concept but had some concerns. Mr. Haddad asked the Board to comment directly to him so he could tweak it and bring it back to the Board. Mr. Pease understood that this would come down the pike at some point. Mr. Giger said he agreed with the concept but reserved the right to change his mind.

Mr. Giger moved to put a place holder on the 2019 Spring Town Meeting warrant for taxation on amusement/entertainment tickets in the Town. Mr. Degen seconded the motion. The motion carried unanimously.

5. Mr. Haddad said that as they had discussed previously, he wanted to further examine the idea of creating 55 and older housing (including an affordable housing component) on Town owned property. He said that they had examined the potential for such a development on Groton Country Club property and wanted to hear from the Board on how to proceed. He provided the Board with a proposed layout of a potential housing layout option. He added that a CPA application was submitted as a placeholder to meet the Community Preservation Committee's Fiscal Year 2020 Funding Deadline. He said that should the Board decide not to proceed, they would withdraw the application. He recommended that they follow Select Board Members Giger and Manugian's call to form a Committee to investigate this further.

Ms. Pine said that she wanted be a member of this committee as this was one of her goals. Ms. Manugian said that they should form a committee with a charge and see that committee approach this potential from 2 directions; review past housing reports and look at, from a high level, all Town owned assets they had and if they were thoroughly utilized. Mr. Giger said that the thing they were missing was a vision statement showing what they wanted this property to look like 10-15 years down the road. Mr. Pease said that the statements made were

appropriate so far and was happy with forming a committee. Mr. Haddad said that he would like an opportunity to work on a charge to bring back to the Board. Mr. Degen said that this made a lot of sense to him. He said single level homes on a golf course were desirable but agreed that a vision was needed. Mr. Degen also suggested asking the CPC to defer a vote on this until the fall. Mr. Haddad thought that was a good idea adding he didn't want to rush this. Ms. Fran Stanley said that because they were looking at funds from the housing bucket they had time to wait to study this. Ms. Stanley said she would ask the CPC if they would be willing to continue this application to the fall.

Mr. Degen moved to form a Committee to study possible development at the Country Club. Ms. Manugian seconded the motion. The motion carried unanimously.

6. *Mr. Pine moved to approve a one-day beer and wine license for Salt and Light Café for a private event to be held on Tuesday, February 12, 2019 from 6:00pm-9:00pm. Ms. Manugian seconded the motion. The motion carried unanimously.*
7. *Mr. Pine moved to approve a one-day beer and wine license for Groton History Center for a Wine Tasting Gala to be held on Saturday, March 16, 2019 from 7:00pm-10:00pm. Ms. Manugian seconded the motion. The motion carried unanimously.*
8. Mr. Haddad said that the Board was posted for the Summit Meeting with GSRSC on Wednesday night at 7pm. He said he wanted to spend some time discussing the proposed budgets for Nashoba Tech and the GD Regional School District. With regard to Nashoba Tech, they had budgeted \$685,295 for next year, an increase of \$128,000. The proposed Assessment for FY 2020 is \$728,802, an increase of \$171,507 or \$43,507 more than they had in the proposed budget because of a roof repair project. With regard to the GRDSD, he said it was his understanding that the current amount under consideration by the Regional School Committee was \$21,573,025, which was \$276,485 more than they had set aside in the proposed budget. Mr. Haddad reviewed a chart showing the budget deficit due to these increases. Ms. Manugian asked if they knew what the per pupil costs were at Nashoba Tech and GD. Mr. Haddad said he would work to get that. Ms. Pine asked if they had a choice with Nashoba Tech. Mr. Haddad said that a majority of the communities had to vote to accept the assessment. Mr. Degen said that \$322K out of budget would mean cuts in employees, positions, etc. and didn't include the additional 2 firefighters if they moved forward with that recommendation. Mr. Degen talked about potential overrides needed for years coming as had been discussed at previous meetings.

OTHER BUSINESS

1. Mr. Pease talked about a potential resolution that he received information on relative to the Education Promise Act from the Chair of the School Committee. Mr. Giger said that he wanted to see Groton's Charter approved, before he would support something Senator Kennedy was advancing. Mr. Degen suggested having their reps in sometime in February to meet with them.
2. Mr. Pease said that he delegated the search for an investigator to Ms. Manugian. Ms. Manugian said that she reached out to a couple of recommended law firms as provided by KP Law. She said that a couple said they didn't have time for this and a couple referred her on to others they had worked with. She said that she had given a green light to 4 in her mind who ranged from law enforcement investigators to large law firms. She provided some per hour costs to the Board from \$90/hour to \$210/hour. Mr. Pease asked if they gave her an idea of how many hours this would take. Ms. Manugian said that they were not in a situation where they would be looking into criminal/legal action adding they would be providing the Board with a letter of recommendation. Ms. Pine said that she was uncomfortable with going with a small investigator. Ms. Pine mentioned contacting a firm that MIIA had provided her before making a final decision. Mr. Degen said he didn't want anyone affiliated with a law firm. Mr. Giger said he thought it should be a licensed lawyer. Ms. Manugian said she was more comfortable with the non-attorney alternative. Mr. Pease said he was in favor of the non-law firm point of view. Ms. Pine said she wasn't comfortable making a decision without knowing their names. Ms. Manugian provided their names. Mr. Giger said he wanted to know how many investigations they had conducted and how many of this nature. Mr. Degen switched his position to a law firm and suggested Mead, Talerman and Costa. Mr. Pease said he was amenable to Mead,

Talerman and Costa. Ms. Pine pushed to contact the recommended firm MIIA had provided her. Mr. Pease asked if they wanted to wait any longer adding he personally didn't want to delay this until March due to schedules.

Ms. Manugian moved that they retain Mead Talerman and Costa to conduct an investigation they voted on last week. Mr. Degen seconded the motion.

Mr. Degen said he was not comfortable with the attorney mentioned (Kate) to conduct the investigation but was fine with the firm. Ms. Pine agreed. Mr. Giger said it would be wise to identify a first choice but also a second choice.

Mr. Giger moved to amend the motion to include retaining the 2 firms they had been talking about with the understanding that they were equals. Ms. Manugian moved that they move forward with Mead Talerman and Costa and Mike Kennefeck or HTML and Sarah Spadafore. Mr. Pease seconded the motion. The motion carried unanimously.

Mr. Degen moved that they limit the cost of this to \$5,000 and that the selected firm notify the Board upon reaching that limit. Ms. Manugian seconded the motion. The motion carried unanimously.

3. Mr. Degen said that he had a conference with Town Counsel in the hallway. He said that they voted to enter into negotiations with the Town Manager in November. He said that there was a clause in the contract that said they had to notify the Town Manager before February 15th if they intended to renew. He said that he wanted to make sure the Town Manager was not under the belief that it would renew for one year if he wasn't notified before February 15th. Mr. Pease said that labor counsel's opinion was that the vote and notification validated the intent to enter into negotiations with notice given prior to February 15th. Mr. Pease said that the contract would not automatically renew for one year. Mr. Degen said he would like to be part of negotiations. Mr. Manugian volunteered also. Ms. Pine said that this was a fine subcommittee and would support those 2 members.

Ms. Manugian moved that the Select Board appoint a subcommittee of Josh Degen and Alison Manugian to enter into contract negotiations with the Town Manager. Mr. Pease seconded the motion. Mr. Pease said that those meetings needed to be posted as a subcommittee meeting in Executive Session with updates provided to the Board in Executive Session. The motion carried unanimously.

LIAISON REPORTS

Ms. Pine said that the non-profit meeting was held on Friday with 25 people present all with a lot of energy.

MINUTES

Ms. Manugian moved to approve the meeting minutes of January 28, 2019 as presented. Ms. Pine seconded the motion and provided some edits. Mr. Pease tabled the minutes due to a dispute of the suggested edits.

Mr. Degen moved to enter into Executive Session at 9:04pm Pursuant to M.G.L. c. 30A, sec. 21(a)(1) and (2) to hear complaints or charges against a public officer, employee or staff member; and to conduct contract negotiations with non-union personnel, i.e. to hear a grievance filed by the Town Manager pursuant to his employment agreement. Ms. Manugian seconded. Roll Call: Pease-aye; Degen-aye; Pine-aye; Giger-aye; Manugian-aye

Approved: _____
John Giger, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 2/11/19