

SELECT BOARD MEETING MINUTES
MINUTES APRIL 22, 2019
APPROVED

SB Members Present: Barry 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;

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

ANNOUNCEMENTS

Mr. Pease said that on Saturday, April 27th the Fire Department would be training on Boston Road all day and asked that people anticipate some delays.

Ms. Pine said that she wanted to let people know that they were in the process of updating the Assessors records and reviewing all properties adding she had seen some discussion about this on social media. Mr. Greeno said that they were about 90% done with this process.

Ms. Pine reminded everyone about the upcoming Town Meeting on April 29th beginning at 7pm.

Ms. Manugian reminded everyone that Senator Edward Kennedy would be at the Town Hall on Wednesday at 7pm to discuss the future of education funding.

PUBLIC COMMENT PERIOD

Ms. Jenifer Evans said that she received an email 10 days ago from the Investigator that the report had been delivered. She asked when she was going to receive a copy of the report and when it would be released to the public. Mr. Pease said that that would be discussed in Executive Session later that evening. Ms. Evans asked if there had been a move by them or any employee of the Town to have to report revised and the findings influenced. Mr. Giger said he had not. Mr. Degen said he had not. Ms. Pine said she was unaware of any such effort. Mr. Pease said he was not sure where this question was coming from. Ms. Evans said that she was told that the report was delivered 10 days ago but had received a call that day from the Investigator stating he was under a deadline to have a revised report back to the Town by 4pm today and had been asked to revisit some points. She said she got the impression he was trying to make some parts more favorable to the Town Manager. Mr. Pease stopped the line of questioning because of its conjecture. Mr. Pease said that they could not comment on that adding it was part of Executive Session. Ms. Evans asked if she would ever see the report. Mr. Pease said he could not answer that question. Ms. Evans said that this had been a horrible process. She said that as a father of daughters, she asked for him to imagine what she had gone through. Mr. Pease asked if she was speaking to him directly and if so, thought what she had said was completely unacceptable. He said that they had been following the process created by a former selectman. Mr. Pease forbid Ms. Evans for speaking the rest of that meeting for making the personal attack she did unless she apologized. Ms. Evans apologized adding she hoped she received an apology at the end of all this for the way in which things have been handled and how she had been treated. Mr. Pease told Ms. Evans she could no longer speak.

Mr. Jack Petropoulos said that he also received a phone call that day and wanted to provide the Board with his thoughts. He said that if they hired an independent investigator and then allowed some entity internally to review the report and suggest that some things may not be true then tell the Investigator that they must look into things further, people would no longer come to the Board with complaints.

Mr. Degen asked if they approved the investigation in public session. Mr. Pease said that they did. Mr. Degen asked if the investigation was delivered via email. Ms. Manugian said that the draft report was delivered via email and as a hard copy. Mr. Degen said he also received a phone call from the Investigator. He said that because this was authorized in open session, he didn't know why further clarification was requested and who authorized it. Ms. Manugian said that she had been in contact with the Investigator through discussions with HR. She said that they had concerns that the findings did not align with a video that had been viewed. She said that they asked the Investigator to review their process and their document but didn't know what their process was. Mr. Degen said that the clarification was appreciated. Ms. Manugian said that any

findings and discussion of the report itself were not subject to being discussed in open session and the reason the executive session was scheduled. Mr. Degen said he was under the impression the findings would be discussed in open session and was failing to see why that wasn't the case. Mr. Pease said that they should be discussed under executive session adding the people managing this process were trying to proceed with caution.

PARKING AT GROTON PLACE

Mr. Haddad said that Chief Luth was present to talk with the Board. Chief Luth said that the New England Forestry Foundation had come to them with an issue at Groton Place. Chris Pryer from NEFF said that there were a couple of recent dog bite incidents at Groton Place and needed to address the issue. He said that they tried to keep properties open to all public uses including dog walking. He said that the proposal was to eliminate half of the parking, posting the other half as no parking to help address some of the issues that have occurred. Ms. Manugian said that this was not a dog park. She asked if there was a discussion about leashing the dogs. Mr. Pryer said that it would be impossible for them to be there to enforce that rule. Ms. Pine said that NEFF allows dog walking there under the owners control but pointed out that the property connects to trails owned by the Conservation Trust. She said that the Trust required that dogs be leashed on their property. She encouraged them to continue to monitor what went on on their property. Mr. Pryer said that this was a first step and not the only one they would be willing to take. He said that this would hopefully reduce the number of people there. Mr. Giger was concerned about people parking on the road if they reduced the number of parking spaces. Chief Luth said he didn't want their problem to become the Town's problem and why the discussions started. Chief Luth said they would enforce the no parking with citations in the amount of \$15. Mr. George Moore said that they could not regulate the honor system and the Police Department could not enforce this. Mr. Giger said he supported taking this step but added that they needed to continue to discuss future steps. Mr. Haddad suggested discussing this in 90 days once the signs are installed. Mr. Degen said he was thinking more along the lines of a one year trial to June 30, 2020.

Mr. Degen made a motion that consistent with Article 4 of the Groton Road Rules and Regulations and per Chief Luth's recommendation that the Board authorize no parking through June 30, 2020 along the Long Hill Road side of the old abandoned road in front of Groton Place and along the sides of the driveway as you enter and exit the parking area. Ms. Pine seconded the motion.

Ms. Manugian said she was still concerned even on a temporary basis. She cited moving toward a leash requirement and not just the honor system. Mr. Pease said that this was a reminder to people to take consideration of others using the property.

The motion carried 4-1 with Ms. Manugian opposed.

TOWN MANAGER'S REPORT

1. Mr. Haddad asked the Board to ratify his appointment of Madelyn Gorham as a Camp Counselor and Alexander Powers to the Golf Staff for the Country Club.

Mr. Degen made a motion. Ms. Pine seconded the motion. The motion carried unanimously.

2. Mr. Haddad asked the Board to consider approving a one-day beer and wine license for First Parish Church for Storytelling Night on Saturday, May 11, 2019 from 7-10pm.

Ms. Pine made the motion. Ms. Manugian seconded the motion. The motion carried unanimously.

3. Mr. Haddad asked the Board to consider approving a one-day beer and wine license for Groton Neighbors for a Potluck Dinner on Saturday, June 2, 2019 from 5-7pm.

Mr. Degen made the motion. Ms. Manugian seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that Verizon had decided that it no longer wants to maintain the fiber optic lines that connect the various Town buildings to the studio at the High School for broadcasting. They would like to go to a so-called PEGNet system and install new equipment in our various buildings that will allow for broadcasting over the

internet. In order to do this, they needed to negotiate a Memorandum of Understanding with Verizon that would be attached to their current license agreement. Mr. Haddad respectfully request that the Board vote to authorize him to sign said MOU.

Mr. Pease said he hoped the Cable Department would alert them if there were any challenges. Ms. Manugian asked if there was the first step in their service degrading. Mr. Haddad said that these were dedicated lines adding he was assured that there would be no issues with them. Ms. Manugian asked if they could add language that said that any changes would not be allowed to degrade services to the schools. Mr. Haddad said that this was negotiated as it was but could try. Mr. Haddad said that they would also be supplied with a portal devise that would allow them to broadcast from offsite locations. Mr. Degen said he agreed with Ms. Manugian and didn't want to see a degradation in services to the schools. Mr. Degen asked if they could ask if a redundant system could be installed to make sure there would be no issues with the bandwidth. Discussion ensued.

Ms. Manugian made a motion to authorize the Town Manager to sign the MOU with Verizon and include in a cover letter a reiteration that the District internet capacity not be limited or be degraded. Mr. Pease asked that there be no degradation of internet at any of their buildings. Ms. Manugian amended her motion to include both District and Town. Mr. Degen asked that the redundancy be included for 90 days. Mr. Giger said that it should remain until they were comfortable that nothing has changed. Mr. Haddad suggested language that the current lines remain until such time as the Town can determine that there is no degradation. Ms. Manugian said she would include that also in her motion. Mr. Pease said that this would authorize the Town Manager to go back to Verizon and ask these questions before signing anything. Mr. Haddad said that Ms. Manugian's motion was to approve this.

Ms. Manugian withdrew her motion. Mr. Haddad said that he would bring this back. Ms. Manugian asked that Mr. Haddad also reach out to the District to make sure they were okay with this change.

5. Mr. Haddad asked the Board to approve the annual fuel storage permits. (see attached) Mr. Haddad said that they had been signed off on by the Fire Chief. Discussion ensued about what the Fire Chief's process was for inspecting these annually.

Ms. Manugian made a motion to approve the fuel storage permits for Deluxe Corp, Groton School, Global Montello Group, GDRSD, Energy North and NESSP. Ms. Pine seconded the motion. The motion carried unanimously.

Ms. Manugian made a motion to approve the fuel storage permit AL Prime. Ms. Pine seconded the motion. The motion carried 4-1 with Mr. Degen opposed.

6. Mr. Haddad said that had enclosed with this report is a letter from the attorney representing Katherine Corbey and Stephen Painter of 523 Martins Pond Road informing the Town of their intention to covert this parcel, that is currently classified under Chapter 61A, to residential use. He said that the Town now had the right to purchase the parcel, if it was so inclined. He said that this was a little different from previous notifications as there was no Purchase and Sale Agreement on the parcel. Should the Town wish to exercise its right of first refusal, they would need to negotiate a sales price with the owner. He said that he had reached out to both the Planning Board and Conservation Commission to determine their interest in the property. Both Boards had recommended that the Town decline its option to purchase. Mr. Haddad said that he would respectfully request that the Board vote to decline its right of first refusal.

Mr. Degen recused himself and left the room for the discussion.

Mr. Haddad said that the roll back taxes would be \$8K and would be paid to the Town upon purchase. Ms. Pine said that she was familiar with the property and was not surprised that the Conservation Commission and Planning Board did not want to purchase the property.

Ms. Manugian moved that the Select Board decline the right of first refusal on this parcel. Ms. Pine seconded the motion. The motion carried unanimously.

7. Mr. Haddad said that he drafted the proposed charge for the Prescott School Lease Oversight Committee. He said that it would be a committee to oversee the lease of the Prescott School and review the books at the end of the year. He said that he took the wording out of the lease. He said that Ms. Manugian and Mr. Robertson signed off on it. He said that the Friends wanted to see it be a 7 members committee and that they committee be the oversight committee adding that was not what the Board voted on last week.

Ms. Manugian moved to the approve the charge of the Lease Oversight Committee as presented that evening with one minor typo in paragraph D to show it be a 5-member committee. Mr. Giger seconded the motion.

Ms. Pine said that the suggestion to add 2 more members should be discussed. She said that bringing in the additional expertise would be helpful. Mr. Pease said that it was politically disastrous to do that adding it was a balanced committee as presented. Ms. Pine said that an improvement in communications was a useful goal and asked that it be stated. Mr. Degen offered some suggested wording. Ms. Manugian said that she very strenuously objected to that adding it insinuated that there was an issue with communication which she did not believe there had been. Mr. Giger said he didn't support the additional language and an additional 2 citizens. He said that the fewer people, the less chance of miscommunication. He said that the intent of this was to provide oversight on the lease and not marketing of the building.

Ms. Jennings said that the Friends accepted the charge as written and thought the committee was well balanced.

The motion carried unanimously.

OTHER BUSINESS

Labor Counsel, Brian Maser joined the meeting via phone.

Mr. Pease said that they had a tentative agreement with the Town Manager on his contract. Ms. Pine said that they had an investigation ongoing and a draft report, she said she was not in favor of ratifying a contract at this point.

Ms. Pine moved to table this until the executive session later that evening. Mr. Degen seconded the motion.

Ms. Pine said she saw no problem delaying this adding if she was a member of the public, she would be questioning the sequence of events. Mr. Degen said that upon conclusion of the executive session, he saw no issue with exiting to the open session should they need to. Ms. Manugian said that she took the negotiations very seriously and saw nothing in the draft report that would lead her to not vote in favor of the tentative agreement they had with the Town Manager. She said that a further delay in this would not be fair to the Town Manager. Mr. Pease said he thought they should list the changes to the contract in fairness to the public. Ms. Manugian said that the majority of the language was remaining as is. She said that they reached a TA on a cola of 3%, 2%, 2%, annual bonus based on performance with a range of 0%-3% not added to the base, opt out language for both the Town Manager and Select Board in years 2 and 3 with severance if the Board opted out, a change in the evaluation process with the first one in the fall of 2019, one week vacation buyback, and health insurance opt out language.

The motion carried 3-2 with Mr. Pease and Ms. Manugian against.

Mr. Maser left the call.

TOWN MANAGER'S REPORT – CONT.

8. Mr. Haddad said that they had opened the bids for the Library Roof and the DPW Building Improvements. For the Library, they received three general bids and the low bid was from Greenwood Industries in the amount of \$1,105,741. He said that the annual debt service on this amount was approximately \$82,000 and would add \$.05 to the tax rate and cost the average tax payer \$22.95 annually or \$459 over twenty years. He said that this would be taken up at Town Meeting after the CPC article. Ms. Manugian said that she thought the numbers they had discussed were under \$1M. Mr. Haddad said that the estimates were to be under \$1M adding this was the reason they bid projects before asking for the money. There was a continued discussion about the materials and what was being requested. Mr. Degen and Ms. Pine said that they were in favor of this contingent on the approval of CPA funds. Ms. Manugian said that she was opposed adding that on the municipal side were not able to provide the community with a good understanding of the capital needs of the community moving forward. Mr. Pease said he was in support of this. Mr. Giger said he was in support of this.

Mr. Haddad said that for the DPW Project, they received 6 general bids and the low bid was from Construction Dynamics, Inc in the amount of \$2,763,000 for the base bid (existing building renovation) and \$1,642,000 as an Add Alternate for the new Vehicle Storage Building, bringing the total bid to \$4,405,000. Mr. Haddad said that The

Building Committee met on Thursday morning to review the bids and determine a recommendation for the Select Board and Finance Committee for the project. He said that they voted to split the motion under Article 7 into two parts. Motion A would be for the base bid and soft costs totaling \$2,978,250. For the Board's information, the annual debt service on this amount was approximately \$209,000 and would add \$.12 to the tax rate and cost the average tax payer \$55.08 annually or \$1,101.60 over twenty years. Motion B would ask Town Meeting to approve the Add Alternate for the Vehicle Storage Building in the amount of \$1,642,000. He said that the annual debt service on this amount was approximately \$126,000 and would add \$.07 to the tax rate and cost the average tax payer \$32.13 annually or an additional \$642.60 over twenty years, bringing the annual debt service to \$335,000 and a total impact on the tax rate to \$.19, or \$87.21 on the average tax bill and \$1,744.20 over twenty years.

Mr. Degen asked if the OPM/Clerk of the Works number would come down because it would be one person managing both. Mr. Haddad said that should both pass Town Meeting and the Ballot; they would reduce that number. There was a discussion about the difference in contingency costs between the Library project and DPW project. Mr. Degen said that if the life of the trucks could be extended because of proper housing of them, the additional cost for the vehicle storage building was something they should do. Ms. Manugian said that she still struggled with the lack of high-level capital need planning. Mr. Giger said he agreed with Mr. Degen's comments about the extended life of the vehicles with proper housing. Mr. Giger pointed out that they needed cisterns for the sprinkler systems that were being required by code because town water was not available.

Mr. Pease was in favor of the total project cost. Mr. Giger was in favor of the entire project cost. Ms. Pine was in favor of this. Mr. Degen was in favor of the entire project. Ms. Manugian was not in favor of this because of the lack of planning.

Mr. Haddad asked if it made sense to bring one motion forward and not 2 as proposed and thought the Committee should discuss that at their next meeting.

9. Mr. Haddad reviewed the article assignments in advance of Town Meeting. Ms. Pine said that she was opposed to the budget article because of the additional firefighters. Mr. Giger was deferred on OPEB because he wanted to make sure they had the money to do that. Mr. Giger was deferred on the ticket tax and the citizens position on the Water's property because he had not seen a proposed plan. Mr. Degen said he was not in favor of the pool improvements. Mr. Degen was at Town Meeting on the Prescott funding article.

Mr. Pease said that they had been encouraged by Town Counsel to keep the article on the Charter to keep that moving in the Legislature. Mr. Degen was concerned it was opening them to proposed changes to the Charter and could not support the recommendation from Town Counsel. Mr. Haddad recommended that they move to indefinitely postpone this. Mr. Pease did not agree with that rationale.

Ms. Pine moved to postpone this article indefinitely. Mr. Degen seconded the motion. The motion carried 3-2 in favor with Ms. Manugian and Mr. Pease against.

10. Mr. Haddad said that did not receive any bids for the Sprinkler System Project at Prescott School. He said that when the Prescott Building Committee hired an architect to put together the specifications for the Sprinkler System, they did it as a "design/build" and therefore did not present drawings for the bid. He said that he put the project out to bid based on the specifications he was provided adding that neither Tom Delaney, Steele McCurdy nor himself had any input into the development of the specifications. Two of the contractors they had tour the building stated that it did not make sense for them to bid on the project as they would need to spend more money having the system designed as part of their work. Based on this, if they wanted to re-bid the project, they would need to spend money to hire someone to actually design the system and provide drawings. He said he did not have a budget for this work adding it would have to come out of the money currently set aside for the installation of the sprinkler system. He said he needed direction from the Board on how to proceed. He said that one option was to tap into money approved and voted on by Town Meeting, wait until the fall to seek design money, go back to the CPC for more money or not do the project.

Ms. Jennings said that Signature Architects told her drawings were not necessary to design the system. Mr. Haddad said that Ms. Jennings statement was not accurate adding they did not receive bids on this based on the fact there were no drawings. Mr. Haddad said that he would like to talk with Signature Architects and also meet with the CPC for their feedback. Mr. Degen said that without drawings he would suggest that the money be returned to the CPC and reapply for funding to include the design. Ms. Pine said she was not in favor of doing nothing and not in favor of returning the money. Ms. Manugian said that the sprinkler design depended on the use adding that the use was not 100% clear yet. Mr. Pease asked for a motion.

Ms. Manugian moved to request that the Town Manager have a discussion with the CPC about the process taken to this point and make it clear to them that there was a lack of responses to the RFP and that because there was not enough money to design the sprinkler system within the approved amount, that the Select Board has withdrawn its support for this proposal and ask that the CPC discuss next steps. Mr. Degen seconded the motion.

Discussion ensued. Mr. Giger said that he didn't think they were completely withdrawing their support but that there was a change in the original expectations.

Mr. Haddad was asked to reach out to Signature Architects and the other firms to see what the design costs would be and come back to the Board with that information.

The motion was withdrawn.

OTHER BUSINESS

Mr. Haddad read a letter from the Friends of the Trees inviting the Board to the Annual Arbor Day festivities on April 27th. He asked the Board to approve a proclamation. Mr. Pease read the proclamation into the record.

Ms. Manugian made a motion. Mr. Giger seconded the motion. Mr. Degen offered to read the proclamation on Arbor Day. The motion carried unanimously.

Mr. Degen at 10:34pm moved to enter in Executive Session Pursuant to M.G.L., c.30A, §21(a), Clause 1 – “To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual” and 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” – Purpose – Town Manager’s Contract and to return to Open Session. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Degen-aye; Pease-aye; Pine-aye; Giger-aye.

Approved: _____
John Giger, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 6/3/19