

**SELECT BOARD MEETING MINUTES  
MONDAY, JUNE 17, 2019  
APPROVED**

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

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

Ms. Manugian called the meeting to order at 6:00pm and asked for a motion 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” to discuss the Fire Chief.

Mr. Degen made the motion. Ms. Pine seconded the motion. Ms. Manugian said they would be returning to Open Session.  
*Roll Call: Giger-aye; Pine-aye; Manugian-aye; Degen-aye*

Mr. Reilly was not present for the Executive Session.

Ms. Manugian called the Regular Session back to order at 7:10pm and reviewed the agenda.

Mr. Reilly was present for the Regular Session.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad asked the Board to ratify his appointments of Riley Beaudoin and Amanda Lacombe as Lifeguards for the Country Club.

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

2. Mr. Haddad asked the Board to approve a one-day beer and wine license for the Groton Conservation Trust on Thursday, June 27, 2019 from 7:00pm-8:30pm.

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

**THOMAS D. HARTNETT TRUST AND SCHOLARSHIP FUND**

Mr. Haddad said that this was a wonderful fund for a man that was very well respected in the Town adding he couldn't think of a better way to remember Mr. Tom Hartnett. Family members Doug Hartnett and Dave Hartnett along with Tom's wife, Norma Hartnett and the Commissioners of Trust Funds along with sharing wonderful memories of Mr. Hartnett thanked the donators and the Town for what they had done. Ms. Manugian said that it was her understanding that the document was a culmination of a couple of other trust funds. Mr. Haddad said that that was thanks to the hard work of Ms. Karen Tuomi. Mr. Degen said that Tom Hartnett had done a great job as an employee and volunteer of the Town for many years. Ms. Pine and Mr. Giger thanked the family.

*Mr. Giger moved that they adopt a Declaration of Trust for the Thomas D. Hartnett Memorial Trust and Scholarship Fund.  
Mr. Degen seconded the motion.*

Mr. Black said that he thought the scholarship should be larger and that should be a full scholarship to college in light of Tom's spirit and dedication. Ms. Pine encouraged people to donate.

*The motion carried unanimously.*

Joe Twomey, Commissioner of Trust Funds said it was unbelievable how vibrant Tom Hartnett was. Martha McClure said that Tom Hartnett was instrumental in moving the Town's stocks out of a safe and investing them.

## **TOWN MANAGER'S REPORT - CONT.**

3. Mr. Haddad said that they needed to discuss Town Counsel's appointment for the ensuing year. He explained how he had provided the Board with a summary of their legal expenses over the last three fiscal years. He said that he had provided the Board with testimonials from some of their departments explaining their interaction with current Town Counsel. He said that the Board needed to determine whether or not they wanted to continue with Brooks DeRensis or consider changing law firms. He said that Town Counsel had also proposed a quote with a labor stipend of \$1,250 with anything above and beyond that at \$190/hour earlier that day. Mr. Haddad reviewed a couple of spreadsheets with breakdowns. Mr. Haddad said that they needed to discuss a few different options; staying with Brooke and DeRensis for legal and staying with KP Law for labor, go to one of the firms for both legal and labor or put out a new RFP.

Ms. Pine said she didn't think focusing on the money was the main discussion. Ms. Pine asked for clarification on the columns on the summary spreadsheet. Ms. Pine said that permission needed to be granted by the Chair or Town Manager to access Town Counsel and asked if it was the same for Department Heads. Mr. Haddad said that that was absolutely the case adding that once permission was granted for a matter it remained until the matter was closed. Ms. Pine asked who had appellate tax board experience citing Mr. Greeno's letter. Mr. DeRensis said that Len Kopelman had appellate tax board experience along with Dan Deutsche.

Mr. Giger said that there were errors with communication and maybe there needed to be something that stated what the expectations were so that it was clear for everyone. Mr. Haddad said that he liked them to start off with a request in writing so there was a record and to copy the Town Manager followed by phone calls if necessary. Ms. Manugian asked if the concerns of the Department Heads had been discussed with the attorneys. Mr. Haddad said that he went to the Chair with the concerns. Mr. DeRensis said that their firm had a form that towns used which would improve communication adding the firm had deadline dates and a place for them to respond with whether it would be retainer or outside of retainer. He said another thing that would help with communication would be for them to receive a copy of the Board's packet including minutes.

Mr. Reilly asked if Mr. Haddad saw an advantage to having one single counsel for labor and legal. Mr. Haddad said he did see an advantage to having one law firm do both. Mr. Haddad added that he was very comfortable with their current labor attorney and did not want to lose him. Mr. Degen said that he agreed with the Town Manager that he would like to see one firm for both. He said that they had some response time issues with KP general legal. He said that since Brooks and DeRensis had made a commitment to go through their policies, they should afford them an opportunity to fulfill their commitment. Mr. Degen proposed that they allow Brooks and DeRensis to continue as legal counsel through August 31, 2019 and ask both Brooks and DeRensis and KP Law to submit proposals for both labor and legal. Ms. Pine said that she was on a similar thought process with Mr. Degen but cited the Johnson case and all the work Brooks and DeRensis had done with it. Mr. Haddad said that they could appoint Brooks and DeRensis as special counsel to continue through that case if they decided to change adding Brooks and DeRensis would have to agree. Ms. Pine said she would like to see one firm for everything. Mr. Giger said he didn't think they should limit the scope to 2 firms. Ms. Pine said that they solicited an RFP last year and wasn't sure it would yield any additional responses this time.

Mr. Giger brought up a meeting the Town Manager had with KP Law where all members were not invited. Mr. Degen said he attended the meeting adding the meeting was not about switching counsel but about previous legal decisions the Board had received from KP Law. Mr. Haddad said that he had the same meeting with Mr. Pease and Mr. DeRensis about legal services adding he asked Mr. Pease to attend the same meeting with KP Law but that it ended up being the Vice Chair and Mr. Degen. Ms. Manugian said that a lot of the financial discrepancies were known when they opted to change. She said that because they had not discussed bettering communication, she was comfortable extending the trial period until June 30, 2020 but would also go along with a shorter time period. Mr. Haddad suggested December 31st as a good cutoff date which would allow them a chance to work out any kinks. He said he wanted to keep Brian Maser as Labor Counsel.

*Mr. Degen moved that they continue with Brooks and DeRensis as General Legal Counsel through at least December 31, 2019 at the current rates subject to review by this Board no later than November 15, 2019. Ms. Pine seconded the motion. The motion carried unanimously.*

*Mr. Degen moved that they continue with KP Law as General Labor Counsel through at least December 31, 2019 at the current rates subject to review by this Board no later than November 15, 2019. Mr. Giger seconded the motion. The motion carried unanimously.*

*Mr. Degen moved to appoint Brooks and DeRensis as Special Counsel to handle the Johnson litigation case until such time that the Board determined that another counsel take it over. Ms. Pine seconded the motion. The motion carried unanimously.*

*Mr. Degen moved that on November 1, 2019 the Town Manager issue an RFP for one legal firm. Mr. Reilly seconded the motion. The motion carried unanimously.*

Ms. Pine asked about releasing the packet prior online. Mr. Haddad said he had never been comfortable releasing the report online before the Board discusses it. Mr. DeRensis said that it provides more transparency to release it to the public in advance. Ms. Manugian said that she had never been comfortable releasing it in advance. Mr. Degen said that he understood the Town Managers concern adding that the agenda did a great job conveying what was being discussed. He said that while he understood Ms. Pine's opinion as well as Town Counsel, he thought it set them up for undue ridicule that was unnecessary.

Mr. Giger suggested that no one contact Brooke and DeRensis for labor issues and thought they, as a Board, needed to review the rules for contacting counsel.

4. Mr. Haddad asked the Board to consider making the following appointments as read on page 1. (See attached)

*Mr. Degen made a motion to appoint the individuals as read by the Town Manager on page 1. Mr. Reilly seconded the motion. The motion carried unanimously.*

Mr. Haddad asked the Board to consider making the following appointments as read on page 2.

*Mr. Degen made a motion to appoint the individuals as read by the Town Manager on page 2. Mr. Reilly seconded the motion.*

Mr. Giger asked that the Prescott Committee be called the Prescott Lease Oversight Committee.

*The motion carried unanimously.*

Mr. Haddad said that there had been a corrected list for his appointments of the Cable Advisory Committee and Commission on Accessibility and asked the Board to consider ratifying the corrected appointments.

*Mr. Degen made a motion to ratify the appointments of the Town Manager to the Cable Advisory Committee and Commission on Accessibility. Ms. Pine seconded the motion. The motion carried unanimously.*

Mr. Reilly left the room at 8:27pm.

5. Mr. Haddad said that they had entered into negotiations in January with the Fire Chief on a new 3-year contract adding that due to a few things going on, they decided to sit down and renegotiate with the Chief again now. Mr. Haddad said that the Board discussed and the Chief accepted the following offer. He said that there would be a one-year contract beginning on July 1, 2019 for the Chief that would be for \$125K plus a \$4K stipend for being the Emergency Management Director. He said that the Board would enter into a new 3-year contract beginning July 1,

2020 of \$130K plus a \$4K stipend; with years 2 and 3 of the contract to include up to 3% performance incentive plus added to the base plus a \$4K stipend for being the Emergency Management Director.

*Ms. Manugian made a motion to nullify the Fire Chief's contract for years 2 and 3 of the current agreement on June 30, 2020. Mr. Degen seconded the motion. The motion carried unanimously.*

Mr. Haddad asked the Board to make a motion to issue a stipend for FY20 for Emergency Management Director of \$4K subject to Town Meeting approval in the Fall of 2019.

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

*Mr. Degen moved that they enter into a 3-year contract beginning on July 1, 2020 with year 1 at \$130K and years 2 and 3 with performance-based salary increases added to his base of up to 3%. Ms. Pine seconded the motion. The motion carried unanimously.*

Mr. Reilly returned to the meeting at 8:34pm.

### **ON-GOING ISSUES**

A: Mr. Haddad said that the Senior Center project was going well.

C: Mr. Haddad said that the MRPC was trying to secure a date to meet to begin the application process for Green Communities Designation.

E: Mr. Haddad said that on June 25th at 11am, the Government Affairs Committee was going to hear their proposed legislation on Olivia Way.

G: Mr. Haddad said that the punch list on the sidewalks had been completed and the work was done. He said he would like to take this off the list. Mr. Giger said that the crosswalk sign had not been installed across from the Middle School.

I: Mr. Haddad said that the Notice to Proceed was issued for the Library roof project.

K: Mr. Haddad said that the Pepperell Landfill was still an issue in Pepperell based on a letter they had received from Pepperell. Mr. Giger said he would like to see the Board's concerns relayed to the Town of Pepperell. Ms. Pine said she would like to hear from Mr. Tada and Mr. Gualco about the concerns.

F: Mr. Degen said that they had talked about a Capital Planning Committee and would like it to regain momentum. He said that they needed to discuss a charge and evaluate what they own. Ms. Manugian said that Mr. Degen was in charge of writing that charge. Mr. Haddad said that he would work with Mr. Degen on this.

### **MINUTES**

*Ms. Pine moved to approve the minutes of June 10, 2019 as presented. Mr. Giger seconded the motion. The motion carried 4-0-1 with Mr. Degen abstaining.*

The meeting was adjourned at 8:45pm.

Approved: \_\_\_\_\_  
John Reilly, Clerk

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

Date Approved: 7/1/19