

**SELECT BOARD MEETING MINUTES
MONDAY, MARCH 30, 2020
APPROVED**

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

Also Virtually Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant; Melisa Doig, HR Director; Tom Delaney, DPW Director; Patricia Dufresne, Town Accountant; Michael Bouchard, Town Clerk; Jonathan Greeno, Principal Assistant Assessor; Bud Robertson, Finance Committee Chair; Michael Hartnett, Tax Collector/Treasurer; Michael Chiasson, IT Director

Ms. Manugian called the meeting to order at 7:00pm and reviewed the agenda.

ANNOUNCEMENTS

Ms. Pine said she wanted to provide some information received earlier that day from the Dept of Public Health (DPH). She said that it had been announced that they had the first confirmed COVID-19 case in Groton last week. She said that the DPH was not going to provide communities with notices of individual cases any longer. She said that they were only going to update county data. She said that Nashoba Board of Health public health nurses contacted those who were positive, would monitor those infected and make assessments about those within close contact with those individuals (those who had been within 6ft for longer than 15 minutes). She said that those people would be asked to self-quarantine for 14 days. Ms. Pine said that the information she was providing would be posted on the Town's website. Ms. Pine said that HIPAA did not allow the Board of Health to release personal information. Mr. Giger said he was disappointed that they were not getting information from their local Board of Health. He said he was concerned that the State was shutting them off from the basic indications for planning purposes. He said he was not happy but not anything anyone of them could solve.

Mr. Haddad said that Mr. Giger asked for an every other day update on what they were doing in town. He said that he tried to cover this in his Town Manager's reports. Mr. Haddad said he would post reports every other day.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that everyone within the Town Hall, Library and Country Club had been sent home to work with the exception of the Senior Center staff. Mr. Haddad said that Town Hall employees were working hard and doing the best they could to meet the needs of the residents. Mr. Haddad said that the Senior Center was providing meals on wheels and rides to the stores, etc. Mr. Haddad said that the DPW was staffed with 3 individuals every day including Transfer Station and mechanic employees to keep essential work going. Mr. Haddad said that he issued a spending freeze last week adding he was concerned about revenues going forward.

Mr. Haddad said that he also wanted to talk about an issue at the Senior Center and an issue with how a roof drain was secured. He said that water came into the building over the weekend. Mr. Haddad said that they had a meeting with the insurance adjuster and contractor that day and would have another the next day to discuss next steps. Mr. Haddad said he was taking a hardline approach on this. He said that the drain should have been caught and this never should have happened.

Ms. Pine said she wasn't sure why they were pulling back on DPW operations. She said she was concerned about standard work not getting done. Mr. Delaney said he was directed to scale back. He said they had a lot of work that needed to be done. Ms. Pine said she was concerned about the MS4 work. Mr. Delaney said that the MS4 was a small piece of the work. Ms. Pine said that some things were not getting done and would pile up. Mr. Delaney agreed. Ms. Manugian said that part of the concern was she wasn't confident that people were following the rules and some things couldn't be done 6ft apart. She said she would always air on the side of more caution. Mr. Haddad said that he was directed last week at their meeting to scale back on DPW operations. Mr. Giger said that everyone needed to realize that they needed to keep an eye on financially on what needed to be done. He said that cash flow was critical. Ms. Pine said that pulling the highway workers off was not saving them any money adding they were still paying people.

Mr. Haddad said that Police and Fire operations were continuing well with no issues.

2. Mr. Haddad said that Governor Baker had closed all schools and daycares until May 4th, that the plastic bag ban was removed for now (even though it wouldn't go into effect in Groton until July 1), hand sanitizer needed to be provided to people visiting grocery stores, etc. Mr. Haddad said that he expected that the Governor would follow suit with the President in the coming days adding that the President extended the closures until the end of April. Mr. Haddad said that should the ban be lifted; he would recommend keeping Town Hall closed to the public but allow employees back in to work.
3. Mr. Haddad said that the Board of Health had declined to prohibit building construction in Town or restaurant take-out service. He said that they did however, reaffirm their support for actions taken by the Town Manager and Land Use Director to protect their employees and local construction workers. Mr. Haddad said that he met with their Land Use Staff, and had instituted the following Building Department Protocols:
 - a. The Building Department would continue to accept all permit applications, but would not issue any permits until at least April 7, 2020. He said that this date would be reviewed by the Town Manager to determine if it needed to be extended.
 - b. Exterior Property Inspections would be allowed as long as a particular inspector was comfortable performing said inspection.
 - c. Interior inspections in occupied buildings WERE NOT ALLOWED under any circumstances.
 - d. Interior inspections in unoccupied buildings could be performed as long as the inspector was comfortable performing said inspection and the attached questionnaire was completed and approved by the Building Commissioner and/or Fire Chief.

Mr. Haddad said that they had instituted these protocols for the protection of their employees. He said that they were also reviewing the State regulations with regard to Building construction as instituted by the Governor and would advise the Board of any action they would be taking to enforce those regulations. Mr. Haddad said that they provided the 2 major construction sites in town with a copy of the Governor's order. He said he would like the Board to adopt that tonight.

Mr. Haddad said that he sent a resident's email received earlier that day to Town Counsel and was waiting for a response. Ms. Pine said that her reading of the Governor's Order was that the Town was not going to change anything they were doing right now. Mr. Haddad said that his primary focus was protecting the inspectors and the residents. Mr. Giger said that the guidance provided by the MMA was unclear. Mr. Haddad said he was comfortable doing what they were doing at the local level to protect the inspectors and the community. Mr. Degen said that he disagreed on the construction activities. He said it was so hard to social distance in an enclosed construction site. Mr. Degen said the Governor was doing a great job but not with this one. Jason Weber, Chair of the Board of Health said that all of them could come up with hypothetical circumstances that could show potential risk. He said that they needed to take a fact-based approach. He said that making claims that people coming into their town could pose a risk was not helping matters. Mr. Giger asked how they could limit their own DPW employees but the State allowed construction sites to keep going. Ms. Manugian said she was going to ask for a motion in a minute to adopt the Order but asked what could be done for enforcement and monitoring. Mr. Haddad said that they handed out the document to various construction jobs asking them to adhere to the guidelines adding there was nothing they could do to enforce the State order. Ms. Haddad said he was not sure what they could do with the smaller jobs adding the only thing they could do was spot inspections possibly.

Ms. Manugian said she would entertain a motion to adopt locally the Governor's Order and subsequent clarification letter issued by Town Counsel, Attorney Ross. Ms. Pine made the motion. Mr. Reilly seconded the motion.

Mr. Degen said that this was an unfunded mandate asking who it would fall on. Mr. Haddad said that the permit could be pulled if found in violation by the Building Department. Mr. Degen said there were a lot of permits out there. Mr. Haddad said that they were doing the best they could. Mr. Degen said that they took on more liability within the Town if they adopted this. He said he would rather see the State take on the responsibility. Ms. Manugian said that there would be no enforcement if they left it up to the state. Mr. Degen said that they could follow Boston, Cambridge and Somerville and shut down construction. Ms. Pine said that there was the possibility that new guidelines could be issued tomorrow by the Governor. Ms. Pine said that they should allow people to seal things up if they went down that road. She said they should adopt this that day and see what the Governor said. Mr. Giger said that for the short term, they could accept this. Mr. Reilly asked who was going to enforce social distancing. He said that everyone needed to be responsible and take this seriously. He said that until the Governor fixed this, they would be nailing themselves into the ground. He said that they could drive themselves crazy with this adding everyone needed to be responsible and take care of themselves and for the sake of the people around them.

Roll Call: Manugian-aye; Giger-aye; Pine-aye; Reilly-aye; Degen-aye

Mr. Haddad said he would post the Order on the website and speak with the inspectors tomorrow. Mr. Degen said that there was a mandatory shut down day this week so that contractors could make sure protocols were in place. Ms. Manugian said that her understanding was that the shut-down day was for state projects adding smaller projects could pick any day and do the same. Mr. Haddad said he would speak with Bob Garside tomorrow.

4. Mr. Haddad said that they were going into Executive Session later on to discuss union contracts. Mr. Haddad said that they were self-insured with their unemployment. He said that they were responsible for 36% of payroll expenses. He said that the federal government as part of recent guideline changes said they (the Town) would only be responsible for 50% of the 36%. He said it was complicated right now adding there were still things to be looked into. Ms. Pine said that reality was the money paid out for unemployment came from the Town and didn't mean they would be saving money. Mr. Reilly asked if they would be reimbursed for certain payroll costs. Mr. Haddad said that they were tracking all costs relative to COVID-19. He said that should they be able to apply for reimbursement, the Town would be ready to go. Ms. Dufresne said it could take a while but that they would get some sort of reimbursement.
5. Mr. Haddad said that the moratorium on public meetings expired that day. He said he was recommending that the Board lift the moratorium and allow Boards and Committees to meet only if absolutely necessary to conduct Town Business. Mr. Haddad recommend that meetings be held virtually on Zoom only and was not recommending that they open up Town Buildings for meetings at this time. He said that he would work with the various Boards and Committees and their IT Department to coordinate any meetings. Mr. Haddad said that all meetings must be posted with 48 hours' notice in compliance with the Open Meeting Law. He added that in order to allow for better public access to meetings, they would start using the Webinar Function on Zoom, a function that allowed the public to actually join the meeting and participate when called on by the Chair.

Ms. Manugian asked if the Board allowed the Town Manager to work with the Boards and Committees to schedule virtual meetings, if it would be onerous on him to do that. Mr. Giger said that it should be appealable to the Select Board. Ms. Pine asked if the use of Zoom was allowable for public hearings. Mr. Bouchard said that they needed to obtain an interpretation from Town Counsel on that. Ms. Manugian said that the rules needed to be clear if they allowed this. Takashi Tada said that the Historic Districts Commission would have ordinarily have had a meeting planned for April 21st adding they needed to advertise tomorrow as per their regulations if this moratorium was lifted. Mr. Haddad said he would advertise the public hearing adding they could be cancelled if they needed to. Mr. Haddad said he would put together a protocol for the Board to review tomorrow. Mr. Haddad said he wanted to allow Boards to carry on with Town business by allowing them to meet. Ms. Pine said she was in favor of allowing boards to meet and thought they could initiate the request with Mr. Haddad.

Ms. Pine moved that the Select Board authorize Committees to meet, following certain protocols beginning with a meeting request being made to the Town Manager added that all meetings were to be held virtually with as much public input allowed and could be managed. Mr. Degen seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Reilly-aye; Degen-aye

6. Mr. Giger mentioned the reading of a letter into the record from Alan Hoch. Ms. Manugian said that they could add it to the minutes. Ms. Pine said that Mr. Hoch did not think they should be allowing Indian Hill to continue construction per his interpretation of the Governor's order.
7. Mr. Degen referred to an email from March 16, 2020 that a resident would like read into the record. Ms. Manugian said that they were not talking about payroll right now adding they could discuss it during Executive Session.
8. Mr. Haddad said that the Town Election was discussed on a conference call that day. He said that they referenced the state law and delays the elections per state law. Mr. Haddad said that the town's bylaw changed the election per the change in the town meeting date. He said nomination papers were now due on April 21st. Mr. Bouchard said that they were good with their revised dates. Mr. Bouchard said that the deadline to pull papers was April 17th. He said that he would like to do things by email and encouraged interested persons to call him or email him. He said that 50 signatures would still need to be obtained. He said that they would try to be creative and work with people on ways they could obtain 50 signatures while social distancing.
9. Mr. Haddad said that they should consider delaying some warrant articles until the fall and take them off this warrant. Mr. Haddad said that he provided the Board with a recommendation on what should move forward and what should not. Ms. Pine said that she had heard that this virus could ramp up again in the fall and questioned the possibility of acting on postponed articles then. Mr. Degen asked if there had been new guidance from the State on town meeting rules. Mr. Degen said that they should go through the recommendations and then add anything they wanted to. Mr. Haddad provided the following recommendations:

Article		Action Proposed	
1	Hear Reports	Move Forward at Spring Town Meeting	
2	Elected Officials Compensation	Move Forward at Spring Town Meeting	
3	Wage and Classification Schedule	Move Forward at Spring Town Meeting	
4	Fiscal Year 2021 Operating Budget	Move Forward at Spring Town Meeting	
5	OPEB Trust Fund	Move Forward at Spring Town Meeting	
6	FY 2021 Capital Budget	Move Forward at Spring Town Meeting	
		with the exception of the following items:	
		<i>Ambulance 2 Replacement</i>	\$325,000
		<i>Dump Truck Debt</i>	\$40,000
		<i>IT Infrastructure</i>	\$40,000
		<i>Tractor Trailer Debt</i>	\$40,000
		<i>Police Cruiser</i>	\$56,570
		<i>Triplex Mower Lease</i>	\$5,100
7	Police Department Generator	Move Forward at Spring Town Meeting	
8	Environmental Consulting Services	Delay Action Until Fall Town Meeting	
9	Create a Stormwater Enterprise	Move Forward at Spring Town Meeting	
10	Special Legislation on Town Trust Funds	Delay Action Until Fall Town Meeting	
11	Complete Streets Engineering	Delay Action Until Fall Town Meeting	
12	Acquire Parcel on Land/Station Ave.	Delay Action Until Fall Town Meeting	
13	Mosquito Control Project	Remove and Not Act On	
14	CPA Funding Accounts	Delay Action Until Fall Town Meeting	
15	CPA Funding Recommendations	Delay Action Until Fall Town Meeting	
16	Zoning - Codification	Move Forward at Spring Town Meeting	
17	Zoning - Site Plan Review	Delay Action Until Fall Town Meeting	
18	Zoning -Attached Accessory	Delay Action Until Fall Town Meeting	
19	Zoning - Detached Accessory	Delay Action Until Fall Town Meeting	
20	Amend Chapter 128 - Dogs	Delay Action Until Fall Town Meeting	
21	Acceptance of Amelia Way	Move Forward at Spring Town Meeting	
22-32	Consent Agenda	Move Forward at Spring Town Meeting	

Ms. Pine left the virtual meeting and returned a few minutes later at 8:33pm.

There was a discussion about the sprinkler system project at the Prescott School that was currently out to bid right now with bids being due on April 15th and any effect delaying that article would have. Ms. Pine said that she would want to hear from the applicants who had CPC applications about any delays. Ms. Pine asked about whether they would get bids on the sprinkler system. Mr. Haddad said that people were requesting the bid specs but he wasn't sure if and how many people would bid.

Ms. Pine said that the dog bylaw delay would add to the risk that they were in conflict with State law. Mr. Haddad said that waiting until the fall allowed a case currently being adjudicated in the courts time to work itself out and allowed for more attendance at the Fall Town Meeting.

Ms. Manugian said she would entertain a motion to move forward with the recommendations made by the Town Manager. Ms. Pine said she was generally in favor of this but asked if they could wait another week to receive answers on a couple of questions they had posed. Mr. Degen said he didn't see any reason to move forward that night and thought holding off a week was reasonable.

Mr. Robertson said that the budget approved so far was to be reviewed on April 21st by the Finance Committee adding he was going to suggest not moving forward with funding Sargisson Beach lifeguards and weed management at Baddacook. He said that the unknowns at this time needed to be considered. Mr. Haddad said that the FY20 meals and room tax revenue was received that day. He said that that meals tax put them over the budget projections by \$11k and the room tax was about under budget by \$8K. Mr. Haddad said that they would not exceed that next year as they thought they would due to this pandemic. Mr. Degen said that the school department had been talking about layoffs and furloughs. He said that that money would not stay with the schools but come back to the towns. It was discussed that that money would go back into free cash. Ms. Dufresne said that if they didn't need it to cover a revenue deficit, then it would flow back to free cash.

MINUTES

Ms. Pine moved to approve the meeting minutes of March 23, 2020 as presented. Mr. Reilly seconded the motion. Roll Call: Reilly-aye; Giger-aye; Degen-aye; Pine-aye; Manugian-aye

Mr. Haddad asked the Board to enter into Executive Session pursuant M.G.L., c. 30A, §21(a), clause 3 – “To discuss strategy with respect to collective bargaining or litigation in an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.” Mr. Haddad said that they would exit out of this webinar and enter a new meeting. Ms. Manugian said that they would not return to Open Session.

Ms. Pine made the motion. Mr. Giger seconded the motion. Roll Call: Reilly-aye; Giger-aye; Degen-aye; Pine-aye; Manugian-aye

The regular meeting adjourned at 8:54pm.

Approved: _____
John Reilly, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 4/13/2020