

**SELECT BOARD MEETING MINUTES
VIRTUAL MEETING
MONDAY, APRIL 27, 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; Jason Kauppi, Town Moderator; Melisa Doig, HR Director; Patricia Dufresne, Town Accountant; Michael Bouchard, Town Clerk; Jonathan Greeno, Principal Assistant Assessor; Michael Hartnett, Tax Collector/Treasurer; Mike Luth, Police Chief; Steele McCurdy, Fire Chief; Tom Delaney, DPW Director; Finance Committee Members: Bud Robertson, Gary Green, Colby Doody, Art Prest, Scott Whitefield, Mary Linskey, David Manugian; CPC Members: Bruce Easom, Richard Hewitt, Dan Emerson, Carolyn Perkins, Anna Eliot, Bob DeGroot, Tim Tsvarczopf; George Moore, Animal Control Officer; Commemorations and Celebrations Committee Members: Bob Johnson, Don Black, Gail Chalmers

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

TOWN MANAGER'S REPORT

1. Mr. Haddad said that given the current protocols of social distancing and limiting crowd gatherings, both he and Chief Luth requested that the Board start discussing the Memorial Day Parade. He said that if they were going to hold it, they needed to start planning now, and if they cancel/postponed it, they should alert the residents as soon as possible. He said that he had invited Chief Luth, Bob Johnson, Chief McCurdy, Don Black and Gail Chalmers, the members of the Commemorations and Celebrations Committee to the meeting to discuss this issue with the Board. Mr. Johnson said that the Committee hadn't met to discuss this but had put out an email to a number of the past participants. He said that some of the girl scouts were under a no contact order until July as an example. He said that he could place wreaths as a tribute in the interim. Ms. Chalmers said she was concerned with holding the parade adding the Town was not in a position to have any parade due to the pandemic. Mr. Black said that the most prudent thing to do would be to postpone it.

Mr. Haddad asked the Board to vote to postpone the parade to a date to be determined and allow the Veterans Agent to lay some wreaths in place of the parade on Memorial Day as a remembrance to the veterans.

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

2. Mr. Haddad provided the Board with a review of the Town's 3rd quarter financials. He said that the 3rd quarter revenues were right in line with where they were this time last year. Mr. Haddad said that they were, before COVID-19, going to be hitting their estimates on meals and rooms tax. He said they expected motor vehicle excise to be down from last year also. Mr. Haddad said that they were well on their way to meeting last year's budget at the Country Club and was disappointed that the COVID-19 pandemic was not going to allow them to do that. Mr. Haddad said that licenses and permits were doing well this year and real estate and personal property taxes were right on target. He said he was nervous about what the 4th quarter would look like reminding folks that they had a spending freeze in place to help with some of the anticipated revenue losses.

Mr. Haddad said that with the spending freeze initiated in March, their expenses were lower than this time last year and would continue to see it go down in the 4th quarter. Mr. Degen asked why other departmental revenue was lower. Ms. Dufresne said that GELD had just paid their 3rd quarter payment at the beginning of April and missed the recap.

7:15PM – CONTINUATION OF THE PUBLIC HEARING ON THE 2020 SPRING TOWN MEETING WARRANT

Mr. Degen moved to reopen the public hearing on the Spring Town Meeting Warrant. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Degen-aye; Reilly-aye; Giger-aye; Pine-aye

Mr. Robertson called the Finance Committee to order at 7:17pm. All members were present.

Article 4 – Budget: Mr. Haddad said that they had discussed making a onetime transfer from stabilization or free cash due to help with anticipated revenue shortfalls due to COVID-19. He said that they didn't need to do that now adding the GDRSD had voted to use \$800K out of their E&D to help Dunstable which also provided a reduction in the district assessment to Groton. He said that by reducing their assessment, Groton's assessment would be reduced by \$618,160. He said that the District did not reduce their FY21 budget. He said that the District's FY22 budget would need to be increased by \$618,160 from Groton to make up for the reduction in their E&D in FY21. He said that this was not a windfall for Groton but an offset on how they would pay for their costs.

Mr. Haddad said that the Town had cancelled the lifeguards at Sargisson Beach and had reinstated the weed treatment at Baddacook Pond and recommended that they eliminate the snow and ice deficit at the Spring Town Meeting. Mr. Haddad said that the budget was now \$319,260 under the anticipated levy limit. He said that his recommendation would be to leave this as is and go to Town Meeting with this estimate. He said that if they needed to use stabilization money or free cash, that they wait until the fall town meeting. He reiterated that the \$618K would have to go back into the school's budget in FY22. Mr. Giger said that if they referred to the \$618K as a loan, it might make it easier for the voters to understand. Mr. Haddad said that that was a good way to put it adding the school district was taking a chance by doing this.

Ms. Manugian said that they would have needed to rely on their own stabilization or free cash due to the pandemic and thought they were taking advantage of the district by using this money to help balance their budget. She said that her preference would be to maintain that \$618K lump sum and leave it be for next FY. Mr. Robertson said that they needed to keep track of this money but before this, they were balanced by using stabilization to balance the budget. He said he viewed this as a now and then problem; the Town needed this now and the Schools needed it later on. He said he preferred to leave the budget as presented that evening adding it was balanced and easy to understand. He said that this would allow them time to see if they were going to recover or not economically. He said that the schools were working with their unions and the Town would be working with their unions on new contracts for FY22 and would have a better idea of where they were financially as the year went on. Mr. Green said he concurred with what Mr. Robertson said adding they had gone through discussions like this numerous times. He said that this was a future problem adding they had no idea what next year was going to look like yet. Mr. Degen said he agreed with what Mr. Robertson said also adding they could deal with stabilization/free cash in the fall. He said that if revenues did not hit where they thought they would, they may have a bigger problem in the fall. He thought they needed to remain proactive in planning for that situation.

Mr. Haddad asked if the Board wanted to take a position on the budget. Members Degen, Pine, Giger, and Reilly supported the budget as presented. Ms. Manugian did not support the budget.

Finance Committee Members Whitefield, Green, Prest, Doody, Linskey, Manugian, Robertson unanimously supported the budget as presented.

Article 5 – OPEB Trust Fund: Mr. Haddad said that the Finance Committee had voted unanimously to support the OPEB Trust offset.

Members Manugian, Pine, Reilly and Giger supported this. Mr. Degen said that he would reluctantly support this adding he thought it could wait until the fall.

Article 8 – Community Preservation Funding: All members of the CPC were present and called to order at 7:42pm.

Mr. Haddad said that The Town's Engineer had completed his review of the bid submitted by Xcel Fire Protection. Mr. Haddad said that based on the engineers background check and review of the bid, the engineer was comfortable that Xcel has a full understanding of the project scope and had included all necessary work (site work, fire alarm, sprinkler, cutting/patching, painting, new water service line and overall coordination) in their bid. Mr. Haddad said that Xcel had also acknowledged the fact they were quite a bit lower than the next bidder and were confident in their price. Mr. Haddad said

that based on all this, he saw no reason not to award them the bid, subject to Town Meeting appropriation. Mr. Haddad said that it was his intent to waive the requirement of having the Certificate of Eligibility contained in the bid package. He said that he contacted Xcel Fire Protection and asked them to hold their bid until Town Meeting adding that Xcel was willing to do so whenever Town Meeting would occur. Mr. Haddad respectfully requested that the Community Preservation Committee leave the project proposal at \$125,000. He said that it was more than the project anticipated needing but added he wanted to leave a sufficient cushion in the project budget to cover any unanticipated expenses. He said that whatever was not spent, would obviously be returned to the CPA Fund.

Mr. Emerson explained that the CPC voted to see 2 projects move forward to the Spring Town Meeting; the Housing Coordinator and Sprinkler System at Prescott School. He said they wanted to thank Marlina Gilbert also for submitting a list to them of the District's possible upcoming capital projects. Ms. Eliot said that the sprinkler system had been ranked the lowest by the CPC and wondered how it was reprioritized under these COVID restraints. Mr. Emerson said that this had been put to bed and had voted on all projects already. He said that it was up to the voters to decide. Ms. Eliot said that they were not well served by this project and wasn't sure that the business plan submitted by the Friends was sustainable. Mr. Robertson said that they reviewed the business plan on a semi-annually basis.

Ms. Gilbert, via chat, asked what the balances in the accounts would be if Town Meeting approved these articles. Mr. Easom said that if they just considered those 2 projects there would be \$37,675 in historic, \$314,231 in unallocated and \$571,642 in housing bucket and included the Surrenden Farm debt. Mr. Easom said that the Open Space and Recreation bucket would have \$342.53 because of the Surrenden Farm debt.

Finance Committee Members Whitefield, Green, Prest, Doody, Linskey, Manugian, Robertson unanimously supported the sprinkler system project.

The CPC adjourned their meeting at 8:05pm.

Mr. Reilly said he was glad they got the clarification from the engineer. Mr. Degen seconded that statement.

Mr. Degen moved that the Select Board support the Friends of Prescott CPC application for \$125K for the Prescott School sprinkler system. Ms. Pine seconded the motion. Roll Call: Pine-aye, Reilly-aye, Giger-nay, Degen-aye, Manugian-nay. The motion carried 3-2 in favor.

Article 11 - Snow and Ice Deficit: *Mr. Manugian moved to support this article. Mr. Green seconded the motion. Roll Call: Whitefield-aye, Green-aye, Prest-aye, Doody-aye, Linskey-aye, Manugian-aye, Robertson-aye*

Select Board Members Pine, Giger, Manugian, Degen, and Reilly unanimously supported this article.

Article 13 - Sewer Commission Transfer: Mr. Haddad said that the Sewer Commission was looking to transfer \$100K out of their surplus to fund their budget.

Mr. Manugian moved to support this article. Mr. Green seconded the motion. Roll Call: Whitefield-aye, Green-aye, Prest-aye, Doody-aye, Linskey-aye, Manugian-aye, Robertson-aye

Mr. Giger said that the article did not identify how much money. Mr. Haddad said that they didn't put the number in the article adding they only put it in the motion.

Mr. Giger moved to support this article. Mr. Degen seconded the motion. Roll Call: Pine-aye, Degen-aye, Manugian-aye, Reilly-aye, Giger-aye

Mr. Haddad asked the Select Board to close the public hearing on the 2020 Spring Town Meeting warrant and approve the posting of the warrant for Friday, May 1, 2020.

Mr. Degen questioned whether they wanted to change the date of Town Meeting now. Ms. Manugian said that if they did, they would have to change the election date. Mr. Kauppi said that they were using May 18th because that set the date of the election. He said that any postponements in town meetings would be done by the Moderator after consultation with various boards. Mr. Haddad said that the election date would be set for June 9th, however the Select Board could change the date of the election to a date before June 30th as long as they made the change 20 days before the election.

Mr. Haddad asked the Select Board to close the public hearing on the 2020 Spring Town Meeting warrant and approve the posting of the warrant for Friday, May 1, 2020.

Mr. Degen made the motion to close the public hearing on the 2020 Spring Town Meeting warrant and approve the posting of the warrant for Friday, May 1, 2020. Ms. Pine seconded the motion. Roll Call: Pine-aye, Degen-aye, Manugian-aye, Reilly-aye, Giger-aye

The Finance Committee adjourned their meeting at 8:18pm.

TOWN MANAGER'S REPORT

3. Mr. Haddad said that Select Board Member Pine asked that the Board consider instituting a temporary leash law during the State of Emergency relative to the COVID-19 Pandemic. He said that the Town of Littleton had recently instituted a similar temporary law and NEFF has instituted guidelines that required dogs be leashed while on their property. Mr. Haddad said that he reached out to Town Counsel for his opinion on the matter. Mr. Haddad said that Town Counsel's opinion was that the statutes cited and the Emergency Declaration provided authority for the Select Board to require that dogs be leashed on all public and private property in the Town, provided that the order was limited to the time that the State of Emergency was in effect.

Mr. Haddad said that he had many conversations about this with various people today adding they didn't have a leash law currently. Mr. Haddad said that people also asked about the wording private property. He said that he was suggesting that this would only include public property and private public property other than a homeowner's property. Mr. Haddad offered the following suggested language:

"Pursuant to M.G.L., c.40, §3, M.G.L., c.111, §104 and the Emergency Declaration issued by the Groton Select Board on March 16, 2020, the Select Board orders the requirement that all dogs remain on a leash, whether on private property on which the public is invited or public property, during the Covid-19 Crisis. This is not a permanent change to Chapter 128 "Dogs" of the Code of the Town of Groton. The change is intended to help ensure social distancing during this difficult time. Specifically, effective April 27, 2020 through the end of the Emergency Declaration by the Groton Select Board, all dogs must be leashed. This order shall be enforced by the Groton Police Department pursuant to MGL C. 40, § 21D, Non-Criminal Disposition as outlined in Chapter 128 "Dogs" of the Code of the Town of Groton."

Mr. Reilly said that he didn't see how restraint didn't mean a leash. He said he couldn't see how Town Counsel wouldn't see that they already had a leash law based on this definition. Mr. Reilly said he had a problem with private property vs. a private yard or house. Ms. Manugian said that this included private property where the public was permitted. Mr. Delaney said that DCR, Mass Fish and Wildlife and NEFF had already instituted a temporary leash law for their properties.

Mr. Cunningham said that he thought the bylaw was such that leashing of dogs could be enforced and didn't know why private property needed to be addressed. Ms. Pine said that there were a lot of dogs running free on trails and needed a black a white statement. Chief Luth said that the Town could not enforce private property leash laws, such as leash laws imposed by NEFF for their property, without a bylaw. Mr. Giger thought they were making a mountain out of a molehill adding that this had worked and wondered why they were adding enforcement. He said they had a lot of other things to attend to. Ms. Manugian said that she disagreed. Ms. Pine said that she had seen too many dogs off leash and had suggested this because of the virus. Mr. Haddad said that this would only be in place through the end of the emergency declaration set by the Select Board. He said it was not a permanent change. Mr.

Cunningham said he didn't think that the Police Department had time to enforce this. Mr. Reilly said he was okay with instituting this but thought that they had this in place this within their bylaw already. Mr. Delaney said he thought this would self-police itself to an extent.

Ms. Pine made a motion to adopt the proposed leash law language. Ms. Manugian seconded the motion. Roll Call: Giger-nay; Manugian-aye; Pine-aye; Degen-aye; Reilly-aye

4. Mr. Haddad said that he and the Town Clerk had been working with the DPW Director and Fire Chief to determine how to best protect the election workers and residents at the Annual Election. He said that the Town Clerk was ordering safety kits (masks, gloves, sanitizer, etc.) for their workers and that the DPW would be constructing plexi-glass enclosures to be set up on the various tables where the Election Workers check in voters. He said that they had also added the Absentee Ballot Application to the Warrant for Town Meeting encouraging residents to request Absentee Ballots for the election. He said that they were also recommending that the Select Board, under their Emergency Powers, vote to limit the hours that the polls are open. He said that polls were ordinarily open from 7:00 a.m. to 8:00 p.m. but that given the fact that there are no contested races, He and the Town Clerk were recommending that the Board vote to set the Polling Hours from 9:00 a.m. to 3:00 p.m. Ms. Manugian said she would prefer hours that accommodated those who are working. Mr. Reilly said he was in favor of reducing the hours. Mr. Degen asked about consolidating precincts. Mr. Haddad said that they would need to notify the public by mail adding it might cause too much confusion since they just changed one of the locations recently. Mr. Bouchard said that they would also be limiting the number of people adding the Fire Chief told him it had to be 20% of the capacity. It was discussed limiting the hours to 1-7pm. Chief McCurdy said that the limit was actually 10%.

Ms. Manugian said she would entertain a motion to limit the hours at the annual election to 1:00 p.m.-7:00 p.m. Ms.

Pine made the motion. Ms. Manugian seconded the motion.

Mr. Giger said that there needed to be a bigger effort to ask for absentee ballots. Mr. Haddad said he would be issuing a press release with all this information tomorrow and blast it out.

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

5. Mr. Haddad said that they were working on developing protocols and procedures for the eventual re-opening of Town Hall and other public buildings to the public and would have it to the Board for review next week. He said that one of the issues raised had been whether or not the Select Board could require residents to wear face masks while in a public building. Mr. Haddad said that he requested an opinion from Town Counsel who said that under *M.G.L., c.40, §3 places all Town property, not otherwise designated, under the control of the Select Board and M.G.L., c.111, §104 authorized the Select Board to take emergency measures to prevent the spread of infectious disease*. Mr. Haddad said that both statutes provided authority for the Select Board to require that face masks be worn while in Town buildings, particularly while the Select Board's Emergency Declaration was in effect. Mr. Haddad recommended that the Select Board vote to require face masks be worn by anyone entering any Public Building in the Town of Groton while the Emergency Declaration was in effect. Mr. Haddad said that they would also require anyone voting at the Town Election wear face masks as well.

Ms. Manugian asked why the employees wouldn't have to wear masks. Mr. Haddad said that the employee would be required to wear them when dealing with the public or in shared office. Ms. Pine said she was not interested in bringing back employees earlier and was concerned about bringing back employees even when the Governor allowed things to reopen. Ms. Pine said she was concerned about employees with childcare issues also due to schools being cancelled. Ms. Manugian asked if they could review this along with his plans to reopen things next week. Mr. Haddad said he would bring this back.

6. Mr. Haddad said that they had another meeting with their Engineer on the MVP Grant and were in the process of developing an application to the State for funding to both develop the best solution to address improving James

Brook to prevent flooding on Broad Meadow Road, along with the funding necessary to implement the solution. He said he would continue to keep the Board updated.

7. Mr. Haddad said that the AG issued guidance as it related to face masks and whether town could require them in public buildings such as grocery stores adding this fell under their jurisdiction. He said he asked the Board of Health (BOH) to take this up at their meeting next Monday. Mr. Degen asked if the BOH could meet sooner than next Monday. Mr. Haddad said he could check with them.
8. Mr. Haddad said that a review of the Board's annual goals were always a part of their third quarter review and provided an update on the Board's goals.
9. Mr. Haddad said that they were running into an issue due to the COVID-19 Pandemic that was impacting some employees across a couple of departments. He said that specifically, some employees were starting to hit their caps on vacation accruals for a couple of reasons and noted a couple of reasons why:
 - a) Both the Fire Chief and Police Chief had issued orders to limit vacation time to no more than 2 shifts at a time. This was done to make sure they had proper coverage during the Pandemic and to limit overtime.
 - b) As Town Manager, he was not inclined to take any time off during this pandemic. He said that Ms. Dunbar had been with him every step of the way and she had not taken any time off either. Mr. Haddad said that he had been maxed out on vacation accrual for the last 2 pay periods and lost 16.5 hours of accrual. He said that Ms. Dunbar had lost 7 hours.
 - c) While some department heads had requested time off (which he said he had granted to prevent burnout as even working from home makes it difficult to take time off), most, including the Fire Chief, Police Chief, Land Use Director, Town Treasurer, Town Accountant and HR Director, had not taken any time off during this time.

Mr. Haddad said that they all understood there were rules that stated if you didn't take vacation time and you reached your maximum accrual you would lose it, but thought that these were different times that they had never faced before. Mr. Haddad said that he asked the H.R. Director, Melisa Doig to examine what other Towns were doing adding they were not the only Town facing this issue. He said that a couple of Town's (Brookline and South Hadley) had responded to Ms. Doig and had instituted a practice to eliminate caps through the end of the year and allow employees to take the time as long as they get down below the cap prior the end of Fiscal Year 2021. After that time, they would lose any time over the cap. Mr. Haddad said that this seemed like a reasonable solution. He said that he would like to issue a temporary amendment to their vacation policy that would allow for this increase and asked the Board to consider it.

Ms. Pine said that it seemed like a fair thing to do. She asked if it would be retroactive. Mr. Haddad said that it would be effective today through June 30th, 2020. Ms. Pine said that she was in favor of this but wanted to make sure it was ironclad that it needed to be used before the next FY or it was lost. Mr. Haddad said that there were 12 employees that were either at max or at risk of maxing out by June 30th. Mr. Giger said it wasn't complicated adding it wasn't going to cost them a significant amount of money. He said that the services provided to them since March 13th, this was minor and would do it. Mr. Reilly agreed.

Mr. Reilly moved to allow accrual of time from the last pay period through June 30, 2020. Ms. Manugian said that with all additional accrued time to be used by June 30, 2021. Ms. Pine seconded the motion. Roll Call: Degen-aye; Pine-aye; Manugian-aye; Giger-aye; Reilly-aye

10. Mr. Haddad reviewed the upcoming couple of meeting schedules.

MINUTES

Ms. Pine moved to approve the meeting minutes of April 21, 2020. Mr. Reilly seconded. Roll Call: Degen-aye; Pine-aye; Manugian-aye; Giger-aye; Reilly-aye

Ms. Manugian said she would entertain a motion to enter into Executive Session with no intent to return to Open Session at 9:16pm Pursuant to Massachusetts General Laws, c.30A, §21(a), Clause 3 – “To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares” – Purpose – Collective Bargaining with the Town’s Seven Unions.

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

Approved: _____
John Reilly, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 5/4/2020