

**SELECT BOARD MEETING MINUTES
VIRTUAL MEETING
MONDAY, NOVEMBER 2, 2020
APPROVED**

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

Also Virtually Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant; Melisa Doig, HR Director; Patricia Dufresne, Town Accountant; Michael Hartnett, Tax Collector/Treasurer; Jonathan Greeno, Principal Assessor; Michelle Collette; Jane Allen, David Zeiler, Nancy Wilder, Mark Gerath, Kristen von Campe, Library Trustees; Bud Robertson, Finance Committee Chair; Paul DeRensis, Town Counsel; Kate Bettencourt; Kenny Patel; Jason Weber, Bob Fleischer, Board of Health Members; Bob Garside, Building Inspector; Tom Orcutt, Water Superintendent; Jack McCaffrey, Jim Gmeiner and Greg Fishbone, Water Commissioners

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

ANNOUNCEMENTS

Ms. Pine said that Affordable Housing Trust held their site walk at the reserve parcel at Surrenden Farm on Saturday which was well attended.

Mr. Degen reminded the public that the polls were open at 7am tomorrow for the election.

TOWN MANAGER'S REPORT

1. Mr. Haddad said that the Governor held a press conference earlier and issued new regulations that became effective on November 6th. All businesses had to close from 9:30pm-5am unless they were an essential business. He said they needed to take into consideration how serious the Governor was taking this. He included that masks needed to be worn in public. He said that the Governor also limited indoor gatherings to 10 people and outdoor activities to 25 people. Mr. Haddad said that Groton had moved to yellow on the map which meant there was an uptick. Mr. Haddad asked if the Board wanted to see the Town Hall move back to appointment only. He said that the public had been great about wearing masks inside but wanted to hear what the Board thoughts were.

Ms. Pine asked if Mr. Haddad had any sense what the employees would prefer. Mr. Haddad said that several Department Heads said they liked the idea of closing to the public. Ms. Pine said she would support closing Town Hall to the public expect by appointment only. Mr. Haddad said that the drop box at the rear of Town Hall had been useful and encouraged residents to use it. Mr. Reilly said he assumed people could call for same day appointments. Mr. Haddad said of course. Mr. Degen said he was comfortable deferring to Mr. Haddad's judgement on this. Mr. Haddad said he would run it by his Department Heads tomorrow morning and if they were comfortable, institute the closure effective Thursday morning.

2. Mr. Haddad asked the Board to consider ratifying his appointment of John Greenhalgh as Animal Control Officer. He said that after many years of dedicated service to the Town of Groton, George Moore had decided to retire. He said that Mr. Moore had been an outstanding Animal Control Officer for the Town and wished him the best in his retirement. Mr. Haddad said that John Greenhalgh had been their back up ACO for many years and currently served as the Animal Control Officer for the Town of Dunstable.

Mr. Degen made a motion to ratify the Town Manager's appointment of John Greenhalgh as Animal Control Officer. Ms. Pine seconded. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Giger-aye; Reilly-aye

3. Mr. Haddad said he had intended to appoint Bob Garside as Building Commissioner that evening but after speaking with Mr. Giger, agreed they should hold off until the State made it official on November 12th. He said he would bring it back on the 16th.

4. Mr. Haddad said that the Trails Committee had requested that he nominate for appointment Lisa Irelan to the Committee. He respectfully requested that the Board accept this nomination and appoint her to the Trails Committee, with a term to expire on June 30, 2021.

Ms. Pine moved to ratify appointment of Lisa Irelan to Trails Committee. Mr. Giger seconded the motion. Roll Call: Manugian-aye; Pine-aye; Giger-aye; Reilly-aye; Degen-aye

5. Mr. Haddad reviewed a memo that was going to go out to the Department Heads the next as part of the budget guidance to them. He said that budgets would be due on November 20th, with budget meetings to be held on Zoom the week of November 30th.
6. Mr. Haddad reviewed the schedule of the Board for the next few weeks.

BOARD OF HEALTH VACANCY

Mr. Weber called the Board of Health to order at 7:16pm.

Mr. Haddad said that there was a vacancy on the Board of Health. He said that the vacancy needed to be filled by a joint vote of the Boards through the next election. He said that Ms. Horowitz's term was due to expire at the next election. The Board had no questions for Michelle Collette who was the only applicant. Mr. Weber said that they were thrilled to have Michelle as a member.

Ms. Manugian asked for a motion.

Mr. Degen made a motion to appoint Michelle Collette to fill the vacancy on the Board of Health through the Spring 2021 election. Mr. Weber seconded the motion. Roll Call: Manugian-aye; Degen-aye; Pine-aye; Giger-aye; Reilly-aye; Weber-aye; Fleischer-aye

Ms. Collette thanked Susan Horowitz for her years of service.

Mr. Fleischer moved to adjourn at 7:21pm. Mr. Weber seconded the motion. Roll Call: all ayes

Mr. Haddad read a proclamation for Dr. Horowitz into the record.

Mr. Degen moved that they accept the proclamation and record it in the record of the Town. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Giger-aye; Pine-aye; Reilly-aye; Degen-aye

BOARD OF LIBRARY TRUSTEE VACANCY

Ms. von Campe called the Board of Library Trustees to order at 7:21pm.

Mr. Haddad said that there was a vacancy on the Board of Library Trustees adding that Kate Bettencourt was the only applicant. Ms. Pine thanked Ms. Bettencourt for stepping forward in this role. Ms. Von Campe said that they had voted unanimously to see Ms. Bettencourt appointed.

Ms. Pine made a motion to appoint Kate Bettencourt to fill the vacancy on the Board of Library Trustees through the Spring 2021 election. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Degen-aye; Pine-aye; Giger-aye; Reilly-aye; von Campe-aye; Gerath-aye; Allen-aye; Wilder-aye; Zeiler-aye

Mr. Gerath moved to adjourn at 7:24pm. Ms. Wilder seconded the motion. Roll Call: von Campe-aye; Gerath-aye; Allen-aye; Wilder-aye; Zeiler-aye

OTHER BUSINESS

Mr. Haddad asked the Board to extend the warrant signing authority of the Town Manager and John Reilly for 30 days.

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

LIQUOR LICENSE HEARING – 6 BOSTON ROAD

Mr. Haddad read the public hearing notice into the record.

Mr. Haddad said that the Building Inspector went out with the Police Chief to conduct an inspection earlier that day adding that the Building Inspector saw no issue with the Board moving forward with this application.

Mr. Degen moved to open the public hearing. Ms. Pine seconded the motion. Roll Call: Pine-aye; Degen-aye; Giger-aye; Reilly-aye; Manugian-aye

There were many abutters present.

Mr. Kenny Patel, owner of Groton Express, LLC, said that were going to be taking over as the new renter of the Mobil Station. Ms. Pine asked if their rental depended on the liquor license. Mr. Patel said that they wanted to bring more traffic. Mr. Patel said that they had 20 gas stations overall with 4 selling beer and wine. He said that they also owned a couple package stores. Ms. Pine asked if the clerks had to be over 21. Mr. Patel said that they did. Mr. Degen said he had no issue with the addition of alcohol sales at a gas station but had issue with traffic flow and the parking situation at the station currently as well as the intersection issues. Mr. Degen asked if the applicant would be willing to review the traffic studies done at the intersection and hire a traffic consultant to provide a review. Mr. Patel said that they were working with a professional that was examining additional parking. Mr. Patel agreed to review those plans. Mr. Degen reviewed the preliminary traffic layout for the intersection at Old Ayer Road. Ms. Manugian shared some of Mr. Degen's concerns. Mr. Reilly said he too shared concerns with parking and traffic. Mr. Giger talked about the tank trucks that enter the station to refill the fuel and the amount of space they take up. Mr. Giger asked for clarification on the 500ft stipulation in the general laws. Mr. Haddad said that when notifying abutters, they were required to notify abutters within 500ft when a school or church was located within that 500ft. Mr. Degen asked if there was a statutory limit on how long it could take them to take action. Attorney DeRensis said that they had 30 days to take action on the application with the clock starting the day they received the application which was October 13. Mr. Degen asked if they could ask for an extension. Attorney DeRensis said that there was nothing in the statute that allowed for that but it would be up to the applicant to consent.

Ms. Manugian read a letter from Mr. and Mrs. Platt into the record. *(see attached)*

Mr. Haddad read a letter from Mr. & Mrs. Strachan into the record. *(see attached)*

Ms. Manugian said that Tony Hawgood asked if additional parking spots would have to go before the Planning Board. Mr. Garside said that additional spots would need to go to the Planning Board and possibly Conservation Commission but there was no change of use or expansion of the structure so it did not require approval by the Zoning Board of Appeals. Ms. Pine said that she disagreed that this was an insignificant change of use and thought this triggered the ZBA to weigh in. She said that Town Counsel said that zoning was separate from issuing an alcohol license. Ms. Pine said that the applicant had the right to appeal to the ABCC who more frequently overturned denials. She asked if the Police Chief could look at the parking and traffic and comment on that. Ms. Pine said she was disappointed that LA chose not to respond to this.

Mr. Weinburg and Carol Swift from Old Ayer Road were present. He said that a liquor store would bring in more people and affect traffic. He said that there were a lot of wetlands around the building and wasn't sure how they could expand parking. He said he didn't want to see them expand the hours either. Ms. Swift said that she was concerned about the increase in traffic and did not support this application. Mr. John Hayes from 21 Boston Road said he agreed with Mr. Platts letter and were opposed to this use. Ms. Pine said she had a conversation with Tony Hawgood and Susan Daly who were also opposed to this. Mr. Hawgood said he wasn't sure they could add additional parking and how the increase in traffic would work.

Ms. Pine said that a lot of this decision hinged on the Building Inspectors assessment. She said it was great that he looked at this but added he wasn't fully certified yet. Mr. Haddad said that Mr. Garside consulted with Mr. Cataldo their current Zoning Enforcement Officer who agreed with Mr. Garside's inspection. Mr. Garside said that he reviewed the zoning bylaw and just didn't take a guess. Ms. Pine respectfully disagreed that this was not a change of use. She said that this could end up at the ZBA for a ruling at the abutters request. Attorney DeRensis said that they could not sell alcohol without all applicable permits. Ms. Pine said that she did not think this location was a suitable location for alcohol sales. Ms. Manugian said it would be her preference to continue this for a week pending additional documentation. Ms. Manugian said that she was involved on the ZBA and acted on this in the past and asked if she should recuse herself. Attorney DeRensis said that she didn't have a financial impact from this and therefore did not have to recuse herself. Mr. Degen asked the applicant if they were looking for a decision that evening. Mr. Patel said that they were. Mr. Haddad made a recommendation that the Board make a determination that evening based on all the questions and abutters requests to deny this adding it didn't make sense to continue this. Attorney DeRensis asked that the traffic studies be made part of the record of the meeting.

Mr. Degen said that they were aware of the property, the nonconforming use and traffic/parking issues. Ms. Pine said that if they understood the traffic studies, it might weigh in on their decision next week. Mr. Haddad said that they should close the public hearing, delay the decision until next week and work Town Counsel to draft a decision for next week. Attorney DeRensis said that they should continue the public hearing and not close it.

Mr. Degen moved that they continue the public hearing until the 9th of November at 7:15pm and instruct the Town Manager to work with Town Counsel to distribute traffic studies for their review and incorporate them into their decision. Ms. Pine seconded the motion. Ms. Manugian asked for a copy of the realignment plan and copy of the ZBA decision. Mr. Degen accepted the amendment. Ms. Pine seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Pine-aye; Degen-aye; Giger-aye

WATER COMMISSION – MANGANESE UPDATE

Mr. McCaffrey called the Water Commissioners to order at 8:31pm. All present, Tom Orcutt and Michael Ohl their consultant.

Mr. Orcutt said that DEP accepted their report and were on their way with a facility. He said that the next major milestone was next September in which they needed to submit final design plans. Mr. Orcutt said that they issued an RFP for OPM which they received over 20 requests for. He said they would make a recommendation to Mr. Haddad after reviewing the submittals. Ms. Pine asked if the final decision had been to build the plant at the Whitney Wells. Mr. Orcutt said that was correct. Mr. Orcutt said that the Board met twice a month and discussed this at length at every meeting. He said that they created a decision matrix which helped them decide where to build. Mr. Orcutt explained the factors that helped them to make their final determination on where to build the facility. He said that the Whitney facility was a flat site, and allowed them expansion at Baddacook also. He said that Whitney Well ranked higher than Baddacook and was the unanimous decision of the Board, the staff that operates the facility and himself. Ms. Pine asked if there was anything that would make them change their mind on that. Mr. Orcutt said he didn't think so adding that was the report that was sent to and accepted by DEP. He added that there was a cost savings of \$500K to go this route also.

Mr. Orcutt said that they were going to be seeking money in the spring of 2021 for engineering design. He said that they hoped to come back in the fall of 2021 to borrow construction money. Mr. Giger asked if all 6 types of PFAS were being tested. Mr. Orcutt said that they were. Mr. Haddad said that in order for this to work, they needed to come back to the Fall Town Meeting for construction funding. Mr. Degen suggested having a special town meeting within the fall town meeting for this funding. Mr. Giger agreed with the suggestion. Mr. Haddad said that there were quorum requirements for a special town meeting and added complexity. Mr. Gmeiner said that they currently had the charge in place for doing this construction and didn't anticipate raising rates or fees for this. Mr. Gmeiner said that this was just the authorization to borrow. Mr. Orcutt said that there would be the need for an additional operator before the facility went online and would be looking at that down the road. Mr. Orcutt said that they were also reviewing all their costs for savings. Ms. Manugian said that she appreciated the update and all the hard work they had put into these tough decisions. Mr. Degen said that Mr. Orcutt had been providing

excellent outreach and thanked them for all the information the Water Commissioners and Mr. Orcutt had been providing. Mr. Degen asked if they could get costs associated with PFAS remediation also.

The Water Commissioners adjourned the meeting at 9:05pm.

ON-GOING ISSUES

There were no updates.

MINUTES

Mr. Degen made a motion to approve the meeting minutes of October 26, 2020. Ms. Pine seconded the motion. Roll Call: Pine-aye; Degen-aye; Manugian-aye; Giger-aye; Reilly-aye

Ms. Manugian adjourned the meeting at 9:06pm.

Approved: _____
Rebecca H. Pine, Clerk

_____ respectfully submitted:
Dawn Dunbar, Executive Assistant

Date Approved: 11/09/2020