

**SELECT BOARD MEETING MINUTES  
VIRTUAL MEETING  
MONDAY, DECEMBER 14, 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; Hannah Moller, Assistant Tax Collector/Treasurer; Megan Foster, Assistant Assessor; Vanessa Abraham, Library Director; Board of Library Trustees Members Nancy Wilder, Kristen Von Campe; Jane Allen; David Zeiler, Mark Gerath

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

**ANNOUNCEMENTS**

Ms. Pine provided a statement about resident Bob Lacombe who recently passed away.

Mr. Haddad said that they had a potential COVID exposure at the Senior Center. He said that they closed the Center immediately and stopped the van until test results were obtained. He said that meals of wheels would continue as that was an important service.

Mr. Haddad said that Santa Claus would be riding on the fire truck again this year on Christmas Eve adding that the Fire Department would publish a schedule within the coming week.

Ms. Abraham said that Groton Reads for 2021 would be a book named March by John Lewis which was a graphic novel about the civil rights movement. She encouraged people who wanted a copy to let her know.

Mr. Giger asked the Fire Department to make a decision about the tree burning sooner rather than later.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that the Library had been informed by the Head of Circulation of her intention to retire in April. He said that the Library Trustees were requesting that the Select Board consider lifting the Hiring Freeze so that they can fill the position. Mr. Haddad said that he had provided the Board with a memorandum from Library Director Vanessa Abraham outlining the rationale for this request. He said that this was an important position at the Library. He respectfully requested that the Board approve lifting the Hiring Freeze so that the Library could hire a Head of Circulation. Mr. Haddad said that he had included funding for this position in his Proposed FY 2022 Operating Budget that provided for a level funded municipal budget. Mr. Gerath said that this was an essential position adding that cuts would come in other places so that they could fill this position. Ms. Pine said that she thought there were still 2 other positions that were not filled. Ms. Abraham said that was correct; 2 part time 10 hour positions. Mr. Haddad said that those positions were not included in his proposed budget. Ms. Pine said that filling this management position was crucial and considered it the same as the Principal Assistant Assessors position.

*Mr. Degen moved that they lift the hiring freeze for the purposes of hiring a new Director of Circulation for Groton Public Library effective the retirement of the person currently holding the position. Mr. Giger seconded the motion. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Reilly-aye; Giger-aye*

Ms. Wilder moved to adjourn the Board of Library Trustees meeting at 7:11pm. The motion carried unanimously.

2. Mr. Haddad said that the Town Hall Duct Work was fully cleaned last week. He said he was extremely pleased with the manner in which they had been cleaning and maintaining the Town Hall and all other public buildings during this Pandemic. He thanked their DPW employees for their hard work, particularly Tryna Walsh, Jim Kuzmitch, Jen Wade and Quintin Shea for their outstanding efforts. He said that they continued to operate under all other protocols approved by the Select Board.

3. Mr. Haddad said that Groton was a yellow community for the second week in a row. He said that they had 58 cases and were trending 4.66% higher than last weeks report. Mr. Haddad said that part of him felt like they should go remote through the holidays. Mr. Haddad said that they had a couple of possible employee exposures and wanted to hear what the Board thought. Ms. Manugian asked about inspections and appointments. Mr. Haddad said that he was confident that Land Use would follow the same protocols as they had in the spring. He said that the Town Clerk would respond to issues like they also had been in the spring. Ms. Moller said the only issue her office would see was people being unable to pay with cash but didn't see this as a major issue. Ms. Foster said the only issue she saw in her office was exemptions but didn't see an issue pushing this out. Mr. Giger asked if the drop box would be checked daily. Mr. Haddad said that they would utilize their mail and drop box protocol that they did in the spring. Ms. Pine said she didn't see a problem closing Town Hall but asked that they consider unforeseen issues on a case by case basis. Mr. Degen said he was equally concerned about the Library also. He asked if they should also be talking about possibly rolling back to Phase 2 Step 2 like Boston was to protect the residents.

### **LIQUOR LICENSE FEE WAIVER/REDUCTION HEARING**

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

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

Mr. Haddad said that all license holders paid their fees with the exception of the Function Hall at the Country Club. He said that he had told the owner to not send a check until a decision had been made by the Board. Mr. Haddad said that no waivers had been requested except for the Function Hall who had requested a reduction. Mr. Haddad said that the Town of Littleton waived all fees for calendar year 2021 adding that Groton counted on this revenue. Mr. Haddad recommended that they not waive or reduce this fee. Ms. Manugian said that they didn't have a mechanism to waive individual fees and would be looking at this across the Board. Ms. Pine said that the Barn at Gibbet Hill was a function hall but was using the Barn's deck as part of their restaurant. She said that the Groton Inn was also dependent on functions but was selling take out food. She said she thought the Function Hall was slightly different and because they hadn't been able to hold functions adding she hoped they could provide some reduction in the fee. Mr. Degen said they should charge the full fee as recommended. He suggested that if anyone couldn't use their license for a 30-day period, they could apply for a refund or credit toward the following year of \$250. Mr. Giger asked about a bring your own license. Mr. Haddad said that they could not issue a bring your own license to an establishment that held a liquor license. Mr. Reilly said he agreed with Mr. Degen's suggestion adding this would allow them to look at it on a case-by-case basis; pay it up front and let them present their case. Mr. Haddad said that they would have to end this in June adding it was a FY21 license fee even though the license fee was for a calendar year. Mr. Haddad suggested that instead of issuing refunds, they make it a credit on next year's license which would not present them a end of fiscal year issue. Ms. Manugian said she was concerned about this being an equity issue and thought it was an end-run around their policy.

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

*Mr. Degen moved that the Select Board grant a fee reduction waiver policy as it applied to the State of Emergency relative to the pandemic that any business in the Town of Groton that had paid for a liquor license that said fee waiver was applicable to any calendar month where the business serves no alcohol and said fee waiver shall be \$250 per month to be applied to 2022 liquor license fee. Ms. Manugian seconded the motion.*

*Mr. Degen added pending approval of wording by Town Counsel to the end of his motion. Ms. Manugian seconded the amendment. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Reilly-aye; Giger-aye*

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

Mr. Haddad said he would contact the Library about closing through the holidays also. Mr. Haddad said that curbside pickup would continue. Ms. Pine said that some employees would still have to be in the Library for curbside pickup. Ms. Manugian asked about vacation/personal time requests. Mr. Haddad said that people had

already asked for time and would still use their time as requested. Ms. Manugian asked that employees continue to not abuse this. Mr. Degen said that this would be till January 4<sup>th</sup>. Mr. Haddad said that was correct adding he would like to make this effective Wednesday, December 16th. Mr. Haddad said that this was a quiet time for everyone. After a brief discussion, Mr. Haddad said that in order to get the word out, they would make it effective Thursday, December 17th. Employees would return to work on Monday, January 4th

4. Mr. Haddad reviewed all liquor, common victualler and class II licenses as presented in the Board's packet except AL Prime. Mr. Haddad asked the Board to approve them as presented.

*Ms. Manugian moved to approve the licenses as presented. Mr. Reilly seconded the motion. Roll Call: Pine-aye; Reilly-aye; Manugian-aye; Giger-aye (Mr. Degen was not present for this vote)*

5. Mr. Haddad said that the Select Board and the Groton Dunstable Regional School District Committee entered into an Intermunicipal Agreement (IMA) that allowed the Town of Groton to bond the necessary funds should the Florence Roche Elementary School project be approved. He said that the School Building Committee made a decision to pursue constructing a new Middle School Track at the Middle School Location. He said that since this was technically part of the project, should it go forward, the Town of Groton would need to bond the amount needed for the Track as well. He said that in consultation with Bond Counsel, they had revised the IMA to allow the Town to bond the funds necessary for the Track. Mr. Haddad reviewed the amendment. Ms. Pine said that the school would be just Groton students but the track would be used by both Groton and Dunstable. Ms. Manugian said that this was an existing asset and needed to be recreated because of the project. Ms. Pine said she was in favor of replacing the track adding she knew it got a lot of use.

*Ms. Manugian said she would accept a motion to approve the emended IMA as presented. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Pine-aye; Giger-aye; Reilly-aye; Manugian-aye (Mr. Degen was not present for this vote)*

6. Mr. Haddad asked the Board to approve a Common Victualler License for AL Prime as presented. Ms. Pine made the motion. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Reilly-aye; Pine-aye; Giger-aye; Degen-aye
7. Mr. Haddad said that at their November 30th meeting, he presented the Board with a request to allow him to enter into a new contract with the company that leases space on Cow Pond Brook Road for a Cell Tower. He said that the Board asked him to determine the number of carriers on that Tower, as well as if there was a bond with the Town in the event, they had to remove the Tower. He said that:

- a. There were two carriers on the Tower, Verizon and Nextel. Unfortunately, Nextel just notified the Town of their decision to no longer locate on that tower. He said that therefore, only Verizon would be on the Tower. He said that they would lose the revenue sharing payment of \$999 a month now that Nextel was no longer located on the tower. He said that Verizon would continue to pay approximately \$3200 per month, plus escalators.
- b. There was a bond on the tower for \$50,000 with the Town.

Mr. Haddad said that as far as why they had not seen this since 2004, he said that on page two of the Lease, paragraph 2 read that the *"term of this Agreement (the "initial term") is five years, commencing on the date ("Commencement Date") Lessee signs this Agreement. This Agreement will be automatically renewed for three additional terms (each a "Renewal Term") of five years, unless Lessee provides Owner notice of intention not to renew not less than 180 days prior to the expiration of the Initial Term or any Renewal Term."* Mr. Haddad said that based on this, the lease actually expired in 2024. He said there had not been no need for the Town to act on this lease since 2004 since the terms were automatically extended. Mr. Haddad said that they signed a 20-year lease unless the Lessee gives the Town 6 months' notice of its desire to terminate the lease. He said that in 2009, Bay

Communications, LLC, owner of the original lease with the Town, transferred the lease to SBA Towers, LLC. Mr. Haddad said he signed the approval of the assignment adding the terms and the conditions of the original lease (dated May 17, 2004) did not change. Mr. Haddad apologized for his confusion on the initial lease. Mr. Haddad said that as far as the proposed extension, SBA Towers, LLC, wanted to extend the lease, effective, May, 2024 for twenty-five years (five additional 5-year terms) through 2049. He said that all terms and conditions of the original lease would remain in full force and effect. He said there were escalators in the lease (5% for each renewal), as well as revenue sharing, in the event they added another carrier to the Tower. Mr. Haddad said that the Town received 25% of gross rents from subtenants who collocated on the Tower. Mr. Haddad asked the Board to consider authoring him to sign the lease extension. Mr. Giger said that he could only support this if the Town added some language about a cost to take down the tower. Mr. Haddad said that they could request the bond be increased. Mr. Haddad said he would reach out to SBA and get some estimates to take the tower down.

*Ms. Manugian moved to authorize the Town Manager to sign the lease extension pending an increase of the bond to decommission the tower. Ms. Pine seconded the motion. Roll Call: Pine-aye; Manugian-aye; Degen-aye; Giger-aye; Reilly-aye*

8. Mr. Haddad said that the Capital Planning Advisory Committee met that afternoon and approved the proposed capital plan as presented unanimously. Mr. Haddad said that they would start to put the final report together. Mr. Haddad said that the communication towers would be brought back next fall as the Fire Chief and Police Chief were still working on costs estimates. Mr. Giger said it might be worth working with Dunstable on the tower at the High School.
9. Mr. Haddad reviewed the Board's schedule for the next couple of weeks. He said he would like to close Town Hall at 12pm on Christmas Eve and 1pm on New Years Eve while also closing at 4pm on both Monday's because the holiday fell on Fridays which were 5 hour work days. He said they owed the employees 3 hours of holiday pay because of that. Mr. Degen questioned releasing employees early on Christmas Eve and New Years Eve. He said that they had taxpayers they were responsible to. He said that the employees should be using vacation or personal time to take those hours off. Mr. Haddad said that this is what they had done for 12 years adding they owed the employees 3 hours of holiday pay based on their holiday policy because Friday was a 5 hour work day and not an 8 hour work day for employees. He said he was following past tradition. Mr. Haddad said that with the Board's approval, they would close next Thursday at 12pm and on New Year's at Eve at 1pm. Mr. Degen said that they should close at 1pm on Christmas Eve as that was three hours and stay open to 7pm on both Monday's. Mr. Haddad asked for the Board to allow him to close at 12pm based on past practice adding they would work until 7pm on the Monday's.

*Ms. Manugian made a motion to close at 12pm on Christmas Eve and 1pm on New Year's Eve. Ms. Pine seconded the motion. Ms. Manugian said that this had been such a strange year and was difficult for her to change past practice this year. Roll call: Degen-aye; Giger-aye; Pine-aye; Manugian-aye; Reilly-nay*

#### MINUTES

*Ms. Manugian asked for a motion to approve the meeting minutes of December 7, 2020 as presented. Ms. Pine made the motion. Mr. Reilly seconded the motion. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Giger-aye; Reilly-aye*

Ms. Manugian adjourned the meeting at 8:35pm.

Approved: \_\_\_\_\_  
Rebecca H. Pine, Clerk

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

Date Approved: 12/21/20