

**SELECT BOARD MEETING MINUTES  
VIRTUAL MEETING  
MONDAY, MARCH 7, 2022  
APPROVED**

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

**Also Present:** Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant to the Town Manager; Hannah Moller, Tax Accountant; Police Chief, Michael Luth; Sergeant Kevin Henehan; Melisa Doig, HR Director; Patricia Dufresne, Town Accountant; Megan Foster, Principal Assistant Assessor; Michael Bouchard, Town Clerk; Bud Robertson, Finance Committee Chair

Ms. Pine called the meeting to order at 7:00 PM and reviewed the agenda.

**ANNOUNCEMENTS**

Mr. Degen said that traffic pattern had been reversed in front of Legion Hall for public safety purposes.

Ms. Pine said that there was a drive by signing of nomination papers scheduled for Saturday morning in the parking lot of Prescott School from 9am-12pm.

Ms. Pine said that tomorrow, 3/8 was the first of 2 forums on the town seal being held at the Center at 2pm.

**TOWN MANAGER'S REPORT**

1. Mr. Haddad said that the Greenway Committee had requested that he nominate Peter Carson for appointment to the Greenway Committee and that the Conductor Lab Committee had requested that he nominate Takashi Tada for appointment to Conductor Lab Committee. Mr. Haddad said that he was nominating both of these individuals and respectfully requested that the Board accept these nominations and make the appointments.

*Mr. Degen made the motion, terms to expire June 30, 2022. Ms. Manugian seconded the motion. Roll Call: Reilly-aye; Degen-aye; Manugian-aye; Pine-aye*

2. Mr. Haddad said that he was pleased to report that they had reached Tentative Agreements with the following Unions:
  - SEIU 888 - Town and Library Employees
  - SEIU 888 - DPW and Water Employees
  - Groton Police Patrolmen's Association
  - NEPBA, Local 53 - Groton Police Superior Officers Association

He said that they were all three-year contracts, that included wage increases of 2.5% - year 1; 2% - year 2; 2% - year 3; a one-time 1.5% cash payment in the first year along with other items particular to each union. He respectfully requested that the Board consider ratifying these Agreements at Monday's meeting.

*Ms. Manugian moved that they ratify the 4 agreements mentioned above and as outlined in the tentative agreements. Mr. Degen seconded the motion. Roll Call: Reilly-aye; Degen-aye; Manugian-aye; Pine-aye*

3. Mr. Haddad said that with regard to the FY 2023 Proposed Operating Budget, they had a very good meeting with the Groton Dunstable Regional School District Committee last week on the status of their FY 2023 Budget Development. He said that while they had not yet finalized the Budget, they received very good input from both Select Boards and Finance Committees of Groton and Dunstable. He said that the School Committee expressed the desire for strong collaborations with both Towns. He said that they were looking at 5 different scenarios that maintained education levels and would allow Groton to be able to fund the dispatcher position they needed. Mr. Haddad said that he expected to receive their final Assessment within the next month and would update the Budget accordingly.

4. Mr. Haddad reviewed the Select Board's meeting schedule for the upcoming weeks.

### **BOSTON ROAD MARKET LIQUOR LICENSE VIOLATION HEARING**

Mr. Piyush Patel was present.

Ms. Pine said that they were beginning a hearing on the alleged violation. Chief Luth said that on February 4<sup>th</sup>, Sgt. Henehan was doing a business check at Boston Road Liquors adding he saw a person leaving the liquor store and suspected the young man of being underage. He said that the individual was in fact a minor and seized the underage person's ID and alcohol. He said that the Clerk was ID'd by the individual and it was determined that an ID was not asked for. He said that Sgt. Henehan documented all this in a report that was forwarded to the Board. Mr. Haddad said that the same establishment was before the Board in October for a similar incident.

Mr. Patel said that after their last incident, they employees were trained to check ID's. He said that they purchased software to check real ID's. He said his employee had been working in a bar for 35 years and knew what a real ID looked like. He said that the Sergeant didn't provide a time of the incident, what the person looked like and if they bought it or if someone else did. He said that he needed a chance to prove himself and wasn't given that. He said that anyone under the age of 25/26 they checked all ID's. He said that he personally didn't like to sell alcohol to underage people. He said he told to his employees to not sell to people without an ID and stated he loses customers who are offended they are being asked for ID every time.

Ms. Pine said that the police report noted the time frame the purchase was made. Mr. Patel said that they checked ID's for anyone 25 or below. Chief Luth said that Sgt. Henehan observed the young man leaving the store with alcohol and went into talk to the clerk right away with who they were referring to. Chief Luth said that it was a matter of 5-10 minutes adding the Clerk knew who the young man was he had just sold to.

Mr. Degen asked Sgt. Henehan if the young man was asked outside the store if he had purchased the alcohol. Sgt. Henehan said that the young man was asked if he purchased the alcohol, and if his ID was checked. He said he also asked him if he had a fake id. The young man said that he had not been carded, purchased the alcohol and did have a fake ID on him that wasn't used. Sgt. Henehan said that he provided the Clerk with all the information Mr. Patel was looking for. Mr. Degen said the Board asked Mr. Patel to purchase the software after their last violation and asked why he had not. Mr. Patel said that he purchased software but the software didn't verify the fake real ID's. He said he was going to upgrade the software. Mr. Patel said that he didn't believe that the Clerk wasn't asking for ID's adding they asked everyone.

Mr. Reilly asked when the Clerk contacted the owner. Mr. Patel said that the Clerk called him that night but said the young man was caught somewhere in Groton not in his parking lot. Mr. Reilly asked if the Clerk made any suggestions with his 35 years of experience. He said it would be easy to see Sgt. Henehan come back into the store and could work back from there when reviewing the tapes. Mr. Patel said he was thinking about buying a higher end software to check ID's.

Mr. Haddad said that Sgt. Henehan went into the store after seeing the young man come out with alcohol. He said that he was going to recommend that the Board that because this was the second violation and was pretty significant, that the Board take the Sgts. report as gospel. He recommended that the Board suspend the license of Boston Road Liquors for 3 days. Ms. Pine said she was concerned that both minors claimed they had purchased alcohol there many times before. Ms. Pine said that Mr. Patel had the reputation for selling to minors by other neighboring towns. She said she would support the recommendation of the Town Manager and proposed suspending the license from March 17-19<sup>th</sup>. Mr. Patel said he wasn't getting a fair chance to prove himself. Ms. Pine said that Mr. Patel had a month to obtain the police report and thought he should have done a better job getting all the facts together before that night. Mr. Degen asked why Mr. Patel didn't review the video between 5-6pm on the date of the incident. Mr. Patel said there were multiple people who looked under 25 during that time. Ms. Manugian said that it was frustrating that these things weren't worked out prior to that evening. She said that there were a number of steps that could be made moving forward. She said that this was a major violation and not one they were hearing from other locations.

*Ms. Manugian moved that the Board suspend the license for three days following the second violation.*

Mr. Haddad said that Mr. Patel had 5 days to file an appeal with the ABCC. He said if they chose to set the dates of March 17<sup>th</sup>-19<sup>th</sup> and thought they had to specify the dates. Mr. Patel said he thought this was very harsh and promised to not let this happen again. He said he personally believed that this did not happen.

*Ms. Manugian amended her motion to include that the Board suspend the liquor license at Boston Road Liquors for three days following the second violation on the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> of March, 2022. Mr. Degen seconded the motion.*

Mr. Degen said he understood Mr. Patels livelihood was at stake here, but because this was a second violation, he wasn't comfortable with this incident. Ms. Pine said that they had not had violations happen at any other establishment and thought people needed to realize that they were going to be checked more closely. Ms. Pine said that she believed the law stated that everyone was supposed to be carded. Mr. Patel said that 3 days was significant. Chief Luth said that this suspension was an appropriate one because it was a second violation.

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

Mr. Haddad said he would have a draft decision for the Chair to review. Mr. Patel said he would like to choose the dates if possible. Ms. Pine said that they already made their decision. Ms. Pine closed the hearing on this matter.

#### **SELECT BOARD ITEMS FOR CONSIDERATION**

1. Mr. Haddad reviewed the proposed spending for the ARPA funds at Select Board's Degen's request. He said that they had a balance of \$220k that they had not allocated yet. He said that the issue with the Nod Road landfill was why this was brought forward that night. Mr. Degen said that the \$550k set aside for the Nod Road pump station was not something he was comfortable leaving that high and thought it should be decreased by \$320k. He said that the developer of the Deluxe property needed to put some skin in the game. Mr. Haddad said he appreciated the comments adding the developer was going to contribute. He said that \$150k was for the I&I investigation that needed to be spent by the Town and the \$389k was to do the engineering work for the project. He said that the developer would have skin in the game. Ms. Manugian said that the \$228k would be sufficient for the start of the landfill testing. She said she was hesitant to start diluting projects before they had the additional information on the landfill and was okay leaving this the way it was. Mr. Bouchard said that \$250k was needed to perform an upgrade. He said that the replacement of the pump station was in the \$4m range and would give them more capacity overall. Ms. Pine asked if they were to be successful with a MassWorks grant, would they not have to spend the \$250k to perform the upgrade. Mr. Haddad said it all depended on the timing. Ms. Manugian asked if the ARPA funding hadn't been available, how would it have been paid for and if they waited, what would that mean. Mr. Haddad said that the Sewer Commission does I&I work yearly as part of their budget adding this was an opportunity to get it all done at once.

Mr. Guy Alberghini asked about the DPW employee position in the ARPA funding. Mr. Haddad said that the Select Board authorized the set aside of the money to replace a position cut due to COVID. Mr. Alberghini asked how much money the developer was going to contribute. Mr. Haddad said that they were negotiating the contribution and were waiting to find out other costs first.

Mr. Jack Petropoulos asked what incremental cost of ARPA was that was being contributed toward the Deluxe property. Mr. Haddad said that the pump station needed to be repaired now regardless of the Deluxe property. He said that ARPA funds could be used for infrastructure projects such as sewer upgrades. Mr. Petropoulos asked if there was something that outlined what ARPA funds could be used on and thought it would be helpful to better inform the public. Mr. Haddad said that he had provided the Board this information in the fall adding it was located within one of the Select Board's packets online. Mr. Degen said that the pump station was in need of upgrades because they were not able to handle what was flowing today. He said he had no issue spending money upgrading the pumps now but thought they should reallocate some of those funds now getting it back to \$200k. Ms. Pine said that she also wanted to hear about this from the department heads in a larger way. She said that she wanted to put the flooding problem on Broadmeadow Road on the table also. She said she was willing to let this sit after having this discussion. Mr. Haddad said he had brought every issue to the Board for votes and would continue doing that.

Mr. Haddad said he agreed with Ms. Pine about Broadmeadow Road adding they had \$50k appropriated at a past town meeting to use on this.

*Mr. Degen moved to rescind the engineering study money of \$320k for the Nod Road sewer improvements and limit it to remaining \$200k. Ms. Manugian seconded the motion.*

Ms. Manugian asked what would happen if they did this. Mr. Haddad said that the Town would need to come up with the funds to perform the engineering study and didn't have an issue with this motion. Mr. Reilly said he recalled that it needed to be a shovel ready project. Mr. Haddad said that they would. Ms. Manugian said that to get the design work done was in their best interest and didn't support this. Mr. Haddad said that he would come back to the Board before spending any of this money.

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

2. Mr. Haddad said that at last week's Select Board Meeting, Select Board Cunningham asked the Board to consider adding a Ballot Question to this year's Annual Election on the proposed changes to the Town Seal, instead of having a Town Meeting Warrant Article. He said that he reached out to Town Counsel and asked him if this was a possibility. Town Counsels' Opinion was as follows:

*"The statute on town seals, M.G.L. c. 40, Section 47, provides: 'Each town shall have a seal, established at a town meeting, to be kept by the town clerk. Papers or documents issued from any office or board of the town may be attested therewith.' Since the seal must be established at town meeting, changes to the seal must be approved at town meeting. I do not believe a ballot question would suffice because there is a legal distinction between a town meeting and a town election. Further, I do not believe the Select Board has legal authority to set up a binding ballot question on this subject. That said, in accordance with M.G.L. c. 53, Section 18A, the Select Board is free to set up a "nonbinding public opinion advisory question" on this subject at the annual town election. Such a question could not legally change the seal, but it may provide the Town with a larger group of voters to opine on this issue than would ordinarily attend a town meeting. Like any ballot question, the language of the question must be provided to the Town Clerk at least 35 days before the election."*

Mr. Haddad said that based on this opinion, he did not recommend a Ballot Question and therefore should allow Town Meeting to consider the Article at this Spring's meeting. Mr. Reilly said he thought it was a good idea to bring it to the ballot but said it appeared it was an exercise in futility. Mr. Degen said he didn't see what the harm was in adding this to the ballot. Mr. Degen said they should have a ballot vote as an advisory, pull the article from the Spring Town Meeting and add it to the fall warrant instead.

Mr. Cunningham joined the meeting at 8:31pm.

Mr. Cunningham said that he agreed with the point Mr. Degen raised. He said that having a ballot vote on this would make it easier to go back to a fall town meeting to bring forward the wishes of the voters. He thought this would be a more thoughtful approach and wasn't critical to act on right now. He said it would avoid acrimony and ill will at the Spring Town Meeting. Ms. Manugian said she was concerned that this had already been delayed once and needed to make a decision at some point. She said she felt strongly that the seal needed to be updated and didn't want to back them into a corner. Mr. Cunningham said that he didn't see them as backed into a corner but following the will of the voters. Mr. Degen said that a broad-based representation by a vote vs. the couple of hundred people that would show up to a town meeting was a better option. Ms. Manugian said she had no issue with this but thought picking and choosing what goes on the ballot vs. town meeting was messy.

Mr. Robertson said he agreed with Mr. Degen adding this was something special. He said that this was just like the Town Clerk position except it would be advisory. He said there was a lot of emotion around this. Ms. Pine said that a lot of people might not avail themselves of opportunities to educate themselves and thought they would lose something by sending it to the ballot.

*Ms. Manugian moved to add a non-binding question to the ballot and remove the town seal from the Spring Town Meeting warrant. Mr. Degen seconded the motion. Roll Call: Reilly-aye; Cunningham-aye; Manugian-aye; Degen-aye; Pine-aye*

Mr. Haddad said that he would bring back a ballot question for the Board to consider next week.

3. Mr. Haddad respectfully requested that the Board vote to extend the deadline for employees to receive the COVID-19 Booster Shot from March 15, 2022 to March 31, 2022. He said that as discussed at last week's meeting, Melisa Doig was able to schedule to Booster Clinics (provided by Ayer Family Pharmacy) at the Groton Town Hall on March 16th and March 23rd from 10 a.m. to 12 p.m.

*Ms. Manugian made the motion to extend the deadline for employees to receive their booster shot to March 31, 2022. Mr. Cunningham seconded the motion. Roll Call: Reilly-aye; Cunningham-aye; Manugian-aye; Degen-aye; Pine-aye*

Mr. Haddad said that he, Ms. Pine and Ms. Stanley had drafted a proposed Comment Letter to Mass Housing on the proposed 40B Project by Heritage Landing Development. Ms. Manugian said she had asked for the attachments to review everything and had an issue with paragraph 3 on page 1. She said that she didn't think they voted it was a suitable location adding there were a number of issues with this location. Mr. Degen agreed adding he couldn't think of a worse place to put this. Mr. Degen suggested that it state this was not a suitable location. Ms. Manugian said that it could say marginal at best to garner more support. Mr. Cunningham said that the Housing Partnership would have a letter by next Monday. He said that the Housing Partnership appreciated that it would have affordable housing but had significant site issues. Mr. Reilly said it wasn't the best location but didn't think they could stop it from going in there. Ms. Pine said that Mass Housing had to approve or not approve it. Ms. Pine said that they needed affordable housing and had a developer who was going to build it adding this property had been permitted once before. Ms. Manugian said that local concerns were taken seriously and thought they should be looking elsewhere. Mr. Degen agreed that they needed affordable housing but didn't think this was the proper location. Mr. Haddad said he would bring this back next week.

### **ON-GOING ISSUES**

Mr. Degen asked for a report from Tom Orcutt to discuss the PFAS issue at the High School.

Ms. Manugian asked if the car charging stations could be removed from the list.

Mr. Cunningham had issues with reception at this point and was not present.

### **MINUTES**

*Mr. Degen moved to approve the minutes of the regularly scheduled meeting on February 14, 2022. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Reilly-abstain*

*Mr. Degen moved to approve the minutes of the regularly scheduled meeting on February 28, 2022. Ms. Manugian seconded the motion. Roll Call: Manugian-aye; Pine-aye; Degen-aye; Reilly-aye*

*Mr. Degen moved to adjourn the meeting at 8:54pm and move into executive session for clauses 2 and 3 with no intent to return to the open session. Ms. Manugian seconded the motion. Roll Call: Cunningham-aye; Manugian-aye; Degen-aye; Pine-aye; Reilly-aye*

Approved: \_\_\_\_\_  
Peter S. Cunningham, Clerk

\_\_\_\_\_ respectfully submitted:  
Dawn Dunbar,  
Executive Assistant to the Town Manager

Date Approved: 3/14/2022