#  **SELECT BOARD MEETING MINUTES**

# **MONDAY, MARCH 13, 2023**

**163 WEST MAIN STREET**

APPROVED

**SB Members Present:** John Reilly, Chair; Rebecca H. Pine, Vice Chair; Matthew F. Pisani, Clerk; Alison S. Manugian

**SB Members Arrived Late:** Peter S. Cunningham

**SB Absent:** none

**Also Present:** Mark Haddad, Town Manager; Kara Cruikshank, Executive Assistant; Dr. Laura Chesson, GDRSD Superintendent; Nik Gualco, Conservation Administrator; Tom Orcutt, Water Superintendent; Robert Rafferty; Finance Committee Members

Mr. Reilly called the meeting to order at 7:00 PM and reviewed the agenda. Mr. Reilly said the meeting is being held at The Center due to the elevator being broken at Town Hall. Mr. Cunningham will be arriving late to the meeting.

**ANNOUNCEMENTS**

Mr. Robertson called the Finance Committee to order.

Mr. Robertson announced Mr. Whitefield and Mr. Manugian will be arriving late to the meeting.

Ms. Pine said she spoke with the Town Clerk and knew Ms. Dunbar would not be in attendance at the beginning of the meeting. Ms. Pine offered to make the following announcement on behalf of Ms. Dunbar: There will be an election in May. There are a number of positions in our Town government that no one has taken out papers for. Ms. Pine said our Town government functions because a lot of people volunteer their time and services. The positions are as follows: Board of Health, (1) three-year term; Park Commission, (2) three-year terms; Planning Board, (1) three-year term; Sewer Commission, (1) three-year term; Groton Dunstable Regional School Committee, (1) three-year term; and the Groton Housing Authority, (1) five-year term. The deadline to take out papers is Friday, March 31st, at 5:00 pm and the deadline to return the paperwork is Tuesday, April 4th by 5:00pm. You are required to have at least 50 registered voter’s signatures on the papers in order to be on the ballot. Ms. Manugian said as a quick reminder, that Voter Sign and Go is being held at the Prescott School on Saturday between 10am and 12pm if you are trying to get signatures.

Mr. Haddad said Town Hall will have a remote day tomorrow due to the impending storm.

**PUBLIC COMMENTS**

None

**TOWN MANAGERS REPORT**

1. **Review PFAS issue at the Groton Dunstable Regional School District High School –**

 **Temporary Water Supply – Permanent solution**

Mr. Haddad provided an update of the PFAS issue at the Groton Dunstable Regional School District High School. Mr. Haddad said he held a meeting this week to review both temporary and permanent solutions. He said originally they were under the impression from the Department of Environmental Protection that they would need to bring in clean water to the site on a temporary basis while a permanent solution was developed and permitted. Mr. Haddad said they may be able to continue with bottled water until a permanent solution is in place. He said they are seeking clarification on that issue. There are two potential solutions to bring clean water to the site. One option is to bring water from the Groton Water Department and the other option would be to bring water from the Town of Dunstable through the Town of Pepperell. Environmental Partners, the Town’s Engineers, were in attendance at the meeting to help answer any questions. Article 12 on the Spring Town Meeting Warrant is seeking funding for the permanent solution for Groton. Mr. Haddad said the Town is working diligently to find a solution.

Ms. Pine said to keep everyone up to date, she recalls when this was discussed as a Board, the Board was inclined to keeping it within Groton. Ms. Pine asked for a quick summary as to why would we consider Dunstable?

Mr. Haddad said we are trying to come up with the most cost-effective solution working with the Engineers and the School District. Dunstable has no PFAS in their water. Mr. Pisani asked if the water comes from Dunstable, will it just go to the high school and the affected Dunstable dwellings? Also, if it comes from Groton will residents be able to tie into it. Mr. Haddad said yes, this would be the case. He said we will take care of the houses affected in Dunstable and if the water comes from Groton, residents could tie into it. Ms. Manugian asked if there is a plan in place and will we be able to irrigate at the schools? Groton Dunstable Regional School District Superintendent, Dr. Chesson was in attendance. Dr. Chesson said water will be trucked in to eliminate PFAS while irrigating. She also explained the School District’s Engineers, Tighe and Bond, provided written documentation that they had soil sample testing recently and the fields are safe to have students play on them. Soil samples from the other fields do not show any more PFAS than the football field, so it is believed the irrigation is what is causing it. Mr. Haddad said when they come up with a solution they will talk about cost, potential grants, intermunicipal agreements, and an agreement with the GDRSD to bring clean water to the site. There will be a full recommendation with the costs and plans shown. Mr. Haddad said the solutions will show how we came up with all the recommendations for the board, residents and for the tax payers to see.

Mr. Cunningham arrived at the meeting at 7:10 p.m.

1. **Fiscal Year 2024 Budget Development Update**

The School Committee voted to adopt the original Proposed Budget of the Superintendent, with the following assessment to the Town of Groton for FY 2024:

Operating Assessment: $26,800,655

Capital Assessment: $ 542,257

Debt Assessment: $ 465,796

Total Assessment: $27,808,707

Mr. Haddad said the Town has sufficient funding set aside to cover the Capital and Debt Assessment. Regarding the Operating Budget, Mr. Haddad has provided to the Select Board and the Finance Committee a Proposed Operating Assessment of $25,937,716. The Proposed Operating Budget is out of balance by $862,939. Based on the anticipated Health Insurance rate for the school district (5.9% versus the 15%) along with the preliminary Chapter 70 proposal from the Governor, the Assessment proposed last week by the Superintendent (subject to review and approve by the School Committee) is $26,312,387. This would put the proposed budget out of balance by $374,671. The School Committee and Superintendent committed to working with the Town to balance the budget by March 29th. The Finance Committee did not vote to finalize their budget at their meeting last week.

Mr. Haddad stated that this is the current budget situation and it will be discussed further during the Warrant Public Hearing later in the meeting.

1. **Update on Select Board Meeting Schedule Through 2023 Spring Town Meeting**

 Monday, March 20, 2023 - No Meeting

 Monday, March 27, 2023 - Continuation of Public Hearing on Mail in Voting at ATM

Monday, April 3, 2023 - Finalize the FY 2024 Town Operating Budget

 Monday, April 10, 2023 - Approve Warrant for Posting

 Monday, April 17, 2023 - No Meeting (Patriot’s Day)

 Monday April 24, 2023 - Regularly Scheduled Meeting

 Saturday, April 29, 2023 - 2023 Spring Town Meeting

**ITEMS FOR SELECT BOARD CONSIDERATION AND ACTION**

1. **Consider request to extend Earth Removal Certificate of Exemption until April 11, 2025 for the Florence Roche Elementary School Construction Project.**

Mr. Haddad stated that last April the Select Board approved a Certificate of Exemption for the removal of up to 55,000 cubic yards of fill in conjunction with the construction of the new Florence Roche Elementary School. The Certificate is set to expire on April 11, 2023. The project is not yet completed. Gilbane is requesting a two-year extension of the Certificate.

*Ms. Pine made a motion to extend the Earth Removal Certificate of Exemption until April 11, 2025. Ms. Manugian seconded the motion and carried unanimously.*

Ms. Pine asked why the Certificate of Exemption was only granted for one year? Ms. Collette, Stormwater Inspector, said this was only granted for one year because this is in the Select Board regulations, but they are the Select Board Regulations so they can grant an extension for a longer duration.

**OTHER BUSINESS**

**Consider Ratifying the Town Manager’s Appointment of Thomas Peisel as a Full Member to the ZBA.**

Mr. Haddad said there is a Vacancy on the Zoning Board of Appeals for a Full Member due to a recent resignation. The ZBA is about to embark on a 40B Application for 500 Main Street. Thomas Peisel is currently an Associate Member. Mr. Haddad asked the Board to appoint Thomas Peisel as a Full Member to the Zoning Board of Appeals, term to expire of June 2023.

*Mr. Cunningham made a motion to appoint of Thomas Peisel as a full Member to the ZBA. Mr. Pisani seconded the motion. The motion was carried unanimously.*

**WARRANT PUBLIC HEARING**

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

*Ms. Manugian moved to open the public hearing. Ms. Pine seconded the motion. The motion was carried unanimously.*

*Mr. Robertson moved to open the public hearing. Mr. Doody seconded the motion. The motion was carried unanimously.*

Mr. Haddad began the review of the warrant.

Article 1: There were no questions on Article 1.

Article 2: Elected Officials Compensation- Mr. Haddad said this Article will set the salary for the Moderator for FY 2024. The Town Moderator is proposed to receive a salary of $1,000. Ms. Manugian asked when did it get raised from $65 to $1000? Mr. Haddad said he put it in his budget proposal for FY 2024.

Article 3: Mr. Haddad said this Article is for the three Bylaw employees. There were no questions.

Article 4: Appropriate FY 2024 Contribution to the OPEB Trust- In FY 2024, the anticipated amount necessary for this purpose is estimated to be $185,000. This Article will seek an appropriation of $185,000 from Free Cash to add to the OPEB Liability Trust Fund.

Mr. Haddad said Articles 1-4 will be done as a consent motion.

Article 5: Fiscal Year 2024 Annual operating budget- Mr. Haddad reviewed his FY 2024 Budget Development Update from his Town Managers Report earlier so everyone could review/see the numbers. The School Committee Chair, School Superintendent and Business Manager were all present to answer questions.

He provided a Proposed Operating Assessment of $25,937,716. He said we still have a budget out of balance by $862,939. If we take into consideration some of the saving the School District will realize in Health Insurance, minimum contribution and the State Aid, the number could be $26,312,387. He said we still have a proposed budget out of balance by $374,671 after putting $400,000 back into the school district budget.

Mr. Haddad wanted to try to clarify any confusion on the numbers. He said when the Select Board and Finance Committee met on Saturday, March 4th, he presented $400,000 worth of cuts and the school presented their cuts. Dr. Chesson said at that meeting if we bump up the Assessment to $400,000, that would be ok. Mr. Haddad said this would bring the proposed School Assessment to $25,937,716. Dr. Chesson said the current Proposed Operating Assessment is $26,312,387. Mr. Robertson said when the Finance Committee met, some of the members asked why the numbers didn’t go down when the balance went down to $374,671. Mr. Robertson said our original deal was 41% (the Town) and 59% (the school). Mr. Robertson would like to see a list of the school cuts and would like to discuss them.

Dr. Chesson said she sent Mr. Haddad a list of cuts. Dr. Chesson said the cuts were slightly above what was needed and agreed upon. She said looking at the positions, she was asked of which positions are critical etc. Anything that happens needs to go to contingency and she said every year they go lower on contingency. Dr. Chesson said they could do it, but it’s tight but could do it with the $400,000 Assessment. Ms. Manugian said she needs to understand what items are being proposed for removal from the budget and if she is ok with them. Mr. Haddad explained the numbers that he proposed in the budget from last week’s meeting remain the same and he has not deviated from that number.

Dr. Chesson read aloud the list of cuts that was emailed over for clarification. Mr. Haddad asked if the Town sets aside $25,937,716 and Dunstable can match their percentage, would they would be in the position to meet their share or would we need an override. Dr. Chesson read off a list of concerns; Elementary librarians that were previously restored would need to be replaced with a para-professional and they do not have the list of classes yet, to name a few. The School Committee has not voted on any of these proposed reductions, but she feels they are the cuts with the least impact to students.

Ms. Pine suggested that the Town should stick with the proposed increase of $400,000 for the School’s Assessment.

Mr. Haddad would like to put the Firefighter and Dispatcher back into the budget.

Mr. Green said we need to see what the School Committee is going to approve and the fact that the Finance Committee has not voted to approve the budget as of yet. Mr. Haddad suggested a Joint Meeting with School Committee, Finance Committee and Select Board as soon as possible to discuss this. Dr. Chesson said these cuts are on the School Committee’s agenda on March 22nd. They need to discuss this first. Mr. Green suggested the chairs find a time and date to meet as soon as possible.

Article 6: Fiscal Year 2024 Capital Budget- Mr. Haddad said the Capital Budget items are listed in the Warrant Article and have been recommended by the Capital Planning Committee.

Mr. Cunningham thought the Police Chief said the hazmat storage locker is not absolutely necessary. Mr. Haddad said this is the one thing the Chief could go without, if we had to come up with one time revenue reductions.

Article 7: Mr. Haddad said this Article creates a stabilization fund for revenues received from the opioid settlement. The money could be spent for opioid related issues.

Mr. Cunningham asked can the money there be an offset for the school? Mr. Haddad said it would have to be opioid related.

Article 8: The Destination Groton Committee was in attendance to present. Ms. Joni Parker Roach and Mr. Sheldon said they have been working diligently to put together a marketing strategy. They are requesting their budget to increase to $30,000 from $15,000. Mr. Sheldon said would like to do more and are pursuing a series of grants that will have matching funds. They will be bringing a grant agreement from the MRPC for Board approval. Based on this, they believe they can reduce their request to $15,000.

David Manugian asked if they expect this to be an annual appropriation. Mr. Sheldon said yes.

Article 9: Funding for Sustainability Commission- Mr. Francisco was in attendance. Mr. Francisco said three months ago they came before the Select Board with a presentation. They talked about the pollinator garden and the tire recycling. The work around the garden will continue, the recycling program will continue. The additional funding request of $15,000 will be split around the greenhouse gas emission study, the pollinator garden, the tire /recycling, and educational seminars. Mr. Green asked if have they attempted to look at other funding avenues? Mr. Francisco said Grant opportunities are available as Ms. Pine gave us some leads.

Article 10: Amend the Charge of the Sustainability Committee- Mr. Haddad said the Select Board can change the charge but only through a vote of Town Meeting. The purpose of this Article is to have Town meeting delegate that authority to the Select Board.

Article 11: Election Equipment Purchase- Poll Pads- Town Clerk, Dawn Dunbar was in attendance. Ms. Dunbar is looking for $13,600 to purchase eight poll pads. She said this will expedite things as we go into an election. They will enable voters to check in at any location and they will reduce the number of election workers, which will be a cost savings on the budget. Currently, over 200 communities are using them. We can more efficiently upload our data into the State Registration System.

Article 12: Water Superintendent, Tom Orcutt said this is an out of cycle application where were can apply for emergency funds for the PFAS issue at the High School. Mr. Orcutt said this gets the ball rolling and does not lock us into anything. Mr. Sulprizio asked how much could be funded. Mr. Orcutt believed $450 million could be available in state funding. This could be 0% for an interest rate, principal forgiveness and grants. We are not sure how much it will be for at this time.

Article 13 and 14- CPC have a public hearing tonight Mr. Haddad said. He will be invited them to the next meeting.

Article 15: An Act Merging Certain Voting Precincts in the Town of Groton- Ms. Dunbar was in attendance. This would authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts for a special act that would merge Precincts 1 and 3A into one Precinct known as Precinct 1. This would allow us to eliminate one Precinct. A few election workers would be eliminated. Ms. Collette really hopes this will work. There is a lot of confusion. She urges everyone to support this.

Article 16: Amend Town Charter- This is an administrative function to improve efficiency. according to Mr. Haddad said. Ms. Pine suggests it should say the Town Manager and one Select Board member as a check in balance.

Ms. Manugian asked if it could be signed digitally. Mr. Haddad said he could look into the digital signatures. Mr. Reilly likes the idea of the digital feature. Ms. Pine said the Board is elected to oversee the person that they hire and would like to continue to have at least one member sign.

Article 17: Amend Town Charter- Mr. Haddad stated that the Charter Committee had changed the original Charter to have the Town Manager nominate, instead of appoint, members to various Boards and Committees. An unintended consequence of this change was that now the Town Manager would have to bring a removal to the Board in public. This could cause embarrassing situations. Mr. Haddad explained how this happened recently. He would like to avoid this and return to the original Charter language when it comes to appointments. Ms. Pine suggests she would like it to say the decision to remove someone from a committee will be made in conjunction with the Select Board Chair. Mr. Cunningham said it’s from the appointment from a Town Manger so he does not think a member of the Select Board member needs to be involved. Ms. Manugian said she is comfortable with the way it is now.

Article 18: Mr. Haddad said Town Counsel brought this forward. Mr. Haddad held a dog hearing recently. Based on the evidence, he ordered a dog to be humanely euthanized. The Current Bylaw allows for an additional appeal of the Hearing Officer’s Order to the Select Board before appealing to the Clerk Magistrate. Town Counsel is recommending to remove the intermediate step.

Mr. Haddad asked the Select Board to vote to open the Warrant.

*Ms. Pine moved to open the Warrant. Ms. Manugian seconded the motion. The motion was carried unanimously.*

Mr. Haddad asked the Select Board to vote to add the Warrant Article.

*Mr. Cunningham moved to add Warrant Article 18. Ms. Pine seconded the motion. The motion was carried unanimously.*

Mr. Haddad asked the Select Board to vote to close the Warrant.

*Ms. Manugian moved to close the Warrant. Mr. Pisani seconded the motion. The motion was carried unanimously.*

Article 19: Amend Zoning Bylaw- Takashi Tada, Town Planner, was in attendance. Takashi said he would like to amend section 218-3 and amend zoning bylaw section 218-9.4.

Mr. Reilly questioned why 800 square feet for a detached structure? Takashi said the 800 square feet was already the size for an attached structure so the Planning Board wanted to keep the attached and detached the same.

Article 20: Extend sewer district to 100 Whitman road- The Public Hearing will be held on March 29th for the Sewer Commission to take a position. This will be a direct line under the Country Club to 100 Whitman Road.

Article 21: Grant Easement for Sewer Connection for 100 Whitman Road- To allow the easement under the Country club. The Public Hearing will be held on March 29th with the Sewer Commission.

Article 22: Conservation Land Purchase- Nik Gualco, Conservation Administrator, was in attendance. He said the Conservation Commission received a grant this year for the purchase of the former Casella Property. A Town Meeting vote is needed to complete the purchase.

Article 23: Grant Conservation Restrictions on Various Parcels- Mr. Gualco said that part of the Grant acceptance identified in Article 22 required placing conservation restrictions on various Town owned land. This Article would place those restrictions on 17 of those parcels.

Ms. Pine said she understands the concept of the Article but the wording on the Article is confusing. She suggests the draft to be cleaned up for people to understand.

Article 24: Grant Conservation Restriction to Division to of Fisheries and Wildlife- The Select Board is in control of this 103+ acre parcel known as the Brown Loaf Parcel (Groton Assessor Parcel 234-04). The Article would allow the Town to recoup most of the funds it spent to purchase the property while allowing the Conservation Commission and DFW the means to preserve a parcel with significant ecologic value.

Article 25: Citizens’ Petition- Rezone 797 Boston Road- Proponent is in attendance- Mr. Donald Van Dyne was in attendance. This Article is to see if the town will vote to rezone 797 Boston Road from residential (RA) to neighborhood Business (NB) to allow an indoor pickleball facility. There will be a public hearing with the Planning Board on April 13th. More public outreach was required because the Planning Board wanted more public outreach before they would recommend the Article to Town Meeting. This was why this Article was passed over last Fall. Mr. VanDyne is going to send abutters notifications within 500 sq ft. of the parcel. Ms. Manugian said for this parcel to be rezoned she wants to be rest assured it will remain one building and not developed into other lots for other uses. The structure will be 36,000 square feet in size. Ms. Pine asked if he anticipates coming back to tie into the sewer. Mr. VanDyne said possibly. Mr. Cunningham said the sooner you start he outreach in the community the better. Mr. Cunningham suggested renting out The Center.

Article 26-34 will be part of a Consent Agenda- Ms. Pine asked why the Debt Service for the Middle School Track is listed separately and not with the other CPC Articles? Mr. Haddad said because it is an Annual Appropriation similar to the way the Town handled the Surrenden Farm Debt.

Ms. Pine asked if we plan on inserting anything in the Warrant about moving toward electronic voting.? Mr. Haddad is working with the Moderator and there will be an insert to the front of the Warrant about this process.

Mr. Haddad asked the Boards to close the Public Hearing on the Warrant.

*Ms. Manugian made the motion to close the Public Hearing on the Warrant. Mr. Pisani seconded the motion. The motion carried unanimously.*

*Mr. Doody made the motion to close the Public Hearing on the Warrant. Mr. Green seconded the motion. The motion carried unanimously.*

**Approval of Minutes from March 6, 2023**

*Ms. Pine made a motion to approve the minutes of the regularly scheduled meeting from March 6, 2023 as presented. Ms. Manugian seconded the motion. The motion was carried unanimously.*

The meeting was adjourned at 9:19pm.

Respectively submitted by Kara Cruikshank, Executive Assistant to the Town Manager