



TOWN OF GROTON

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Board of Selectmen

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Joshua A. Degen, *Vice-Chairman*
Barry A. Pease, *Clerk*
Peter S. Cunningham, *Member*
Anna Eliot, *Member*

Town Manager
Mark W. Haddad

To: *Board of Selectmen*

From: *Mark W. Haddad – Town Manager*

Subject: *Weekly Report*

Date: *July 25, 2016*

1. Scheduled on Monday's Agenda is just one item. The Board will be conducting a public hearing on Groton School's Request to install sidewalks on Farmers Row and adjacent streets. Attorney Robert Collins will be before the Board representing Groton School.
2. As discussed with the Board at your last meeting, we need to fill a critical position within our IT Department. With the loss of the override and the elimination of the Web Developer position, we are down to one employee. I asked the Board to allow us to fill the Desk Top Specialist position to provide needed help and support within the IT Department. The Board agreed to allow me to bring this appointment forward. We received approximately 50 applicants for the position. Due to the technical nature of the position, I had the IT Director, with assistance from our Human Resources Director, screen and choose the preferred applicant. Based on this, Mike Chiasson and Melisa Doig have requested that I appoint Kurt Landry of Fitchburg to the position. I have met with Mr. Landry and concur with this request. I have made this appointment and would respectfully request pursuant to Section 4-2(c) of the Groton Charter that the Board vote to ratify this appointment at Monday's meeting. I have enclosed a copy of Mr. Landry's resume with this report for your review.
3. At your June 28th meeting, the Board reviewed two policies and requested that I obtain an opinion from Town Counsel on the proposed wording and legality. The first policy had to do with access to Town Counsel and whether or not the entire Board of Selectmen is entitled to receive every opinion from Town Counsel. Town Counsel offers the following:

"This will confirm that the Board of Selectmen, as the Town's chief executive and the applicable appointing authority (under section 3-2(d) of the Charter), is entitled to receive all communications to the Town from Town Counsel. The Board, as a whole, is a client body. Item 3 of the January 7, 2010 Access to Town Counsel memo directs boards and committees to provide copies of any correspondence with Town Counsel to the Town Manager. If the Board wishes to add text regarding Town Manager transmission of such correspondence with, or opinions from, Town Counsel to the Board of Selectmen it may do so. Any such policy, however, would be subject to the situation you describe – where a member of the Board is the subject of a complaint, or other proceeding such that providing the communication to that member would be contrary to law, a prior vote of the other members of the Board related to the situation in question, or rules of professional conduct applicable to Town Counsel.

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3. Continued:

If language regarding transmission to the Board is added to the policy, it is my opinion that the foregoing limitations would implicitly apply. However, if the Board would like to add a caveat it could do so with text along the following lines: "If a member of the Board of Selectmen is the subject of a complaint or a legal or administrative proceeding such that sharing the communication with that member would be contrary to law or applicable ethical or confidentiality requirements, that member shall not be entitled to receive the communication."

The second policy that we sought an opinion of Counsel was how to address a quorum of the Board attending a meeting in which the Selectmen are not posted. The Chairman of the Board had drafted a proposed policy to address this and, as requested, I sent it to Town Counsel for his review and comment. The following is Town Counsel's opinion:

"I would recommend against the additions to the Board of Selectmen's procedures proposed in the document you forwarded. As drafted, they relate to a particular type of situation that may not exist in all cases where, for whatever reason, a meeting has not been posted. More important, though, is that if a meeting has not been posted but members of the public body who are unaware of such omission until the time they gather for what was anticipated to be a meeting, the members should not proceed to discuss matters of substance. Rather, the appropriate action would be to reschedule the meeting to a date which permits posting in accordance with the Open Meeting Law. On that point, I would note that although not intended a written policy to "take action so that a quorum no longer exists" could be perceived as a policy to evade the Open Meeting Law when there has been in a lack of proper notice. In a circumstance of omitted posting, some limited discussion of logistics may be necessary to accomplish the rescheduling of a meeting or a related communication to the general public or another public body. That can be undertaken as the situation requires; and in my view the better course is to treat it on a case-by-case basis and not attempt to craft an all-encompassing procedure."

In addition to Town Counsel's opinion on this matter, the Town Clerk contacted the Attorney General's Office, who is responsible for enforcing the Open Meeting Law. The Attorney General's Office offers the following:

"A quorum of one public body, not posted for a meeting, attending the meeting of a second public body which is posted, is allowed using the following Open Meeting Law rules. Non-posted members may (a) may participate in the posted meeting as a member of the public and must sit in the audience as a member of the public; (b) must not be treated specially in terms of recognition to speak or preferred seating (e.g. seating at the posted meeting's table); (c) may not deliberate, meaning may not discuss amongst each other; (d) may not present on behalf of their board; and, (e) may speak to an issue even if it is under the purview of their board, as long as they are expressing their opinion to the posted meeting and the public at large."

I look forward to discussing these issues further with the Board at Monday's meeting.

4. As has been my practice over the last several months, I have set aside time during my Weekly Report to update the Board on any issues relating to the Fiscal Year 2017 Budget. As discussed at your last meeting, I issued the following directive to all Departments requesting a spending freeze and an abundance of caution with regard to overtime in our Public Safety Departments:

"I am writing to you this afternoon to update you on a discussion that took place at last evening's Selectmen's meeting. As you know, with the failure of the Proposition 2½ Override vote on June 30th, the Groton Dunstable Regional School Committee needs to reevaluate their budget and determine their next step. They have several options that they are considering. They can (1) recertify their budget at the same level that required the override and call for a district meeting to request that appropriation from both Groton and Dunstable; (2) they can reduce the request, but still need a district meeting to fund the lower amount; or (3) adopt a budget that meets the Groton Town Meeting appropriation, requiring no further action by the Town. Under scenarios (1) and (2), the Town of Groton would need to reduce the municipal budget to meet any additional appropriation to the School Department over the amount appropriated at the June 13th Spring Town Meeting. The reason for this is because we are right at the levy limit and the only way to fund an increase in the School Budget is to either ask for another override (extremely unlikely), tap into our reserves to fund the request (I would never support using one time revenues to fund operating budgets as this would only delay the problem for one year), or reduce the municipal budget to fund the increase (most likely). The School Committee is scheduled to review their budget options at a meeting scheduled for July 27, 2016. To that end, we need to be as prepared as possible to address any reductions in the Municipal Budget. I asked the Selectmen last night to support a spending freeze in which all discretionary spending be frozen until such time as the School Committee makes their decision. I would respectfully request that all Departments not make any purchases unless required, such as insurance, utilities, etc. With regard to overtime, there shall be no overtime in all non-public safety departments until further notice. With regard to our Public Safety Departments, I would respectfully request that those Department Heads use their best judgment when filling shifts. If a shift can be left uncovered and not compromise public safety, please don't fill the shift. The Board of Selectmen made it very clear last night that the public's safety is paramount. I will continue to keep you updated as we learn more from the School Committee. In the meantime, please feel free to contact me with any questions or concerns with regard to this matter."

We are still awaiting action by the Groton Dunstable Regional School Committee on their FY 2017 Budget. I will report any update to the Board at Monday's meeting.

5. Speaking of the Groton Dunstable Regional School Committee, the School Committee officially voted to create a district sustainability advisory committee. The purpose of this advisory committee is to develop specific recommendations to reduce the rate of growth in the cost of providing a quality education to children in the school district, and/or to find ways to raise revenue, balancing cost savings with the impact on the quality of education. The committee will meet for about three hours in the mornings during the work week (at least once a month sometimes two). Committee members will also be asked to participate on sub-committees and do research or project development.

5. **Continued:**

This advisory committee would consist of a total of eleven (11) members. Nine (9) members will be appointed by the School Committee: four (4) members selected by the School Committee, two (2) members recommended by the Groton Board of Selectmen, two (2) members recommended by the Dunstable Board of Selectmen, and one (1) member recommended by the Superintendent. The Superintendent and Director of Business and Finance will be ex officio members of the advisory committee. The School Committee is requesting that the Groton Board of Selectmen designate two members. We can discuss this further at Monday's meeting.

6. As discussed at your last meeting, we have reached out to our insurance carrier with regard to the issues we are having at Fitch's Bridge. They are planning on making a site visit later this summer to review the location and related issues. In the meantime, we will be posting signs at Fitch's Bridge that will state the hours and that jumping off the bridge and alcoholic beverages are prohibited. The signs are on order and will be installed as soon as they are received.
7. It is that time of year (actually two weeks behind our normal schedule) for the Board to call for and open the Warrant for the 2016 Fall Town Meeting. Enclosed with this report is the proposed schedule for the Board's review and approval. I would respectfully request that the Board take this action at Monday's meeting.
8. The Sustainable Budget Study Committee met with the Department Heads recently to update them on the status of their work and findings thus far. The Committee would like to make the same presentation to the Board of Selectmen at Monday's meeting. Enclosed with this report is a copy of the PowerPoint Presentation for your review and discussion. We can discuss this further at Monday's meeting.
9. As directed by the Board at your last meeting, Selectmen Petropoulos, Degen and I met with Kevin Kelly and Kevin Lindemer to discuss the Light Department's surplus property on Station Avenue. During that meeting, it was determined that the best course of action would be to issue the Request for Proposals to determine any interest in the property. We discussed a wide range of issues related to the RFP and will plan on providing a more detailed update to the Board at Monday's meeting.

MWH/rjb

enclosures