

GROTON SPECIAL TOWN MEETING MINUTES OCTOBER 22, 2007

The October 22, 2007 Special Town Meeting was called to order by Moderator Robert Gosselin at 7:05pm with 139 voters in attendance which satisfied the quorum requirement of 134. Peter Cunningham acknowledged William Miller who passed away. March 19, 2007 was proclaimed as "Bill Miller Day". George 'Fran' Dillon asked for Edna White to join him on stage. Mr. Dillon read a proclamation to honor Mrs. White and proclaimed that Oct. 22, 2007 be known as Edna B. White Day. Frank Belitsky led the Pledge of Allegiance. Motion to wave the reading of the warrant was moved and seconded. The reading of the warrant was waived.

ARTICLE 1

Moved and seconded that the Town vote to pay prior fiscal year bills and transfer from the General Fund, Excess and Deficiency Fund (Free Cash) and from the Sewer Enterprise Excess and Deficiency Fund the sums of money as shown in the handout distributed at this Town Meeting.

Finance Committee supported Article 1
Article 1 is carried by unanimous vote

ARTICLE 2:

MOVED AND SECONDED that the Town vote to transfer certain sums of money within the Fiscal Year 2008 budget as shown in the handout distributed at this Town Meeting.

Finance Committee supported Article 2
Article 2 is carried by unanimous vote

ARTICLE 3:

Moved and seconded that the Town vote to amend the vote taken under Article 7 of the April 30, 2007 Annual Town Meeting to redistribute the amounts of principal and interest to be paid in FY 08 for the Surrenden Farm Land Acquisition as follows: Long Term Debt Principal Payment: \$130,000.00 and Long Term Debt Interest Payment: \$216,380.00.

Finance Committee voted to support Article 3
Article 3 is carried by unanimous vote.

ARTICLE 4:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$17,500 to replace the elevator controller and attending components at the Groton Public Library.

Finance Committee supported Article 4

Article 4 is carried by unanimous vote.

ARTICLE 5:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$275,000.00 to be added to the sum already on deposit in the Capital Stabilization Fund.

Finance Committee supported Article 5
Article 5 is carried by unanimous vote.

ARTICLE 6:

Moved and seconded that Article 6 be indefinitely postponed until October 29, 2007

Motion to postpone carried by unanimous vote.

ARTICLE 7:

Moved and seconded that Article 7 be postponed until October 29, 2007.

Finance Committee supported that this article be postponed.
Article 7 is carried by unanimous vote.

ARTICLE 8: ADOPT AND ACCEPT TOWN CHARTER

Moved and seconded that the Town vote to approve and adopt the proposed Town Charter, as set forth in Appendix to the warrant for this Town Meeting; to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to place on the ballot of the next regularly scheduled municipal election a question regarding adoption of the Charter; and to authorize and empower the Board of Selectmen to appoint a Town Manager pursuant to General Laws Chapter 41, Section 108N, subject to approval of the General Court.

Jason Webber made a motion to amend.
Motion to amend is as follows:

I move to amend Section 3-1-(a) entitled Elective Town Offices by inserting following Parks Commission the words "the Groton Board of Health" and by striking the words "A Board of Health" in Section 3-2-(d) entitled Appointing Authority.

Motion to amend was seconded

Amendment carried by majority vote as declared by the Chair.

Robert Collins made a motion to amend
Motion to amend was as follows:

I move to amend Section 3-1-(a) entitled Elective Town Offices by inserting following the Groton Housing Authority "a Highway Surveyor" and by striking the words "Highway Surveyor" in section 3-2-(d) entitled Appointing Authority.

Motion was seconded.

The Chair called for tellers.

Tellers were duly sworn by Town Clerk.

Bonnie Biocchi	Stephen Keany
Cynthia Martell	Robert Flynn
Richard Hughson	Constance Sartini

Tellers reported:

138 yes 79 no

Motion to amend is carried.

Hugh McLaughlin made a motion to amend
Motion to amend went as follows:

I move to amend Section 3-1-(a) entitled Elective Town Officers by inserting following "the Planning Board" the words "the Groton Board of Assessors" and by striking the words "a Board of Assessors" in Section 3-2-(d) entitled Appointing Authority.

Motion was seconded

Tellers were called

Tellers reported:

106 yes 86 no

Motion to amend carried by majority vote

Hugh McLaughlin made another motion to amend
Motion to amend went as follows:

I move to amend Section 5-3 entitled Department of Finance by striking in Paragraph (a) the words "an appointed Principal Assessor" and inserting the words "a Principal Assessor" and by striking in its entirety Paragraph (g) entitled Principal Assessor.

Motion was seconded

Tellers were called

Tellers reported:

67 yes 101 no

Motion to amend is defeated

The last motion on the floor was the motion to postpone indefinitely made by Brooks Lyman

The motion went as follows:

I move that further consideration of Article 8 be indefinitely postponed with a respectful request that the Blue Ribbon Governance Committee and the Board of Selectmen reintroduce the subject of a Groton Charter to the 2008 Annual Town Meeting.

Motion was seconded

Motion to postpone indefinitely is defeated.

Town Counsel brought the following correction to the Chair's attention.

In Section 4-1(a) it reads: 8-5(g)

It should read 8-5(e)

The Chair sought for unanimous consent for the change. There was no opposition.

There were 157 voters in attendance at 11 pm.

The main motion as amended carried by majority vote as declared by the Chair.

The Chair entertained a motion to adjourn. Motion was seconded. The October 22, 2007 Special Town Meeting adjourned at 11:01 pm.

**Special Town Meeting
Adjourned Session
October 29, 2007**

The adjourned session of the October 22, 2007 Special Town Meeting was called to order by Moderator Robert Gosselin at 7:20 pm. There were 135 voters in attendance which satisfied the quorum requirement of 134 voters. Article 10, 11 and 25 will be indefinitely postponed. Larry Swezey made a motion to limit debate to 3 minutes per speaker with the exception of the primary proponent and the primary opponent. Motion to limit debate requires a 2/3 vote. The Chair declared a 2/3 vote.

ARTICLE 6

Moved and Seconded that this article be indefinitely postponed

Motion to postpone indefinitely is carried by unanimous vote.

ARTICLE 7

Moved and seconded that the Town vote to transfer \$100,00 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period July 1, 2007, and ending June 30, 2008.

Finance Committee supported Article 7

Main motion under Article 7 passed by unanimous vote.

As of 7:30 pm there were 149 voters in attendance

Motion was made by Frank Belitsky to advance to consideration to Article 27 prior to Article 9.

Motion to advance is defeated.

ARTICLE 9:

Moved and seconded that the Town vote to vote authorize the Board of Water Commissioners to enter into an agreement with the Conservation Commission to utilize a portion of Torrey Woods Conservation Area, Assessors' Map 231 – Parcel 94 – Lot 0 and a portion of the Sawtell Drive Conservation Area located on Map 232 – Parcel 9- Lot 0 as a municipal drinking water resource and to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts under Article 97 of the Amendments to the Massachusetts Constitution for any special legislation necessary therefor.

Article 9 is carried by unanimous vote.

ARTICLE 10:

Moved and seconded that the Town vote to authorize the Groton Water Department to transfer the sum of \$ _____ [MUST STATE A SPECIFIC AMOUNT] from the Water Enterprise Excess and Deficiency Fund to the Water Department's Fiscal Year 2008

operating expenses for the purchase of a Conservation Restriction on a portion of land located at #402 Chicopee Row and shown on Assessors' Map 231 – Parcel 85 - Lot 0.

Motion was made to indefinitely postpone Article 10

Motion to postpone indefinitely is carried by unanimous vote.

ARTICLE 11:

Moved and seconded that the Town vote to authorize the Groton Water Department to transfer the sum of \$ _____ from the Water Enterprise Excess and Deficiency Fund to the Water Department's Fiscal Year 2008 operating expenses for the purchase of a permanent access and utility easement on a portion of land located at #402 Chicopee Row and shown on Assessors' Map 231 – Parcel 85 - Lot 0.

Motion was made to postpone Article 11.

Motion to indefinitely postpone Article 11 carried by unanimous vote.

ARTICLE 12:

Moved and seconded that the Town vote to transfer to the Board of Selectmen, for the purpose of sale, a certain parcel of land located on Moose Trail, identified as Assessors' Map 130 - Parcel 55- Lot 0 , and to authorize the Board of Selectmen, pursuant to G.L. c. 40, §3, to sell said land to Thomas and Theresa Marie Wilson, of 21 Moose Trail for the sum of \$3,000.00, to be deposited in the general fund, provided further that: (1) the portion of the land shown and identified as "Conservation Restriction (CR)" on a plan by Ross Associates dated November 2006, signed and stamped on June 20, 2007, shall become subject to a Conservation Restriction pursuant to G.L. c. 184 §§31-33, and (2) the purchasers pay all back taxes, Town expenses, and legal fees related to this sale; and to authorize the Board of Selectmen to take any action necessary on behalf of the Town of Groton to effectuate said sale.

Finance Committee supported Article 12

Article 12 is carried by unanimous vote.

ARTICLE 13:

Moved and seconded that the Town vote to discontinue as a public way "Point Road" in its entirety as the same is shown on the Shay and Leary plan dated 1925, entitled "Lost Lake," recorded with the Middlesex South District Registry of Deeds as File Plan 844 and 845, Point Road being shown on Assessors' Map 122 lying between Parcels 93 and 94.

The Chair declared a majority vote on Article 13.

ARTICLE 14

MOVED AND SECONDED that the Town vote to **AMEND** the Code of the Town of Groton, Chapter 13, by deleting the word, "nine" in Section 13-1 and replacing it with the word "seven".

Finance Committee supported Article 14

Article 14 is carried by unanimous vote

ARTICLE 15

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 218, Zoning, as printed in the warrant.

The Chair declared a 2/3 vote for Article 15. There were no voters who contested the ruling of the Chair.

ARTICLE 16

Moved and seconded that the Town vote to accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation as a Priority Development Site of the parcels of land listed in the warrant.

Article 16 is carried by majority vote.

ARTICLE 17

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$20,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-03 "Feasibility Study for Squannacook Hall Renovations."

Finance Committee voted 6-0 not to support.

Motion was made to move question. Motion was seconded

Article 17 is carried by unanimous vote

As of 8:40 pm there were 149 voters in attendance.

ARTICLE 18

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$1,900.00 from the Community Preservation Open Space Reserve to fund Community Preservation Application 2007-07 "Survey of Cemetery Parcel for Williams Barn."

Finance Committee supported Article 18.

Article 18 is carried by unanimous vote.

ARTICLE 19

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$200,000.00 from the Community Preservation FY08 Budget Reserve to fund Community Preservation Application 2007-08 "Deposit to

the Conservation Fund.”

Finance Committee voted 1 to support 5 not to support
Groton Greenway voted unanimously to support this article.

Article 19 carried by unanimous vote.

ARTICLE 20:

Moved and Seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$34,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-01 “Historic Documents Preservation Project.”

Finance Committee voted unanimously to support
Article 20 carried by unanimous vote

ARTICLE 21:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$18,000.00 from the Community Preservation Historic Resource Reserve to fund Community Preservation Application 2007-09 “2008 Segment #3 of the Community Wide Preservation Project.”

Finance Committee voted unanimously to support Article 21
Article 21 is carried by unanimous vote

ARTICLE 22:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$10,000.00 from the Community Preservation FY08 Budget Reserve to fund Community Preservation Application 2007-11 “Squannacook River Rail Trail Environmental and Engineering Assessment.”

Finance Committee voted unanimously to support Article 22
Article 22 is carried by unanimous vote.

As of 9:30 pm there were 140 voters in attendance.

ARTICLE 23:

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$25,000.00 from the Community Preservation Community Housing Reserve to fund Community Preservation Application 2007-12 “Groton’s Affordable Housing Implementation Plan.”

Finance Committee voted unanimously to support.
Article 23 carried by unanimous vote

ARTICLE 24

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$25,000.00 from the Community Preservation Community Housing Reserve to fund Community Preservation Application 2007-13 "Community Housing Feasibility Study-Nashua Road".

Finance Committee voted unanimously to support
Chair declared a 2/3 vote on Article 24.

ARTICLE 25

Moved and seconded that this article be indefinitely postponed.

Motion to postpone indefinitely carried by unanimous vote.

ARTICLE 26

Moved and seconded that the Town vote to authorize the Town Moderator to appoint a seven (7) member Tax Base Study Committee to analyze the current tax base along with historic trends of various revenue sources as these revenues relate to town services provided. Further, to study the relationship between the residential and non-residential tax base as those relate to current zoning; and to report back to the 2008 Annual Town Meeting including recommendations.

Finance Committee voted in favor with 2 abstentions

The Chair declared a 2/3 vote. The Chair asked if there were seven voters who wished to contest the ruling of the chair. There were no hands raised.

ARTICLE 27: REZONE 797 BOSTON ROAD

Moved and seconded that the Town vote, amend the Town of Groton's Zoning Map from R-A (Residential-Agricultural) to B-1 (Business- District) certain premises located at 797 Boston Road, Groton, owned by 119 Partners, LLC, consisting of approximately 2.8 acres of land, more or less, which premises is described in deed recorded with the Middlesex South Registry of Deeds in Book 45322, Page 597, being shown on the Town of Groton's Assessors' Map 133 - Parcel 49 - Lot 0.

Board of Selectmen voted 5-0 in opposition to Article 27.

Motion was made that Article 27 be referred to PB

Motion to refer was defeated.

As of 10 pm there were 138 voters in attendance

Motion was made to move the question

Question was moved.

Article 27 is defeated

The Chair entertained a motion to dissolve the meeting. Motion was seconded. The adjourned session of the October 22, 2007 Special Town Meeting was dissolved at 10:06 pm on October 29, 2007.

Respectfully Submitted,

Onorina Z. Maloney
Town Clerk