

TOWN OF GROTON FINANCE COMMITTEE Regular Session

Wednesday, September 9th, 2020, 6:00 p.m.

Meeting Virtually via Zoom

Meeting ID: 859 8506 6986

And Recorded by The Groton Cable Channel

Present for Finance Committee: B. Robertson (Chair), C. Doody, Mary Linskey, S. Whitefield, A. Prest, G. Green, D. Manugian (arrived at 6:05 p.m.)

Absent: None

Also Present: P. Dufresne (Town Accountant), M. Haddad (Town Manager), Anna Eliot (Parks Dept.), M. Surette (Recording)

Documents available at the meeting: Town Meeting Warrant

Mr. Robertson called the regular session of the Finance Committee to order at 6:00 p.m.

Positions on Fall Town Meeting Warrant Articles:

Article 1: Remove Sundown Town Designation – Mr. Haddad explained that this article is an effort to remove any association or identification that the Town of Groton might have had with this label. Mr. Green asked whether the Town had ever truly been listed as a Sundown Town. Mr. Haddad replied that while no firm evidence has been found at this point, he would like to take this opportunity to eliminate any doubt that Groton rejects the designation. Mr. Whitefield was concerned that the title of this article might lead people to believe erroneously that the designation may have been valid at one point in time. **The Finance Committee took no position on this article.**

Article 2: Prior Year Bills – Currently there is one Prior Year Bill in the amount of \$160 payable to Triangle Portable Services for which there is insufficient cash available in the revolving fund. Therefore, the article proposes to use Free Cash to pay this bill.

On a motion by Mr. Prest, seconded by Mr. Robertson, the Finance Committee voted unanimously to support recommending Article 2 (\$160 from Free Cash for Prior Year Bill) to Town Meeting. Roll Call Vote = 6-0-0

Article 3: Amend FY21 Operating Budget – Mr. Haddad reviewed all the proposed amendments and funding plan for the Finance Committee (see page 27 of the attached 2020 Fall Town Meeting Warrant). Town Manager Salaries will increase by \$4,415; Elections Expenses will increase by \$10,000; Postage/Town Hall Expenses will increase by \$10,000; Insurance will increase by \$20,000; Fire Department Expenses will increase by \$26,205; Tipping Fees will increase by \$40,000 and Country Club Wages/Expenses will decrease by \$24,000. He summarized the funding plan for these amendments (which total \$86,620) saying that \$44,415 would come from Free Cash, \$36,000 from Unexpended Tax Capacity, and \$6,205 from Ambulance Receipts.

On a motion by Mr. Prest, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend Article 3 (FY21 Budget Amendments of \$86,620) to Town Meeting. Roll Call Vote = 7-0-0

Article 4: Wage & Classification Schedule – The amendments to this schedule are corrections to errors in rates listed for Call Firefighters and the Veterans Agent. The related budget lines were calculated accurately, therefore there is no financial impact.

On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend Article 4 (Amend Wage & Classification Schedule) to Town Meeting. Roll Call Vote = 7-0-0

Article 5: Transfer Within Water Enterprise Fund – Mr. Haddad explained that the Water Department was transferring \$160,000 from E&D to their Operating Budget to cover initial engineering services related to the manganese treatment plant.

On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend Article 5 (\$160,000 Transfer Within Water Enterprise Fund) to Town Meeting. Roll Call Vote = 7-0-0

Article 6: Transfer Within Sewer Enterprise Fund – The Sewer Department is requesting a transfer of \$50,000 from their E&D to cover expenses including for Pepperell wastewater treatment.

On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend Article 6 (\$50,000 Transfer Within Sewer Enterprise Fund) to Town Meeting. Roll Call Vote = 7-0-0

Article 7: Transfer Within Four Corners Enterprise Fund – The Four Corners Enterprise requires a transfer of \$5,000 to support FY21 Operations. Mr. Haddad noted that eleven new homes were being developed in that district, which may boost future years' revenue.

On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted unanimously to recommend Article 7 (\$5,000 Transfer Within 4 Corners Enterprise) to Town Meeting. Roll Call Vote = 7-0-0

Articles 8/9/10: Transfers to Various Stabilization Funds – Mr. Haddad explained that in the interest of preserving cash liquidity during the pandemic, he is recommending that these articles be postponed. He stressed his reluctance to do this, and noted that certain capital items may have to be funded from Free Cash. Mr. Robertson agreed that circumstances this year warrant postponing stabilization transfers.

On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted unanimously to recommend postponing Articles 8,9, & 10 (Stabilization Transfers). Roll Call Vote = 7-0-0

Article 11: FY21 Capital Budget – The Library Trustees have agreed to delay repair of their parking lot, which leaves three capital purchases for consideration: A pick-up truck for DPW (\$45,000), a Police Cruiser (\$56,570), and Police Station Siding/Roof Repairs (\$50,000). Mr. Haddad plans to fund the truck and cruiser from Free Cash, and the Police Station Repairs from Library Roof Project surplus bond proceeds.

On a motion by Mr. Prest seconded by Mr. Manugian, the Finance Committee voted unanimously to recommend Article 11 (Capital Budget of \$151,570) to Town Meeting. Roll Call Vote = 7-0-0

Article 12: Stormwater Enterprise Budget (\$188,800) - Mr. Haddad explained that in order to meet the new state stormwater mandates, the Town will impose an annual charge of \$49.25 on all improved properties. There are approximately 4,456 properties that will be surcharged. Mr. Green asked how often this fee would be reviewed and increased. Mr. Haddad replied that he is confident that this fee will not require review for three or four years. Ms. Linskey asked whether alternative solutions had been explored. Mr. Haddad said that without this fee, the very expensive MS4 mandates would have to be funded from the operating budget. He added that the Select Board have differing opinions on whether to hire a full-time dedicated employee to support this Enterprise or create a job share with another DPW position. Mr. Manugian noted that an Enterprise would likely be exempt from the hiring freeze currently in place. Mr. Haddad agreed, and said that he is still determining whether this would be a union position. He clarified that the Select Board will set the rates and the Town Manager will run the Enterprise.

On a motion by Mr. Prest, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend Article 12 (FY21 Stormwater Enterprise Budget \$188,800) to Town Meeting.

Roll Call Vote = 7-0-0

Article 13: Environmental Consultant Services \$18,000 – The Squannacook Sportsmen’s Club in W. Groton may have left the Town with an environmental clean-up issue. (lead contamination). Before the Town considers purchasing that property, Mr. Haddad feels it would be prudent to know the extent of the problem. The Town has received a preliminary quote of \$18,000, but hopes to receive grant assistance. Mr. Robertson would rather defer this for another year. Also, he is concerned that the true costs of this project are not known (i.e. demolition of the structure). The taxpayers should be informed of the total cost. Mr. Manugian agrees that this article could be delayed for another year. Ms. Linskey was concerned that if the Town does the study, the clean up will by default become the Town’s problem. Mr. Green noted that this clean-up will have to be done no matter what, therefore the \$18,000 might be an unnecessary cost. He advocated for going ahead with the demolition and dealing with whatever is found. Mr. Haddad recommended caution; he believes it is better to know in advance what the Town would be dealing with. The Town has the right to take the property, but it won’t do so if the property is significantly contaminated. Mr. Manugian suggested that the building inspector or someone with similar expertise should take a look at the condition of the roof. Mr. Haddad will confirm that this has been done. Mr. Manugian asked whether the \$18,000 quote includes some set aside for mitigation costs. Mr. Haddad replied that some mitigation is included in the quoted cost. Mr. Robertson said he would not oppose this article if the language could include information to the taxpayers that once the \$18,000 study is completed, if the site comes back clean, they will be asked for an additional amount (possibly \$30,000)

for demolition of the existing structure. Mr. Haddad agreed to add that language to the warrant summary for Town Meeting.

On a motion by Mr. Prest, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend Article 13 (Environmental Consulting Services \$18,000) to Town Meeting as amended to include language in the warrant summary detailing additional potential cost. Roll Call Vote = 7-0-0

Article 14: Complete Streets Engineering (\$35,000) – Mr. Haddad urged support for this multi-year program whereby the State makes funding available for infrastructure improvements to the Town's sidewalks and streets, and the Town is only liable for the cost of the engineering. The projects under consideration include sidewalk construction in W. Groton and on Route 40 in Groton Center. Mr. Manugian is concerned that this was not featured on any previous capital plan. The Town should not acquire new assets when it is deferring maintenance on existing ones. Mr. Robertson pointed out that this funding may not be available if these projects are delayed; he would hate to lose an opportunity for a \$300,000 grant to improve pedestrian safety in Groton. Mr. Doody noted that more people are out walking during the pandemic.

On a motion by Mr. Doody, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend Article 14 (Complete Streets Engineering \$35,000) to Town Meeting. Roll Call Vote = 7-0-0

Article 15: BOA Cyclical Inspections (\$20,000)- This continues the 1/5th annual property inspection cycle, and will be funded within the budget (Unexpended Tax Capacity).

On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted unanimously to recommend Article 15 (BOA Cyclical Inspections \$20,000) to Town Meeting. Roll Call Vote = 7-0-0

Article 17: CPA Funding Recommendations FY21 – Mr. Green remarked that Lost Lake relies heavily on CPA funding, which may not be a best practice given recent discussions about reducing the Town's contribution percentage. Mr. Prest said that a long-term plan is in the works.

Lost Lake/Knops Pond Restoration \$95,000 – On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Conservation Fund Transfer \$221,000 – On a motion by Mr. Manugian, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Portrait Restoration \$11,400 – On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Library Pocket Doors \$10,500 – On a motion by Mr. Manugian, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Hazel Grove \$9,242 (Storage Shed/Tower) – On a motion by Mr. Manugian seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

WWI Cannon Restoration \$15,000 – This project involves repairing the cannon so it is no longer hazardous. On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Cow Pond Brook Recreation Center \$99,500 – Ms. Eliot explained that the plans for a recreation center were on the Capital Plan last year, and now there is storm damage that must be repaired. This project includes parking design, which is not eligible for CPC funding unless it is part of a larger more comprehensive project. The proposal will incorporate a snack shack and sanitary facilities into one building, that meets all codes. She said that the Town Manager will handle the procurement and contract with the vendors. Then the Parks Commission and CPC will manage the project along with some local professionals (Dan Wolfe, Bob Pine, Greg Yanchenko). This spending is for the design phase; CPC would prioritize future construction phases. Ms. Eliot feels that it is time for the Town to step up and contribute to Groton sports. Mr. Haddad pointed out that the irrigation well must be fixed to save the fields. Mr. Robertson said that the well can be dealt with, but was not in favor of spending the money on this project during the current pandemic. Mr. Haddad said that the Select Board dislikes considering this project “out of cycle.” They have concerns regarding the scope and timing. Ms. Eliot replied that the CPC did recommend the project out of cycle, due to the recent storm damage. Mr. Green asked for confirmation that this funding would design a recreation building, the irrigation well, and parking. Ms. Eliot said it would. Mr. Manugian said he would not take a position on this until letters of support were received. The group briefly discussed the parking situation at the fields, which Mr. Robertson agreed is dangerous. He would prefer to see some user support and suggested delaying this until the spring when, presumably, more details would be available. He is in favor of digging the well and correcting the parking situation. Mr. Whitefield suggested doing the project in phases, and perhaps prioritizing the well and the parking. Ms. Eliot said that the construction can be phased, but all the design should be completed at once.

On a motion by Mr. Manugian, seconded by Mr. Doody, the Finance Committee’s vote to recommend this project to Town Meeting failed to carry. Roll Call Vote = 1-0-6

Rental Assistance \$200,000 – The CPC will hire a consultant to manage the project of providing emergency assistance to renters who need it. On a motion by Mr. Manugian, seconded by Ms. Linskey, the Finance Committee voted unanimously to recommend this project to Town Meeting. Roll Call Vote = 7-0-0

Article 18: Special Legislation to Amend Trust Fund Investment Policy – This legislation if enacted will provide the Treasurer and Trustees with more flexibility when choosing how to invest these funds. This will likely improve the rate of return. **On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted unanimously to recommend Article 18 (Trust Fund Investment Legislation) to Town Meeting. Roll Call Vote = 7-0-0**

FY22 Budget Guidance – Mr. Haddad proposed a joint meeting with the Select Board and the Finance Committee be held on 10/26/20 to begin FY22 budget discussions. By that time, the FY21 1st Quarter results should be available, and Free Cash will also have been certified. Mr. Haddad feels that thus far, revenue has been good, due in part to late receipts that should have been made in June of FY20. The Finance Committee scheduled a meeting for 10/20/20 in order to generate some thoughts for the joint budget guidance meeting on 10/26. Mr. Haddad said he will discuss salary impact schedules at that meeting, the effect of the estimated 14% increase in the pension assessment, and estimated 10% health insurance increase. With union negotiations on the horizon, FY22 will be a difficult year. On the plus side, he expects new growth to be healthy as several developments are getting underway.

Financial Policy Review – Mr. Haddad does not believe many updates will be required to this document. The Select Board will review and then provide notes to the FinCom by mid-November.

Country Club Performance – Mr. Haddad is thrilled to report that golf revenue has been outstanding. Mr. Prest asked for a detailed analysis of membership counts and revenue for several years. Mr. Haddad said that the General Manager was already working on that.

Minutes:

On a motion by Mr. Manugian, seconded by Mr. Prest, the Finance Committee voted unanimously to approve and release the minutes of 7/13/20 as drafted. Roll Call Vote = 6-0-0 (Ms. Linskey was not present to vote)

On a motion by Mr. Prest, seconded by Mr. Manugian, the Finance Committee voted in the majority to approve and release the minutes of 8/12/20 as amended (correction of spelling error). Roll Call Vote = 5-0-1 (Mr. Whitefield abstained, Ms. Linskey was not present to vote)

Mr. Robertson officially adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Patricia Dufresne, Recording Secretary

REVISED: 09/8/2020

Warrant, Summary, and Recommendations

TOWN OF GROTON



2020 FALL TOWN MEETING

**Middle School Track Behind Florence Roche Elementary School
342 Main Street, Groton, Massachusetts 01450**

Beginning Saturday, October 3, 2020 @ 10:00 AM

Attention – Voters and Taxpayers

Please bring this Report to Town Meeting



Town Meeting Access for Voters with Disabilities

Parking – Universally accessible parking spaces are available in the parking lot in front of the Groton Dunstable Middle School South.

Sign Language – A Sign Language Interpreter will be provided for the hearing impaired, upon request, at least one week prior to the meeting.

Speaking at Town Meeting – There will be volunteers available to bring hand-held microphones to voters who have mobility issues or cannot stand in line and wait at the microphones.

Transportation to Town Meeting - The Council on Aging van will be available to Groton residents attending Town Meetings at no charge. All riders will be at the meeting prior to the start. The van is wheelchair accessible. Your reservation can be made by calling the Senior Center at 978-448-1170. Seats will be filled on a first come, first serve basis.

Questions or concerns - If you or a member of your household has questions or would like to request a sign language interpreter, please contact ADA Coordinator Michelle Collette at Town Hall at 978 448-1105 at least one week before the Town Meeting.

**FALL TOWN MEETING WARRANT
OCTOBER 3, 2020**

Middlesex, ss.
Commonwealth of Massachusetts
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble at the Middle School Track behind the Florence Roche Elementary School, 342 Main Street, Groton, Massachusetts in said Town on Saturday, the third day of October, 2020 at Ten O'clock in the morning, to consider the following:

ARTICLE LISTINGS

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ARTICLE 1: REMOVE THE DESIGNATION OF "SUNDOWN" TOWN FOR GROTON

To see if the Town will vote to establish from October 3, 2020 forward that Groton, Massachusetts rejects wholeheartedly the designation as a "Sundown" Town, and further, that Groton, Massachusetts welcomes people of all race, that the Commonwealth of Massachusetts Governor, Secretary of State, Attorney General and General Court be notified that all references and/or laws in State Records that identify Groton as a "Sundown" Town be stricken from the records, along with any Town Bylaw, Town Meeting vote or vote by the Executive Body of Groton, or to take any other action relative thereto.

SELECT BOARD

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *According to research, it has been determined that Groton is one of 17 Towns in the Commonwealth of Massachusetts that is identified as a "Sundown" Town. A "Sundown" Town defined as all-white municipalities or neighborhoods in the United States that practice a form of racial segregation by excluding non-whites via some combination of discriminatory local laws, intimidation, and violence. Entire sundown counties and sundown suburbs were also created by the same process. The term came from signs posted that "colored people" had to leave town by sundown." The purpose of this Article is to clear the records and remove Groton from having that designation.*

ARTICLE 2: PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds a sum or sums of money for the payment of unpaid bills from prior fiscal years, or to take any other action relative thereto.

SELECT BOARD

Select Board: *Recommendation Deferred Until Town Meeting*
Finance Committee:

Summary: *Town Meeting approval is required to pay bills from a prior fiscal year. A list of unpaid bills will be provided at Town Meeting.*

ARTICLE 3: AMEND THE FISCAL YEAR 2021 TOWN OPERATING BUDGET

To see if the Town will vote to amend the Fiscal Year 2021 Operating Budget as adopted under Article 4 of the 2020 Spring Town Meeting and vote to raise and appropriate and/or transfer from available funds a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2021, or to take any other action relative thereto.

**FINANCE COMMITTEE
SELECT BOARD
TOWN MANAGER**

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *The Fiscal Year 2021 Town Operating Budget was approved at the 2020 Spring Town Meeting in June, 2020. Any changes to this Budget would have to be made prior to setting the tax rate. The purpose of this article is to make any necessary changes to balance the FY 2021 Operating Budget. Please see the Town Manager's Report contained in the back of this Warrant for an explanation outlining the proposed changes.*

ARTICLE 4: AMEND WAGE AND CLASSIFICATION SCHEDULE

To see if the Town will vote to amend the Wage and Classification Schedule as adopted under Article 3 of the 2020 Spring Town Meeting as follows:

Call Captain	\$25.00 per hour	Call Lieutenant	\$24.50 per hour
Call Firefighter	\$21.43 per hour	Call EMT	\$21.43 per hour
Probationary Firefighter:	\$17.85 per hour	Probationary EMT	\$17.85 per hour
Veteran's Agent	\$5,000 annually		

or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *When the Town proposed the Wage and Classification Schedule at the Spring Town Meeting for Fiscal Year 2021, the annual salary of the Veteran's Agent and the wages of the various Call Firefighters were not adjusted by a two (2%) percent cost of living adjustment.*

ARTICLE 5: TRANSFER WITHIN WATER ENTERPRISE FUND

To see if the Town will vote to transfer a sum or sums of money from the Water Enterprise Fund Surplus to the Fiscal Year 2021 Water Department Operating Budget for Engineering Services, or to take any other action relative thereto.

BOARD OF WATER COMMISSIONERS

Select Board: *Recommended (4 In Favor, 1 No Position – Degen)*

Finance Committee:

Water Commission: *Recommended Unanimously*

Summary: *This article will request a transfer of funds from Water Surplus to help fund the Fiscal Year 2021 Water Department's Operational Expenses related to Engineering Services for the Whitney Well Manganese Mitigation Project and expansion.*

ARTICLE 6: TRANSFER WITHIN CENTER SEWER ENTERPRISE FUND

To see if the Town will vote to transfer a sum or sums of money from the Center Sewer Enterprise Fund Surplus to the Fiscal Year 2021 Center Sewer Enterprise Department Budget for general expenses, or to take any other action relative thereto.

BOARD OF SEWER COMMISSIONERS

Select Board: *Recommended Unanimously*

Finance Committee:

Sewer Commission: *Recommended Unanimously*

Summary: *This article will request a transfer of funds from Sewer Surplus to help fund the Fiscal Year 2021 Center Sewer Department's Operational Expenses.*

ARTICLE 7: TRANSFER WITHIN FOUR CORNERS SEWER ENTERPRISE FUND

To see if the Town will vote to transfer a sum or sums of money from the Four Corners Sewer Enterprise Fund Surplus to the Fiscal Year 2021 Four Corners Sewer Enterprise Department Budget for general expenses, or to take any other action relative thereto.

BOARD OF SEWER COMMISSIONERS

Select Board: *Recommended (4 In Favor, 1 No Position – Degen)*

Finance Committee:

Sewer Commission: *Recommended Unanimously*

Summary: *This article will request a transfer of funds from Sewer Surplus to help fund the Fiscal Year 2021 Four Corners Sewer Department's Operational Expenses.*

ARTICLE 8: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum or sums of money to be added to the sum already on deposit in the Capital Stabilization Fund, or to take any other action relative thereto.

SELECT BOARD

Select Board: *Recommend to Indefinitely Postpone Consideration*
Finance Committee:

Summary: *As of the Printing of this Warrant, the Fund has a balance of \$554,313. The financial management goal is to achieve and maintain a balance in the Capital Stabilization Fund equal to 1.5% of the total annual budget. The target amount for the Capital Stabilization Fund will be provided at Town Meeting.*

ARTICLE 9: TRANSFER MONEY INTO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum or sums of money to be added to the sum already on deposit in the Stabilization Fund, or to take any other action relative thereto.

SELECT BOARD

Select Board: *Recommend to Indefinitely Postpone Consideration*
Finance Committee:

Summary: *As of the printing of this Warrant, the balance in this fund is \$2,054,993. The financial management goal is to achieve and maintain a balance in the Fund equal to 5% of the total annual budget. The target amount for the Fund will be provided at Town Meeting.*

ARTICLE 10: TRANSFER MONEY INTO THE GDRSD CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum or sums of money to be added to the sum already on deposit in the Town of Groton Capital Stabilization Fund for the Groton Dunstable Regional School District, or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommend to Indefinitely Postpone Consideration*
Finance Committee:

Summary: *As of the printing of the Warrant, the balance in this fund is \$235,046. This fund covers the Town of Groton's share of the Groton Dunstable Regional School District Committee's long-range Capital Plan to address its capital needs. The target amount will be provided at Town Meeting.*

ARTICLE 11: FISCAL YEAR 2021 CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute, a sum or sums of money, to be expended by the Town Manager, for the purpose of funding the Fiscal Year 2021 Capital Budget, or to take another other action relative thereto.

TOWN MANAGER

Summary: *The following is a listing of the remaining items in the proposed Town Manager's Capital Budget for Fiscal Year 2021 that was delayed at the 2020 Spring Town Meeting:*

Item #1 – Pick-Up Truck **\$45,000** **Highway**

Summary: *This is a scheduled replacement. The average life of a pick-up truck is approximately 7 years. Replacing one vehicle every couple of years will allow the fleet to stay in good shape. This is a front line pick-ups used for day to day operations as well as snow plowing.*

Select Board: Recommended Unanimously
Finance Committee:

Item #2 – Police Station Siding/Roof Repairs **\$50,000** **Town Facilities**

Summary: *The Police Station was painted seven years ago. Instead of repainting the station, it is being resided with materials that do not need to be painted in the future. This will help maintain the building and add to its longevity. In addition, the roof of the building will need to be replaced as it is coming up on 25 years since it was first constructed.*

Select Board: Recommended Unanimously
Finance Committee:

Item #3 – Police Cruiser **\$56,570** **Police Department**

Summary: *Ordinarily, we purchase two police cruisers each year to maintain our fleet. In July, 2019, one of our older cruisers was totaled in an accident and replaced. This will allow us to purchase one cruiser this year to stay with the program.*

Select Board: Recommended Unanimously
Finance Committee:

TOWN MANAGER

ARTICLE 12: STORM WATER UTILITY ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate pursuant to M.G.L. c.83, §16 and/or transfer from Stormwater Facilities User Fees, a sum or sums of money, to be expended by the Town Manager, to operate the Fiscal Year 2021 Stormwater Facilities Utility Enterprise as follows:

Salaries/Benefits	\$ 75,000
Equipment	\$ 30,000
Capital Outlay	\$ 25,000
Compliance Costs	\$ 80,000
Disposal/Expenses	<u>\$ 10,000</u>
Total:	\$220,000

or take any other action relative thereto.

**TOWN MANAGER
DPW DIRECTOR**

Select Board: *Recommended (3 In Favor, 2 Deferred – Degen, Pine)*
Finance Committee:

Summary: *The Spring Town Meeting created the Stormwater Enterprise Fund to provide the Town with a funding source to comply with the requirements of the NPDES MS4 Stormwater Permit Program operated by US Environmental Protection Agency. The permit program requires the Town to proactively manage its storm drainage system and ensure the protection of its waterways from stormwater pollution. Compliance with the requirements of this program is mandatory. The Select Board has established a Stormwater User Fee to be paid by all properties with impervious surfaces within the Town to cover this expense. The purpose of this Article is to appropriate the necessary funding from the Stormwater Enterprise Utility Fee to cover the Fiscal Year 2021 Expenses.*

ARTICLE 13: ENVIRONMENTAL CONSULTING SERVICES

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute, a sum or sums of money, to be expended by the Town Manager and thereafter, for the purpose of retaining environmental consulting services in support of the demolition of the former Squannacook Sportsmen's Club in West Groton, and all costs associated and related thereto, or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended (3 In Favor, 2 Deferred – Degen, Giger)*
Finance Committee:

Summary: *The purpose of this Article is to provide funding for environmental consulting services in support of the demolition of the former Squannacook Sportsmen's Club located at 159 West Main Street. Town Meeting had previously authorized the Town to obtain this property to provide additional parking and land for activities for the new Groton Center in West Groton. Prior to taking this property, the Town needs to understand the environmental impact of demolishing the former Sportsmen's Club. This Article will provide the necessary funding to inspect the building and surrounding area and develop a report and recommendations for the building's disposal. Depending on the outcome of the report, the Town will return to a future Town Meeting for the necessary funding to demolish the building and take the property. The cost of these services is anticipated to be \$18,000.*

ARTICLE 14: COMPLETE STREETS ENGINEERING

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute, a sum or sums of money, to be expended by the Town Manager, for the purpose of hiring an engineer for the design of traffic safety and pedestrian improvements funded by the Commonwealth of Massachusetts "Complete Streets" program, or take any action relative thereto.

COMPLETE STREETS COMMITTEE

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *The Complete Streets Committee will be applying for a grant from MassDOT to improve pedestrian safety and accessibility improvements in Town. This article will provide funding for the required engineering design of the projects. Projects under consideration at this time include installing a sidewalk from West Groton Center to the new Groton Center on West Main Street and installing a sidewalk on Route 40 from the Groton Inn to the Gibbet Hill Grill. The Town must provide the engineering to design and solicit bids in order to obtain the construction funding. It is anticipated that the cost of this engineering will not exceed \$35,000.*

ARTICLE 15: ASSESSORS CYCLICAL INSPECTIONS

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum or sums of money, to be expended by the Town Manager, for the purpose of starting the cyclical inspection process of inspecting every property in town within the Department of Revenue's five year period guidelines, said inspections to commence in the Fall of 2020 and to continue every year thereafter, or to take any other action relative thereto.

BOARD OF ASSESSORS

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *The Assessors' Office is required to perform inspections of every property in Town once every five years to comply with Massachusetts Department of Revenue Guidelines.*

ARTICLE 16: COMMUNITY PRESERVATION FUNDING ACCOUNTS

To see if the Town will vote to make the following appropriations from the Community Preservation Fund: Allocation of Community Preservation Funds to the following sub accounts:

CPC Operating Expenses:	\$ 5,000
Open Space Reserve:	\$ 78,490
Historic Resource Reserve:	\$ 78,490
Community Housing Reserve:	\$ 78,490
Unallocated Reserve:	\$544,430

or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Select Board: *Recommended Unanimously*

Finance Committee:

Community Preservation Committee: *Recommended Unanimously*

Summary: *This is an accounting procedure that is necessary to ensure the Community Preservation Committee will have access to the funds raised during Fiscal Year 2021. Except for the CPC Operating Expenses, none of these funds will be spent without additional approval at Town Meeting.*

ARTICLE 17: COMMUNITY PRESERVATION FUNDING RECOMMENDATIONS

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2021, and vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, and by authorizing the Select Board, with the approval of the Community Preservation Committee, to acquire, by purchase, gift or eminent domain, such real property interests in the name of the Town, or enforceable by the Town, including real property interests in the form of permanent affordable housing restrictions and historical preservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing, or to take any other action relative thereto.

CPC Proposal A:	Lost Lake/Knops Pond Restoration	\$95,000
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Summary: *The Great Ponds Advisory Committee and the Groton Lakes Association have submitted an application for CPA funds to restore Knops Pond/Lost Lake as the non-native weed Fanwort has reached a tipping point that requires treatment before infestation reduces the surface water quality and substantially reduces the recreational potential of Groton's largest water resource. The full amount to be paid from the Unallocated Reserve.*

Select Board: *Recommended (4 In Favor, 1 Deferred – Manugian)*

Finance Committee:

Community Preservation Committee:

CPC Proposal B: Conservation Fund

\$221,000

Summary: *The Conservation Commission is requesting \$221,000 in CPA funds to be added to the Town's Conservation Fund to help preserve open space, protect water resources and wildlife habitat, and preserve land for agricultural, recreational, and forestry activities. The Conservation Fund allows the Town to move quickly in the event a priority parcel becomes available. The Commission's goal is to maintain an amount between \$750,000 and \$1,000,000 in the Conservation Fund. As of February 18, 2020, the Conservation Fund balance is \$101,232. The amount of \$2,000 to be paid from the Open Space Reserve and the amount of \$219,000 to be paid from the Unallocated Reserve.*

Select Board: Recommended (4 In Favor, 1 Against – Manugian)

Finance Committee:

Community Preservation Committee:

CPC Proposal C: Portrait Restoration

\$11,400

Summary: *The Groton History Center is requesting \$11,400 to restore framed portraits of individuals who lived in Groton in the late 1700s and early 1800s. They would like to provide their visitors with access to these interesting individuals and their back story to enrich their knowledge of Groton's history. All three portraits were painted by distinguished portrait painters of their time: A. L. Powers and Lyman Emerson Cole, both of whom have portraits hanging in museums. The full amount to be paid from the Historic Reserve.*

Select Board: Recommended Unanimously

Finance Committee:

Community Preservation Committee:

CPC Proposal D: Library Pocket Doors

\$10,500

Summary: *The Library has a set of solid oak pocket doors in the historic 1893 building that cannot be used because the hanging and sliding hardware is broken. The Board of Library Trustees is requesting \$10,500 to replace the hardware and restore this beautiful feature to functional use. The full amount to be paid from the Historic Reserve.*

Select Board: Recommended Unanimously

Finance Committee:

Community Preservation Committee:

CPC Proposal E: Hazel Grove

\$9,242

Summary: *The Hazel Grove Agricultural Association has submitted this application for funding to make capital improvements on the viewing tower and storage shed. This funding will allow them to update the viewing tower with new siding, roof, shutters, locking door, flooring and a ladder for second floor access. This building is used as a safety viewing platform, shelter and storage. The storage shed will be updated with a new roof, electrical service and two new windows. The full amount to be paid from the Open Space Reserve.*

Select Board: Recommended Unanimously

Finance Committee:

Community Preservation Committee:

CPC Proposal F: WWI Cannon Restoration

\$15,000

Summary: *The Celebrations and Commemorations Committee submitted this application to complete the process of restoring the "Cannon de 75 mle 1897", a gift to the Town of Groton from the U.S. Army in 1919 at the dedication of the Lawrence W. Gay Post 55. The Cannon has resided at Legion Common for the last 100 years in honor of Lawrence W. Gay who was killed in action just days prior to the signing of the Armistice ending hostilities of World War I. In recent years the cannon has suffered from the effects of weather, fallen into disrepair and become a safety issue. The Town's portion of the project includes sandblasting, repainting and replacement of the oak spoked wheels. The full amount to be paid from the Historic Reserve.*

Select Board: Recommended (3 In Favor, 2 Against – Manugian, Degen)

Finance Committee:

Community Preservation Committee:

CPC Proposal G: Recreation Station at Cow Pond Brook

\$99,500

Summary: *The Groton Parks Commissioners approved a CPC Application for Cow Pond Brook Fields. The nature of the application is to perform a feasibility study to investigate safety improvements to the Recreation Area. This study will undertake traffic flow, parking, water and irrigation sources and an all-encompassing recreational building that will serve the needs of the user groups. The request is for \$99,500.00 with a cap of \$20,000.00 should any part of the study prove unfeasible. The amount of \$40,000 to be paid from the Open Space Reserve and the amount of \$59,500 to be paid from the Unallocated Reserve.*

Select Board: Not Recommended (3 Against, 1 In Favor – Giger, 1 Deferred – Pine)

Finance Committee:

Community Preservation Committee:

CPC Proposal H: Emergency Rental Assistance

\$200,000

Summary: *The Affordable Housing Trust submitted this application for funding to establish an emergency rental assistance program for the benefit of eligible tenants residing in the Town of Groton. This program will provide as much as four months of rental assistance for tenants earning up to 80% of the area median income. Landlord participation is required and the program is expected to run until funds are expended or June 30, 2022 at the latest. The full amount to be paid from Community Housing Reserve.*

Select Board: Recommended Unanimously

Finance Committee:

Community Preservation Committee:

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 18: SPECIAL LEGISLATION – INVESTMENT OF TOWN'S TRUST FUNDS

To see if the Town will petition the Senate and House of Representatives of the Commonwealth of Massachusetts to enact special legislation authorizing the Treasurer of the Town of Groton to invest the Town's Trust Funds, notwithstanding section 54 of chapter 44 of the General Laws or any other general or specific law to the contrary with the Massachusetts Prudent Investor Act, codified in Chapter 203C of the General Laws as follows:

AN ACT AUTHORIZING CERTAIN INVESTMENTS BY THE TREASURER OF THE TOWN OF GROTON.

Section 1. Notwithstanding any general or special law to the contrary, the treasurer of the town of Groton may invest any trust funds of the town in the custody of the treasurer in accordance with sections 3, 4, 5, 8 and 9 of chapter 203C of the General Laws and in accordance with the town of Groton cash and investment policy. The policy may be amended by the select board of the town of Groton from time to time.

Section 2. Section 54 of chapter 44 of the General Laws shall not apply to the town of Groton.

Section 3. This act shall take effect upon its passage.

or to take any other action relative thereto.

COMMISSIONERS OF TRUST FUNDS

Select Board: *Recommended Unanimously*

Finance Committee:

Commissioners of Trust Funds: *Recommended Unanimously*

Summary: *MGL Ch. 44, s.54 pertains to the Investment of Trust Funds. All trust funds shall fall under the control of the Treasurer. This article will allow the Treasurer to invest the Town's Trust Funds with more flexibility than previously allowed, while still conforming to Massachusetts General Law. This flexibility will be limited to provisions contained in the Investment Policy of the Town. The standard of care to be used by the Treasurer shall be the 'Prudent Person' standard set forth in MGL Ch. 203C and shall be applied in the context of managing an overall portfolio.*

ARTICLE 19: AMEND ZONING BYLAW – SITE PLAN REVIEW

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-2.5, Site Plan Review, by deleting Item (b) of Paragraph C, Threshold of Review, Part (1) Minor site plan review, which reads as follows:
 - (b) Construction of an addition or any other alteration of up to 1,000 square feet gross floor area to an existing commercial, office, industrial, or institutional use, or structure for such use.

And by inserting in its place the following:

- (b) Construction of a new building, an addition, change of use, or any other alteration of up to 1,000 square feet gross floor area to an existing commercial, office, industrial, or institutional use, or structure for such use.
2. In Section 218-2.5, Site Plan Review, by deleting Items (a) and (b) of Paragraph C, Threshold of Review, Part (2) Major, which read as follows:
- (a) Construction, enlargement or alteration of a parking area resulting in six or more new parking spaces.
 - (b) Construction of a new building or an addition or any other alteration that exceeds 1,000 square feet of aggregate gross floor area which includes all floors of all buildings on the premises, to an existing commercial, office, industrial, or institutional use or structure.

And by inserting in their place the following:

- (a) Construction, enlargement, or change of use resulting in the construction or alteration of a parking area resulting in six or more new parking spaces.
 - (b) Construction of a new building or an addition, a change in use, or any other alteration that exceeds 1,000 square feet of aggregate gross floor area which includes all floors of all buildings on the premises, to an existing commercial, office, industrial, or institutional use or structure.
3. In Section 218-9.3 Multifamily Use, Subsections 218-9.3.A., 218-9.3.B.(1) and 218-9.3B.(2) delete the words "**Board of Appeals**" and insert the words "**Planning Board**".

or to take any other action relative thereto.

PLANNING BOARD

Select Board: *Recommendation Deferred Until Town Meeting* Finance Committee:

Summary: *The purpose of these amendments is to clarify the thresholds for Site Plan Review, resolve a discrepancy in the bylaw as it relates to the Multifamily Use provisions, and to correct a sub-sectional reference. Specifically: 1) The proposed amendment #1 clarifies that the provisions of Minor Site Plan Review apply to a change of use. 2) The proposed amendment #2 clarifies that the provisions of Major Site Plan Review apply to a change of use. 3) The proposed amendment #3 corrects an internal inconsistency in the Zoning bylaws that dates to the adoption of Article 19 at the 2014 Annual Town Meeting. As part of a comprehensive update of the Zoning Bylaws to implement the recommendations of the Comprehensive Master Plan adopted in 2012, the Schedule of Use Regulations was amended. Among the various amendments, the Planning Board was designated as the Special Permit Granting Authority (SPGA) for "Multifamily Uses as allowed by the provisions of Sections 218-27A through 27C" (now Sections 218-9.3 A through C).*

However, Article 19 failed to update the corresponding language of the cross-referenced Sections A and B, leaving intact the SPGA reference in those sub-sections as the Zoning Board of Appeals not the Planning Board as intended in the Schedule of Use amendment. The proposed amendment to Sections 218-9.3 A and B remedies the regulatory inconsistency by inserting the correct SPGA as intended by the adoption of Article 19 at the 2014 Annual Town Meeting.

ARTICLE 20: AMEND ZONING BYLAW – ATTACHED ACCESSORY APARTMENT

To see if the Town will vote to amend the Zoning Bylaw by deleting Section 218-9.4 in its entirety and replacing it with the following:

1) 218-9.4 Attached Accessory Apartment

218-9.4.1 Purpose

- a. To provide homeowners of a single-family dwelling larger than required for present needs with a means of sharing space and the burdens of home ownership, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
- b. Develop housing units in single family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
- c. Provide small additional housing units for rent without substantially altering the appearance of the Town
- d. Provide housing units for persons with disabilities.
- e. Protect stability, property values, and the residential character of a neighborhood

218-9.4.2 Attached Accessory Apartment

Use of an accessory apartment, an independent dwelling unit not to exceed eight hundred (800) square feet contained within a single-family house. The unit shall have a separate entrance, a kitchen/living room, a bathroom and a maximum of two bedrooms. Either unit shall be occupied by the owner. The gross floor area shall include the interior finished habitable area to be used exclusively for the accessory apartment.

One Accessory apartment shall be allowed by right in the RA and RB Districts providing the following criteria are met:

- a. The accessory apartment shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health.
- b. Approval from the Fire Department.
- c. Building, plumbing, electrical and any other required permits are obtained.
- d. The accessory apartment is contained within a single-family dwelling. Attached accessory apartments shall not be permitted on lots that contain two or more dwellings.
- e. All staircases required to access an accessory apartment must not change the general appearance of a single-family house.
- f. Space may be provided by either raising the roof, or extending the dwelling, but only in accordance with current height and setback requirements.

- g. To maintain the single-family character of the neighborhood, the entrance to the accessory apartment should be on the side or rear, if possible, but may be through the front door, if there is a vestibule.
- h. The owner of the property must occupy one of the two units as a permanent residence.
- i. Accessory Apartments are not permitted on lots which have two or more dwellings.
- j. Accessory apartments shall be occupied by no more than 2 permanent residents.
- k. Sufficient and appropriate area for at least one additional parking space shall be provided by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and, to prevent on-street parking, and shall have vehicular access to the driveway,
- l. The footprint of the structure in which the accessory apartment is to be located shall not be increased by more than 800 square feet and shall retain the appearance of a single-family structure. Any such increase in the footprint shall not exacerbate an existing nonconformity nor create a new nonconformity,
- m. The provisions of MGL C. 40A, § 3 shall apply to any accessory apartments intended for occupancy by a person with a disability relative to access ramps used solely for the purpose of facilitation ingress and egress to person with physical limitations as defined in MGL C 22, § 13A."

or take any action relative thereto

PLANNING BOARD

Select Board: *Recommended (4 In Favor, 1 Deferred – Degen)*
Finance Committee:

Summary: *The purpose of this zoning amendment is to allow attached apartments by right as an accessory use in a single-family house. Under the current zoning bylaw, attached accessory apartments require a special permit issued by the Zoning Board of Appeals. While this proposed amendment changes and reorganizes the language in the current bylaw, the only substantive change is to delete the special permit requirement.*

ARTICLE 21: AMEND ZONING BYLAW – DETACHED ACCESSORY APARTMENT

To see if the Town will vote to amend the Zoning By-Law of the Town of Groton by adding the following Section

218-9.4.3 Detached Accessory Apartment

The Planning Board acting as the Special Permit Granting Authority may issue a Special Permit authorizing the installation and use of a detached-accessory apartment in a detached structure on a lot containing a single-family dwelling provided the following conditions are met:

- A. Conditions a–c, e, h, and j-m of Section 218-9.4.2 are met

- B. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Special Permit Granting Authority, showing the location of the building on the lot, the proposed accessory apartment, location of any septic system and required parking
- C. The detached accessory apartment shall be a complete, separate housekeeping unit containing a kitchen/living room, a bathroom and a maximum of two bedrooms. Detached accessory apartments shall not be permitted on lots that contain two or more dwellings.
- D. Off-street parking spaces shall meet the requirements of Section 218- 8.1 of these bylaws.
- E. Any new construction shall be in accordance with current height and setback requirements for the district in which it is located.
- F. No special permit shall be granted without a condition that the accessory apartment shall conform to the provisions of Title V of the State Sanitary Code, 310 CMR 15.00, and applicable regulations of the Groton Board of Health.
- G. Any property that has been granted a Special Permit for a detached accessory apartment shall not be further divided unless all zoning requirements can be met for the district in which it is located.
- H. Prior to approval of a Special Permit for a detached accessory apartment the Board shall make the following findings:
 - 1. The detached accessory apartment will not impair the integrity or character of the neighborhood in which it is located.
 - 2. The detached accessory apartment will provide housing opportunities in conformance with the purpose of this Section.

or take any action relative thereto

PLANNING BOARD

Board of Selectmen: *Recommended (3 In Favor, 1 Against – Degen, 1 Deferred – Pine)*
Finance Committee:

Summary: *The purpose of this zoning amendment is to allow detached apartments by special permit of the Planning Board as an accessory use to a single-family house. Detached accessory apartments are not allowed under the current zoning bylaw.*

ARTICLE 22: AMEND CHAPTER 128 - DOGS

To see if Town will vote to amend the Code of the Town of Groton by deleting Chapter 128, "Dogs" in its entirety and replacing it with a new Chapter 128, "Dogs", to read as follows:

§ 128-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Abandon

A dog is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.

Animal Control Officer

An appointed officer authorized to enforce M.G.L. c. 140, sections 136A to 174F, inclusive.

Attack

Aggressive physical contact initiated by an animal.

At Large

Off the premises of the owner and not under the physical control of the owner or keeper.

Complainant

Any person, including the Animal Control Officer, who makes a complaint regarding an animal committing a violation under this chapter. In the case where the complaint is from other than the Animal Control Officer, it shall be in writing, using the Groton Dog Incident Complaint Form.

Complaint

A formal written report of a dog incident using the Groton Dog Incident Complaint Form.

Dangerous Dog

A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. No dog shall be deemed to be a dangerous dog if any of the circumstances provided in M.G.L. c. 140, § 157(a) apply.

Domestic Animal

An animal designated as domestic by regulations promulgated by the department of fish and game.

Euthanize

Take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

Hearing Authority

The Town Manager or the chief of police, or the person charged with the responsibility of handling dog complaints.

Keeper

A person, business, corporation, entity or society, other than the owner, having possession of a dog.

Nuisance Dog

A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Owner

Any person, group of persons or corporation owning, keeping or harboring a dog or dogs. The owner is responsible for a dog's actions at all times.

License

A valid and current municipal dog license and dog license tag.

Physical Control

Control of a dog with a restraint.

Public Disturbance

Any dog shall be deemed a public disturbance when such dog is engaged or has engaged in any combination of one or more of the following activities. Each instance of a public disturbance is considered to be a violation. Each day of a violation is determined to be a separate violation.

- A. Destroying, disturbing or otherwise molesting the property, including refuse, of another while outside the property of its owner, whether under such owner's physical control or not.
- B. Being upon any public park, playground schoolyard, beach or in any place to which the public has a right of access while not under the physical control of its owner or keeper. The determination of physical control shall be that of the Animal Control Officer.
- C. Being a dog, which is permitted to run unrestrained at large. The running of hunting dogs, certified service dogs and search and rescue dogs shall not constitute a public disturbance hereunder. The exercising of other dogs which are under the physical control of their owner or keeper shall not constitute a public disturbance hereunder, providing permission of the landowner has been obtained.
- D. Being upon any public way or in any place to which the public has a right of access, chasing motor vehicles, bicycles or pedestrians.
- E. Being an unspayed female or unneutered male at large.
- F. Being over the age of six months and not wearing a suitable collar and current municipal dog license tag issued for it and while not on the property of the owner.
- G. Being a dog which has been abandoned.

- H. Being a dog which deposits solid waste not removed, or not properly disposed of, by the dog's owner or agent upon any public park, playground, schoolyard, beach, public or private way sidewalk, in any place to which the public has a right of access or any property other than that of its owner.

Restraint

The control of a dog by physical means, such as a leash, fence or other means of physically confining or restraining a dog.

Restraint Order

Order to confine or restrain a dog with conditions determined by the Animal Control Officer.

§ 128-2 Public Disturbances Prohibited

No owner of any dog shall, while such dog is within the confines of the Town of Groton, allow such dog to be a public disturbance as defined above.

§ 128-3 Enforcement

Nothing contained in this bylaw shall prevent the Select Board from passing any orders authorized by law at such times as the Board shall deem it necessary to safeguard the public.

Public Disturbances

- A. In all cases it shall be the duty of the duly appointed Animal Control Officer to investigate any violation under §128-2 of this chapter either witnessed by a police officer or the Animal Control Officer or reported in a written and sworn complaint. The Animal Control Officer shall provide the dog owner and the complainant with a written copy of the complaint and investigation report not more than seven days after the conclusion of the investigation, but in any event, not more than 30 days after receiving the complaint.
- B. If, after the Animal Control Officer's investigation of an alleged violation under § 128-2 of this chapter, such officer has reason to believe that the described violation did in fact occur as set forth in said written complaint or as witnessed by him/her or a police officer, it shall be the Animal Control Officer's duty to issue the owner, in writing, the appropriate order and/or to impose the appropriate fine designed to prevent a recurrence or continuation of such violation. The period of time during which the order shall be in effect shall be on the order. If the complainant and the owner involved agree with the order so issued, then the matter respecting that particular violation under this chapter shall be considered resolved. If the parties are not in agreement, then recourse can be had to the remedies of each under provisions of law.
- C. In all cases it shall be the duty of the Animal Control Officer, if, in his/her opinion, appropriate action is necessary to prevent further or continued violations of § 128-2 of this chapter pending a complete investigation, to take the following action:
 - (1) Notify the owner, if known and available, of the alleged violation, and issue a preliminary order, in writing, requiring the owner to take appropriate action, pending a complete investigation.
 - (2) If the owner is not known or, if known, is not immediately available:
 - (a) Take the dog into custody in the most humane manner possible.
 - (b) Confine the dog in a suitable facility.

- (c) Use every means available to identify and contact the owner.
 - (d) Take such further action as is allowed by law.
- D. It shall be the responsibility of the owner of any dog impounded under the provisions of Subsection C(2)(b) to reclaim such dog subject to the following criteria: The owner shall pay the Animal Control Officer such sum as is established by the Select Board by regulation for taking the dog into custody and a further sum for room and board as determined by regulations promulgated by the Select Board.
 - (1) The owner of the dog shall also be responsible for costs incurred by the Town or Animal Control Officer for reasonable and customary care of the dog while in the custody of the Animal Control Officer.
 - (2) The owner shall have in his possession a license and related tag for the dog, both of which shall have been issued with respect to the dog. The license tag shall be attached to the dog by a suitable collar before the dog is released from the custody of the Animal Control Officer.
- E. Disposition of dogs - If an unclaimed dog has been in the custody of the Animal Control Officer for more than seven days, the Animal Control Officer may euthanize the dog in accordance with applicable provisions of Massachusetts law. The owner shall be responsible for any costs incurred in the keeping and disposition of the dog.

Nuisance or Dangerous Dog Complaints

- A. Any person may file a written complaint with the Select Board and Town Manager, or their designee that a dog kept in the Town is a nuisance or a dangerous dog. All such complaints must be signed and include an address and contact information for the complainant.
- B. Hearing Authority. The Town Manager is designated by the Select Board as the "Hearing Authority" to oversee the process of responding to all nuisance or Dangerous Dog Complaints. The Town Manager may further designate another Town Employee as the Hearing Authority when necessary.
- C. Disposition. The Hearing Authority shall investigate or cause to be investigated the complaint, including an examination under oath of the complaint at a hearing. Based on credible evidence and testimony presented at the hearing, the Hearing Authority shall take the following action:
 - (1) **Nuisance Dog.** If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
 - (2) **Dangerous Dog.** If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog as a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.
- D. Report to Town Clerk. The Hearing Authority shall notify the Town Clerk of any complaints filed and shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.

E. Order valid throughout the Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth of Massachusetts.

F. Remedies.

1. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
2. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
 - (a) that the dog be humanely restrained, but no order shall require the dog to be chained or tethered to an inanimate object such as a tree, post or building;
 - (b) that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements.
 - (c) when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
 - (d) that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
 - (e) that the owner or keeper provide the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations or a combination of these;
 - (f) that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
 - (g) that the dog be humanely euthanized.

G. Restrictions following dangerousness finding:

1. No dog that has been deemed dangerous shall be ordered removed from the Town.
2. Issuance of temporary restraint orders. The Animal Control Officer may issue a temporary restraint order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under § 133-8. A temporary restraint order shall be in force for no more than 30 days unless the Animal Control Officer renews it in writing for subsequent thirty-day period. The Animal Control Officer may rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The Animal

Control Officer's order shall expire upon receipt of a decision from the Hearing Authority on the nuisance dog or dangerous dog hearing.

H. Appeals

The Hearing Authority's initial decision shall become effective upon filing said decision with the Town Clerk. The owner or keeper of a dog may appeal the initial decision of the Hearing Authority to the Select Board within ten (10) days of the decision being filed with the Town Clerk. The Select Board shall review the decision in open session and determine whether or not to modify or uphold the decision. The Select Board may conduct a further hearing or accept additional evidence as the Board deems appropriate. An owner or keeper may further appeal the Select Board's final action to the district court pursuant to M.G.L. c. 140 § 157.

§ 128-4 License required, penalty

- A. Pursuant to Chapter 140, § 173, of the Massachusetts General Laws, any person who fails to register, number, describe and license his or her dog annually by January 1 in the Town of Groton, Middlesex County, and pay the fees and charges under rules and regulations pursuant to Chapter 140, § 139 will be required to pay to the Town of Groton a penalty after the last day of February annually, in accordance with a Fee/Fine Schedule established by the Select Board. By virtue of the Town's acceptance of the applicable provision of Section 139 of Chapter 140 of the General Laws, no fee shall be charged for a license for a dog owned by a person aged 70 years or over, unless the dog is identified as a dangerous dog.
- B. Failure to comply with this section shall constitute a violation of § 128-2 and may subject the owner of any unlicensed dog to financial penalties as are allowed by this chapter or as provided for in regulations promulgated by the Select Board.
- C. All monies received by the Town Clerk's office for the issuance of dog licenses or other fees, fines, charges, and penalties under § 147 of Chapter 140 of the Massachusetts General Laws and this chapter shall be paid into the treasury of the Town.

§ 128-5 Violations and penalties.

- A. Except as otherwise provided by existing statute or in this chapter, any person who violates this chapter shall be subject to the payment of a penalty in the amount of \$50 for each violation and for each day of violation, to be recovered for the use of the Town.
- B. The owner of any dog which is in violation of § 128-2 may be subject to this penalty whether such dog is in the custody of the Animal Control Officer or not. As an alternative to criminal prosecution, the Animal Control Officer and Town Police Officers, as enforcing persons under this chapter, may enforce this chapter and orders issued hereunder pursuant to the noncriminal disposition statute, M.G.L. C. 40, § 21D and the Town Code, Chapter 1, Article I, § 1-4B(2). When so enforced, the fines shall be as follows:

1. Penalties for public nuisance violations
 - a. First violation \$50
 - b. Second violation \$75
 - c. Third and subsequent violations \$100
2. Fees for dogs in the custody of the Animal Control Officer
 - a. Fee for dog pick up \$25
 - b. First calendar day board \$25
 - c. Second and subsequent calendar day board \$40
3. Annual dog licensing fee (between January 1 and February 28)
 - a. Neutered or spayed dogs \$10
 - b. Unaltered dogs \$15
 - c. Kennel license:
 - i. Up to 4 dogs \$40
 - ii. 5 to 9 dogs \$70
 - iii. 10 or more dogs \$100
4. Dangerous dog license \$300

or to take any other action relative thereto.

**SELECT BOARD
TOWN MANAGER**

Select Board: *Recommended Unanimously*
Finance Committee:

Summary: *The purpose of this Article is to bring the Town's Dog Bylaw into compliance with State Law. It was determined that certain sections of the current Bylaw, including the remedies related to a finding that a dog is dangerous, are not in compliance with State Law. In addition, it also adds a new finding for a nuisance dog.*

ARTICLE 23: ACCEPTANCE OF RED PEPPER LANE AS A PUBLIC WAY

To see if the Town will vote to accept Red Pepper Lane as a public way, as recommended by the Planning Board and laid out by the Select Board and as shown on a plan entitled "Red Pepper Lane Street Acceptance Plan in Groton, Massachusetts," prepared by Land Engineering and Environmental Services, Inc., Tyngsboro, MA for Reedy Meadow, LLC, Tyngsboro, Massachusetts, dated _____, and on file with the Town Clerk; to authorize the Select Board to acquire, by gift, purchase or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and the parcels on such way, or to take any other action relative thereto.

SELECT BOARD

Select Board: *Recommendation Deferred Until Town Meeting*
Finance Committee:

Summary: *To accept Red Pepper Lane as a Town Way.*

Hereof fail not and make return of your doings to the Town Clerk on or before time of said meeting.

Given under our hands this 14th Day of September in the year of our Lord Two Thousand Twenty.

Alison S. Manugian

Alison S. Manugian, Chair

Joshua A. Degen

Joshua A. Degen, Vice Chair

Rebecca H. Pine

Rebecca H. Pine, Clerk

John R. Giger

John R. Giger, Member

John F. Reilly

John R. Reilly, Member

OFFICERS RETURN

Groton, Middlesex

Pursuant to the within Warrant, I have this day notified the Inhabitants to assemble at the time, place, and for the purpose mentioned as within directed. Personally posted by Constable.

Constable

Date Duly Posted

REPORT OF THE TOWN MANAGER TO THE 2020 FALL TOWN MEETING

The 2020 Fall Town Meeting Warrant contains several warrant articles that seek appropriations, some of which will affect the Tax Rate and some of which will have no further impact on taxes. The purpose of this report is to provide the residents and taxpayers with a summary of these articles and what impact they will have on the Fiscal Year 2021 Tax Rate. In preparing for the Fall Town Meeting, the Select Board and Finance Committee reviewed the balances in the various reserve accounts. These accounts will either be used to fund the various articles, or money will be added to them to comply with the Town's Financial Policies. The balances are as follows:

Stabilization Fund:	\$2,054,993
Capital Stabilization Fund:	\$ 554,313
GDRSD Capital Stabilization Fund:	\$ 235,046
Unexpended Tax Capacity:	\$ 295,647
Ambulance Receipts:	\$ 60,434
Estimated Free Cash:	\$1,000,000

The following is a summary of Warrant Articles requesting funding:

Article 2: Unpaid Bills

Requested: \$0

At this time there are no unpaid bills. This article will most likely be withdrawn from consideration.

Article 3: Amend the FY 2021 Operating Budget

Requested: \$86,620

This Article will request the following adjustments in the Operating Budget:

1. Town Manager Salaries – Based on the Town Manager's Annual Performance Review, the Town Manager will receive a one-time payment of \$4,415. This will be funded from Free Cash.
2. Elections and Board of Registrars Expenses – Due to changes in State Law governing elections, an additional appropriation of \$10,000 is needed to cover expenses. This will be funded from Free Cash.
3. Postage/Town Hall Expenses – Similar to Elections and Board of Registrars Expenses, due to changes in State Law governing elections, the postage budget has increased significantly. An additional appropriation of \$10,000 is needed to cover this increase. This will be funded from Free Cash.
4. Insurance – Due to the construction of the new Center in West Groton and the new DPW Garage, the Town has seen a significant increase in its property and casualty insurance premium for Fiscal Year 2021. This coupled with anticipated changes based on registering a new Police Cruiser, Fire Truck and Ambulance will cause a shortfall of \$20,000 in this line item. Since these increases will require a permanent increase in our insurance premiums, this funding will come from Unexpended Tax Capacity.

5. Fire Department Expenses – The Fire Department has seen a major increase in repairs to its two ambulances, as well as repairs to Engine 1 which has depleted the Maintenance Line Item. To cover this increase in repairs, an additional \$20,000 is needed to cover the remaining of the Fiscal Year. In addition, in 2015, the Groton Fire Department began to use Ambupro EMS software. This software provides state and nationally required documentation for patient care records as well as providing information necessary for billing. Over the past several years, the reliability with the billing portion of this software has been inconsistent. This inconsistency has resulted in numerous insurance providers not being billed costing the town EMS revenues. While most of these lost revenues have been recovered, the issues have not been resolved leaving the reliability in question. In May/June of 2020 after major billing issues, the Groton Fire Department began to look at new vendors to provide EMS reporting software. Following evaluation and checking of references, they arrived at ESO as its selection. This software has a better and more streamlined billing process and comes highly recommended by other agencies for its reliability. The cost of the software is \$6,205. Therefore, the total request for the Fire Department is \$26,205. To fund these issues, \$20,000 will come from Unexpended Tax Capacity and \$6,205 will come from Ambulance Receipts Reserved for Appropriation.
6. Solid Waste Disposal – Tipping Fees – This line item will need an additional \$40,000. There was a one-time cost of \$20,000 to grind down and dispose of all the debris caused by the microburst and the Department is anticipating a \$20,000 shortfall due to increase in the amount of trash received. This increase may be attributed to more people staying in their homes due to the pandemic which has increased the amount of trash generated in the various households. To fund this increase, \$20,000 will come from Free Cash and \$20,000 will come from unexpended tax capacity.
7. Country Club Wages and Expenses – Due to not having the camp this summer, wages will be reduced by \$15,000 and expenses by \$9,000 for a total reduction of \$24,000 in the Country Club Budget.

The following is a summary of funds proposed for this Article:

Free Cash:	\$44,415
Unexpended Tax Capacity:	\$36,000
Ambulance Receipts:	<u>\$ 6,205</u>
Total Requested:	\$86,620

Article 4: Amend FY 21 Wage & Classification Schedule

Requested: \$0

While this article requests approval to provide a two (2%) percent COLA for our Call Firefighters and setting the Stipend for the Veteran's Agent at \$5,000, there is no budgetary impact as the funds were included in the Operating Budget, but the Wage and Classification Schedule was not adjusted.

Article 5: Transfer - Water Enterprise Fund**Requested: \$160,000**

This Article seeks to transfer \$160,000 from the Water Surplus Account to help cover the cost of engineering for the Whitney Well Manganese Mitigation Project and Expansion and other FY 21 operating costs.

Article 6: Transfer - Center Sewer Enterprise Fund**Requested: \$50,000**

This Article seeks to transfer \$50,000 from the Center Sewer Surplus Account to cover anticipated FY 21 Expenses.

Article 7: Transfer - Four Corners Sewer Enterprise Fund**Requested: \$5,000**

This Article seeks to transfer \$5,000 from the Four Corner Sewer Surplus Account to cover anticipated FY 21 Expenses.

Article 8: Transfer - Capital Stabilization Fund**Requested: \$0**

The current balance in the Capital Stabilization Fund is \$554,313. The Town's Financial Policies state that this fund should have 1.5% of the Operating Budget. The anticipated FY 21 Operating Budget (after Article 2 Transfers) is \$40,630,339. The balance in this fund, therefore, should be \$609,455. That said, the Select Board and Finance Committee want to preserve as much Free Cash as possible to cover any shortfalls in revenues in FY 21 caused by the COVID – 19 Pandemic. This Article will most likely be Indefinitely Postponed.

Article 9: Transfer - Stabilization Fund**Requested: \$0**

The current balance in the Stabilization Fund is \$2,054,993. The Town's Financial Policies state that this fund should have 5% of the Operating Budget. As stated above, the anticipated FY 21 Operating Budget will be \$40,630,339. The balance in this fund, therefore, should be \$2,031,517. Based on this, this Article will most likely be Indefinitely Postponed.

Article 10: Transfer - GDRSD Capital Stabilization Fund**Requested: \$0**

This Article is used to cover the Town of Groton's share of the School Districts Capital Budget each Spring. Currently, the balance in the Fund is \$235,046. The FY 22 Capital Budget of the District is \$789,500 with the estimated share of Groton being \$519,078. That said, for the same reasons stated under Article 8, this Article will most likely be Indefinitely Postponed and depending on what happens over the next several months, Free Cash can be used to fund the Capital request of the School District.

Article 11: FY 2021 Capital Budget**Requested: \$151,570**

Last Spring, the Town significantly reduced the original Capital Budget that was presented to the 2020 Spring Town Meeting. There were still several items to be considered at the Fall Town Meeting. The Town Manager and Capital Planning Advisory Committee are recommending that the Fall Town Meeting consider the following items:

Pick-Up Truck	\$ 45,000	Highway
Police Station Siding/Roof Repairs	\$ 50,000	Town Facilities
Police Cruiser	<u>\$ 56,570</u>	Police Department
Total	\$151,570	

To fund this request, \$101,570 will come Free Cash to fund the Pick-up Truck and Police Cruiser. To fund the Police Station Siding/Roof Repairs, surplus from the Library Roof Capital Project will be used to cover this expense.

Article 12: Stormwater Utility Enterprise Budget**Requested: \$220,000**

The Spring Town Meeting created the Stormwater Enterprise Fund to provide the Town with a funding source to comply with the requirements of the NPDES MS4 Stormwater Permit Program operated by US Environmental Protection Agency. The permit program requires the Town to proactively manage its storm drainage system and ensure the protection of its waterways from stormwater pollution. Compliance with the requirements of this program is mandatory. The Select Board has established a Stormwater User Fee to be paid by all properties with impervious surfaces within the Town to cover this expense. This Article requests a budget of \$220,000 as approved by the Select Board at their August 10, 2020 Meeting. The funding for this Budget will come from the stormwater fee approved by the Select Board.

Article 13: Environmental Consulting Services**Requested: \$18,000**

From the Warrant Summary: The purpose of this Article is to provide funding for environmental consulting services in support of the demolition of the former Squannacook Sportsmen's Club located at 159 West Main Street. Town Meeting had previously authorized the Town to obtain this property to provide additional parking and land for activities for the new Center in West Groton. Prior to taking this property, the Town needs to understand the environmental impact of demolishing the former Sportsmen's Club. This Article will provide the necessary funding to inspect the building and surrounding area and develop a report and recommendations for the building's disposal. Depending on the outcome of the report, the Town will return to a future Town Meeting for the necessary funding to demolish the building and take the property. The cost of these services is anticipated to be \$18,000. This funding will come from Free Cash.

Article 14: Complete Streets Engineering**Requested: \$35,000**

From the Warrant Summary: The Complete Streets Committee will be applying for a grant from MassDOT (this Fall) to improve pedestrian safety and accessibility improvements in Town. This article will provide funding for the required engineering design of the projects. Projects under consideration at this time include installing a sidewalk from West Groton Center to the new Groton Center on West Main Street and installing a sidewalk on Route 40 from the Groton Inn to the Gibbet Hill Grill. The Town must provide the engineering to design and solicit bids in order to obtain the construction funding. This Article will request \$35,000 from Free Cash.

Article 14: Assessors Cyclical Inspections**Requested: \$20,000**

The Board of Assessors need to inspect every property in Town every five years. They have decided to use an outside consultant to conduct these inspections and fund 1/5 of the Town each year at a cost of \$20,000. This Funding will come from Unexpended Tax Capacity and added to the Operating Budget in Fiscal Year 2022.

Should Town Meeting agree with these appropriations, the following amounts from the various accounts will be used, leaving the following balances:

Free Cash – Total Used:	\$198,985	Remaining Balance:	\$801,015
Unexpended Tax Capacity – Total Used:	\$ 56,000	Remaining Balance:	\$239,647
Ambulance Receipts – Total Used:	\$ 6,205	Remaining Balance:	\$ 54,229

Please note that the anticipated tax rate for FY 2021 will be \$17.84, an increase of \$0.03 from the anticipated Tax Rate presented to the Spring Town Meeting. The average tax bill would increase by an additional \$14, or an overall increase of \$226 over Fiscal Year 2020.

Respectfully submitted,

Mark W. Haddad

Mark W. Haddad
Town Manager