

**BOARD OF SELECTMEN  
MINUTES FEBRUARY 7, 2011  
APPROVED**

**Present:** Stuart M. Schulman, Chairman; Anna Eliot, Vice Chairman; George Dillon, Jr., Clerk; Peter Cunningham; Joshua A. Degen

**Also Present:** Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant

Vice Chairman Anna Eliot called the meeting to order at 6:00 p.m.

Ms. Eliot moved to enter Executive Session at 6:00pm for the purpose of discussing the purchase, exchange, lease or value of real estate and Collective Bargaining, MGL c.30A, Sec 21, and to enter open session at 7:00pm. Mr. Cunningham seconded the motion. Roll Call: Degen-yes; Dillon-yes; Eliot-yes; Cunningham-yes. (Mr. Schulman joined the Executive Session at 6:15 p.m.)

*Exit out of Executive Session: Mr. Schulman called the regular meeting to order at 7:00pm and reviewed the agenda for the public. Mr. Schulman also announced many local activities and local businesses in town.*

**TOWN MANAGER'S REPORT**

1. Mr. Haddad introduced Fire Chief Joe Bosselait and Tom Orcutt, Water Superintendent to present the *Adopt a Hydrant* program. Chief Joe stated that in conjunction with the boy scouts word has gotten out to help public safety efforts by shoveling out fire hydrants in town. Mr. Orcutt and Chief Joe asked residents to shovel out their hydrants.
  
2. Mr. Haddad stated that with regards to the Jenkins Road issue, at our January 10<sup>th</sup> meeting, the Board had raised the issue concerning the effect of the discontinuance of Jenkins Road as a public highway on the Town's rights to pass on Jenkins Road. According to Town records, by a Town Meeting vote taken on April 6, 1885, the Town voted to discontinue Jenkins Road as a public highway. Although public use and maintenance of the road was discontinued, private use can continue and apparently has in fact continued. The Town's records do not reveal if the Town originally owned the fee in Jenkins Road or merely had an easement in the road. With the discontinuance of Jenkins Road, the Friedrich's, as the owners of property which is described as bounded by the way, would own to the centerline of Jenkins Road, subject to the rights of others who have rights to use Jenkins Road. In the chain of title of the Friedrich's property, it was stated in an early deed from Samuel Lawrence to Peletiah Russell dated December 9, 1807 (recorded with Middlesex North Registry of Deeds in Book 174, page 478) that the road bounding the property, which appears to be Jenkins Road, was to be "forever reserved for a highway through said land." Since the Town-owned parcel adjacent to Jenkins Road is also traced back to the Lawrence property, the Town's parcel has appurtenant rights to use this "reserved road." In Town Counsel's opinion, by virtue of these reserved rights the Town would have the right, through its employees and officials, to use Jenkins Road even though a portion of it is owned by the Friedrich's. Town Counsel has stated that if the Town wishes to confirm prescriptive easement rights (that would extend to the general public) in that portion of Jenkins Road over the Friedrich's property, it would be necessary to seek a court judgment. The Board wanted to know if this would also be the case on the property that abuts the other side of the Friedrich's owned by the Wilkins family.

Mr. Schulman noted that public officials on the property seemed very restrictive. Ms. Eliot stated that the only way to get a resolution on this matter was through the courts. Mr. Haddad did not recommend pursuing the case. Mr. Schulman did not see any reason to pursue this issue in court. Mr. Degen suggested

bringing the issue back to Town Meeting to reaffirm the vote to discontinue the road. Mr. Cunningham did not see worth in pursuing this matter in court. Mr. Dillon asked if all town officials have the right to go on property, including surveyors. Mr. Haddad needed to follow-up with that question with counsel. Ms. Eliot was not in favor of bringing this issue back to Town Meeting. Mr. Dillon asked what the objective was for the Town going towards a summary judgment and could not see moving forward but thought Jenkins' Road should keep being discussed. Mr. Dillon and Mr. Schulman volunteered to try to meet with the Friedrich's to see if there could be some reasonable resolution.

Mr. Paul Funch of the Trails Committee stated that this was a legal issue that should go forward. Fran Stanley of the Greenway Committee stated that the Town has let this issue go for too many years. Ms. Stanley stated that the Town needed to go to court. Mr. Cunningham did not see this case as precedent for other land issues in Town. Mr. Haddad stated that he would check with Town Counsel and bring this issue back to the Board.

### **EXECUTIVE SESSION**

*Ms. Eliot moved to enter into Executive Session at 7:39pm pursuant to MGL c. 30A, Sec 21 and return to Open Session after the conclusion of the Police Union Grievance-Holiday Time discussion. Mr. Dillon seconded the motion. Roll Call Vote: Degen-yes; Eliot-yes; Cunningham-yes; Dillon-yes; Schulman-yes.*

### **TOWN MANAGER'S REPORT**

3. Mr. Haddad distributed [Document #1-Final STM Warrant] for the February 28, 2011 Special Town Meeting. The Warrant is slated to the Printer on Tuesday so that it can be delivered to the residents and posted on February 14<sup>th</sup>. Mr. Haddad asked the Board to review the final draft and consider taking positions on the three articles at Monday's meeting so that they can be included in the printed Warrant. Mr. Haddad also noted that the Finance Committee would take positions after the Warrant is mailed out due to scheduling conflicts.

Article 1: Acquire 279 Main St.- Mr. Haddad called the Boards attention to the 2002 Final Report on the three Fire Stations in Town. Mr. Haddad also commented on recent talk that he signed a P&S for the property. Mr. Haddad stated that as the Town Manager he had no authority to sign a P&S and indeed had not done so. Mr. Haddad stated that the discussion for a new Fire Station is nothing new. Mr. Degen stated there was a need for a station and noted that if the current station was sold it would be placed back on the tax rolls. Mr. Schulman noted that the need for a new station was the number one goal of the Master Plan discussion. The Board decided to defer their recommendation until Town meeting.

Article 2: Sewer Extension-Mr. Haddad commented on the fundraising goals of Thomas More College. Mr. Dillon commented on why the name of the college was kept confidential. Mr. Dillon stated that Thomas More requested that its name not be made public until they were able to do there due diligence. Mr. Degen wanted some assurance that the extension was just for Thomas More College. The Board decided to defer their recommendation until Town meeting.

Article 3: New Ambulance-Mr. Haddad stated that the funding for the new ambulance would come from the ambulance receipts. The Board voted to unanimously support this article.

*Ms. Eliot left the meeting at this time to attend a Groton Light Commissioners Meeting.*

4. Mr. Haddad stated that a letter of resignation from Thomas Sangiolo was received. Mr. Sangiolo resigned from his position on the Finance Committee, which is due to expire June 30, 2012. The Board had previously interviewed Gary Green last year for a vacancy on the Finance Committee and Mr. Green is still interested in serving. Mr. Haddad suggested advertising the vacancy. Mr. Dillon agreed that the vacancy be advertised. Mr. Degen thanked Mr. Sangiolo for his service.
  
5. Mr. Haddad stated that at the last Board meeting he asked for confirmation on the appointment of Michael Danti to the Historical Commission. The Board tabled the matter and requested that a copy of Mr. Danti's Interest Form be presented. Mr. Danti received his PHD from the University of Pennsylvania and is currently a Professor of Archaeology at Boston University. **[Document #2-Committee Interest Form]**  
*Mr. Cunningham moved to affirm the appointment of Michael Danti to the Historical Commission for a term to expire June 30, 2013. Mr. Dillon seconded the motion. Motion unanimously carried.*
  
6. Mr. Haddad distributed a report **[Document #3-GELD Report]** in which a letter from the Electric Light Commission informed the Board that after a thorough analysis, they have determined that the best option for the Light Department ratepayers in constructing their new building is to form an Electric Cooperative controlled by the Light Department. GELD believed this option will save them time and money because, according to their attorney, Electric Cooperatives do not fall under the qualifications based RFP requirements. It is their intention to work with the Town in a successful manner for the benefit of the ratepayers. Mr. Haddad has asked Town Counsel for an opinion on this issue and is awaiting counsel's final determination.
  
7. Mr. Haddad stated that as the Board is aware, the Affordable Housing Trust has submitted an application to the Community Preservation Committee seeking \$400,000 in Affordable Housing funds to invest in a multi-use project that will create Affordable Housing units in Groton. This particular investment would not only create affordable housing, it may also provide a return on the investment and allow the Trust to utilize the proceeds and invest in another affordable housing project. Mr. Haddad asked the Selectmen to consider submitting a letter of support of this application to the CPC. Mr. Degen recused himself from this vote.  
*Mr. Dillon moved to write a letter of support for the Affordable Housing Trust CPC application. Mr. Cunningham seconded the motion. Motion unanimously carried (4-0).*
  
8. Mr. Haddad stated that we have received a request for a One Day Liquor License from the Nashoba Valley Chamber of Commerce for its 10<sup>th</sup> Annual Taste of Nashoba Valley on Tuesday, March 22, 2011 from 5:30 p.m. to 8:00 p.m. The Event will be held at Lawrence Academy. They have the appropriate Liquor Liability insurance and have asked that the license be granted in the name of Melissa Fetterhoff, Executive Director.  
*Ms. Cunningham moved to approve the once day all alcohol liquor license to Nashoba Valley Chamber of Commerce for its 10<sup>th</sup> Annual Taste of Nashoba on Tuesday, March 22, 2011 from 5:30pm to 8:00pm. Contingent on Payment of \$50.00. Mr. Dillon seconded the motion. Motion unanimously carried.*
  
9. Mr. Haddad distributed the Groton Dunstable Regional School Budget for the Selectmen's review.
  
10. Mr. Haddad requested that the nonprofit, **[Document #4-Request Letter from Artists' Valentine]** Artists Valentine have position to sell Valentines on Wednesdays, February 9, 2011 from 11:30am to 4:00pm in the Town Hall lobby. The Board did not see a problem with the request.
  
11. Mr. Haddad requested that Lisa Weisner be appointed to the Sustainability Commission **[Document #5-Committee Interest Form]**.

*Mr. Cunningham moved to appoint Lisa Weisner to the Sustainability Commission for a term to expire June 30, 2011. Mr. Degen seconded the motion. Motion unanimously carried.*

**SELECTMAN LIAISON REPORTS**

Mr. Cunningham, Mr. Dillon, Mr. Haddad, and Mr. Schulman all attended the Nashoba Valley Technical High School Annual Budget Breakfast. Also Mr. Dillon attended the Harvard meeting on regionalization which showed what worked in towns and what did not.

**MINUTES**

*Mr. Cunningham moved to approve the regular meeting minutes of January 10, 2011, as amended. Mr. Dillon seconded the motion. Motion carried. [Document #6-Draft Minutes 1-10-11]*

*Mr. Cunningham moved to approve the Joint Meeting Minutes with the Finance Committee on January 22, 2011, as amended. Mr. Dillon seconded the motion. Motion carried. [Document #7-Draft Minutes 1-22-11]*

*Mr. Cunningham moved to approve the regular meeting minutes of January 24, 2011, as amended. Mr. Dillon seconded the motion. Motion carried. [Document #8-Draft Minutes 1-24-11]*

*Mr. Cunningham moved to approve the Executive Session Minutes of January 3, 2011, as amended. Mr. Dillon seconded the motion. Motion carried 1 abstention. [Document #9-Draft ES Minutes 1-3-11]*

Mr. Cunningham moved to approve the Executive Session Minutes of January 22, 2011. Mr. Dillon seconded the motion. Motion carried. [Document #10-Draft ES Minutes 1-3-11]

**ADJOURNMENT**

*Mr. Degen moved to adjourn the meeting at 8:45pm. Mr. Dillon seconded the motion. Meeting adjourned.*

Approved: \_\_\_\_\_  
George F. Dillon, Jr. Clerk

\_\_\_\_\_ respectfully submitted,  
Patrice Garvin  
Executive Assistant to the Town Manager

Date Approved: 3-7-11