

**BOARD OF SELECTMEN
MINUTES APRIL 2, 2012
APPROVED**

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

Absent: Joshua A. Degen, Via Phone

Also Present: Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant; David Doneski, Kopleman & Paige

Ms. Eliot called the meeting to order at 7:00pm and reviewed the agenda. Ms. Eliot notified the public that Mr. Degen would be participating via the phone.

SUPERIOR OFFICER CONTRACT-RATIFICATION

Mr. Haddad stated that the contract is for three years and he has successfully eliminated steps, with a Wage Increase of 3-2-2. Language has been cleaned up and with the SJC's ruling on Quinn Mr. Haddad proposed a 25% of the Towns Quinn responsibility to officers hired after July 1, 2009. Mr. Haddad stated that it was a good contract.

Mr. Cunningham moved to ratify the approved Superior Officers Contract. Mr. Schulman seconded the motion. Motion unanimously carried. Roll Call- Degen-aye; Schulman –aye; Dillon-aye; Cunningham-aye; Eliot-aye.

GROTON ELECTRIC LIGHT (GELD) JOINT WITH CONSERVATION COMMISSION (CC)

Ms. Eliot reviewed why the joint meeting with GELD and the Conservation Commission was called. The Conservation Commission recently denied GELD's NOI under the Town bylaws and approved it under State Law. Ms. Eliot also noted Counsel was in the Audience.

Mr. Lindemere stated that he would like to discuss other options with the Board and noted that there was a timing issue. Mr. Lindemere wanted to know what could be done with and without the selectmen. Mr. Collins suggested a meeting between GELD and CC to address all concerns. Ms. Eliot asked counsel if a process needed to be followed. Mr. Doneski stated that GELD could reapply to CC or Appeal to Superior Court. Mr. Dillon asked if GELD has something new to bring forward in a new application. Mr. Haddad noted that if appealed one part of Town would be suing another. Mr. Doneski stated that he would represent one side and the other would have to get special counsel. Mr. Dillon asked the length of an appeal. Mr. Doneski stated that it could be a 5-6 month process if more. Mr. Doneski recommended appealing and reapplying simultaneously.

Mr. Cunningham asked what has not been presented that could sway the CC. Mr. Lindemere noted the MOU with the town and the need to maximize the surplus property size. Mr. Degen stated that one board would be litigating with another board and would like to see CC reconsider and for GELD to bring a new application. Mr. Cunningham stated that the local bylaw was not working in the public good and that it needs to be reviewed moving forward. Mr. Lindemere discussed economics and that the current bylaw does not account for it.

Mr. Dillon asked to hear from the CC. Ms. Madden stated that the case presented by GELD did not show a case for "public good" and there was intrusion on the wetlands with a limited mitigation plan. Ms. Eliot stated that the bylaw needed to be looked at and that if GELD wished to appeal they could or reapply. Mr. Cunningham thought that reapplication and appealing needed to be done simultaneously. Ms. Eliot noted it was up to GELD to reapply.

Mr. Degen ceased his remote participation at 7:33pm.

Ms. Sartini asked for the CC to define “public good”. Ms. Madden replied that it was how something impacted the public good and GELD’s application showed on GELD’s interest. Mr. Haddad stated that GELD had 60 days to appeal, from March 29th. Mr. Cunningham challenged the use of the wording public good and stated that the town has a good history of wetland protection. Mr. Pitkin stated that he had concern with GELD’s application because it did not have performance standards, which is part of the bylaw. Mr. Guiere stated that GELD refused to offer a solution to the infringement on the 50 foot buffer and that if a Fire station is placed next to GELD it becomes an industrialized area. Mr. Morrison stted that more mitigation needed to occur.

Mr. Lindemre asked for a five minute recess to speak to CC to discuss next steps.

Meeting resumed. Mr. Lindemere stated that he would work with Stan Dillis to develop a new plan for the fire station and would look at a new mitigation plan and possibly reapply. Mr. Lindemere asked if the site is still inconsideration for a Fire Station. Mr. Haddad stated that the Building Committee is looking at it as a possible site. Mr. Lindemere was also looking at some guidance to define “public good”. Mr. Haddad stated that a new application would need to be discussed and in the meantime the Building Committee is reporting to the selectmen on April 9th. Mr. Haddad asked Mr. Lindemere to wait for the Building Committee to make a site selection. Mr. Doneski stated that there is no black and white answer to “public good”. Mr. Auman read a section of the bylaw that he felt referred to “public good”. Mr. Collins asked about the use of Brownloaf for mitigation. Mr. Haddad stated that before any discussion the Building Committee needed to make a site recommendation. Mr. Guigere stated that for him GELD’s mitigation plan needed to improve. Ms. Eliot stated that at this time more information needed to be gathered.

ADJOURNMENT

Mr. Dillon moved to adjourn the meeting at 8:35. Mr. Schulman seconded the motion. Meeting adjourned.

Approved: _____
Peter S. Cunningham, Clerk

respectfully *submitted*,
Patrice Garvin
Executive Assistant to the Town Manager

Date Approved: 4-23-12