

**BOARD OF SELECTMEN
MINUTES OCTOBER 22, 2012
APPROVED**

Present: Stuart M. Schulman Chairman; Peter S. Cunningham, Vice Chairman; John G. Petropoulos; Anna Eliot; Joshua A. Degen

Also Present: Mark W. Haddad, Town Manager; Fran Stanley, Housing Coordinator

Mr. Schulman called the meeting to order at 7:00pm. He announced Tuesday morning office hours for himself at Blackbird Café. Mr. Degen noted that the weekly Farmers Market traditionally ends by now. Since local farmers still have fresh produce this season, they are extending Farmers Market sessions, setting up in front of Williams Barn on Friday afternoons. Mr. Petropoulos announced that he has no office hours but is available by telephone as are the other Selectmen.

TOWN MANAGER'S REPORT

Mr. Haddad reported that Town Counsel asserts that the Town of Groton cannot undo a Town Meeting authorization to enter into a Purchase and Sale agreement to buy the proposed central fire station location on Farmers Row. Mr. Haddad clarified the earlier Town Counsel opinions about the validity of the proposed fire station warrant articles. Those opinions were rendered prior to the signing of the Purchase and Sale agreement. Mr. Petropoulos added that the rationale against an unwinding of the Purchase and Sale Agreement is that a third party, here, the Lawrence Homestead Trust, could suffer legal harm by a Town action that cancels a contract. The practical implications of allowing such maneuvers would impair the municipality's ability to enter into a legal contract. Mr. Degen noted that the Spring Town Meeting authorization had eighty percent support from Town Meeting voters. He thought the wording of the articles was valid. The Board of Selectmen moved forward with the Purchase and Sale agreement because the Board of Selectmen was authorized to do so at Spring Town Meeting.

Mr. Haddad shared a request from the Groton Dunstable Regional School District for the Board of Selectmen to designate a school liaison for the superintendent search. Mr. Degen performed this duty during the past job search for a superintendent. Mr. Cunningham generally serves as the GDRSD liaison but the large concentration of December meeting commitments do not fit with his schedule. Mr. Degen offered to serve as the Board's representative for this new search process.

Mr. Haddad raised the issue of choosing a suitable date and time for the third day of Town Meeting in the event that the October 29, 2012 continuation does not complete consideration of all the warrant articles. Town Clerk staffing requirements related to the forthcoming election makes November 5th problematic. The PAC auditorium is unavailable on October 30th. The PAC auditorium is available on either the day of November 3rd or the evening of Wednesday, November 7th. The Town Clerk and Town Moderator have agreed to the November 7th date. Mr. Haddad noted that the following Monday, November 12th is Veterans Day. Mr. Degen and Mr. Cunningham both recommend that the Town try scheduling for a Saturday in an effort to increase resident participation. Mr. Schulman suggested that the decision should be left to voters at the second Town Meeting on October 29. Ms. Eliot requested and Mr. Haddad agreed to reserve both dates for Town Meeting use just in case. Resident Scott Harker commented that weather may intervene in public meetings scheduled for the week starting October 28th.

Mr. Haddad announced the resignation of Hester Newbury from the Council on Aging board. The Council on Aging is recommending the appointment of George Faircloth of 61 Pawtucket Path to the vacancy with a term to expire on June 30, 2013.

Peter Mr. Cunningham moved to appoint George Faircloth to the Council on Aging board vacancy with a term to expire on June 30, 2013. Ms. Eliot seconded. Motion carried 5:0.

HUMAN RESOURCE DIRECTOR INCREASE IN HOURS

Mr. Haddad asked the Selectmen to consider a proposal to increase the Human Resources Director position from thirty hours to forty hours per week. Mr. Haddad referenced a memorandum from Valerie Jenkins justifying the need for the increase. The Town Manager had previously communicated with the Board on this matter two years ago, but the matter was tabled due to a change in circumstances for the then Director. The present vacancy in the position means that a new hire at forty hours per week would have no fiscal impact in the present fiscal year. For fiscal year 2013, this change would have a \$16,490 impact due to salary as the position is already benefitted. The Human Resources Director often works overtime to hire and process the Town's seasonal employees.

Ms. Eliot asked about the ratio of part time to full time employees as well as seasonal employees and special detail employees. Ms. Jenkins addressed these questions. Generally, there are 70 full time employees, 30 part time employees. About 3 to 4 dozen employees are hired for Summer work at the pool, golf and day camp run at the Town Pool and Golf Center. In total, there are 240 or so employees which includes police special detail employees. The special detail pay is processed through payroll rather than 1099 even if an officer only works a single annual shift.

Ms. Jenkins expanded on human resources duties of the director which are to attend to employee hiring, firing, helping managers with problems related to employee supervision. Retired employees are also served by the director. These are high level needs and immediate. If hours were expanded, then there would be an opportunity to organize the position and streamline operations. For example, the director might have time to consolidate three different employee compensation and benefits source documents which would help the director respond to budget questions.

Mr. Cunningham observed that more unionized employees may also add to HR duties. Ms. Jenkins stated that the Town used to negotiate with three unions and now there are six unions. Labor, wage/hour, and health reform laws all continue to change. Adherence to the health care laws alone probably require an annual review. Presently, Ms. Jenkins is the only employee who can run the state required reports.

Mr. Degen commented that he has seen in the past employees not have time to do the work. It may be easier to retain an HR person if they are hired for a full time position that has full time hours. Roll Ms. Jenkins' HR related duties into the HR director position. I support it. Hearing general support of the change among Selectmen,

Mr. Cunningham moved to increase the Human Resources Director position to forty hours per week. Ms. Eliot seconded and motion carried 5:0.

PARK COMMISSION REPORT

Mr. Strauss, Vice Chair of the Parks Commission, spoke to the board regarding its request for a designation of certain Town owned land (lot 248-9) as field space. The Parks Commission would like to develop this land into additional athletic fields and does not want to make this investment without having site control. Parks intends to spend time and effort investigating whether the land is suitable for new athletic fields. Mr. Strauss assured the Board that Parks would turn the land back over to the control of the Selectmen if the site is not receptive for athletic field use.

Mr. Strauss enumerated the advantages of having extra field space in this area: (a) would create room for lacrosse which is presently practicing on a private school field, (b) need to idle the football field for it to recover from its heavy use, (c) extra parking would be created in the Cow Pond Brook area, and (d) the additional field space would allow use groups to hold tournaments. Mr. Strauss expanded on the benefits of holding tournaments to Groton's user groups. He explained that tournaments increase revenue for the use groups and the use groups contribute twice what the Town contributes to Groton athletics.

Phil Jordan, who has handled lacrosse for many years, was present and introduced to the Board. The Board then turned its attention to the list of possible work to be done to improve the site with Peter Mr. Cunningham noting that a new bridge or attention to present crossing might be needed. Mr. Haddad added that the site was under consideration for a firearms training range, but that the Town is looking elsewhere now. Mr. Strauss noted that the Department of

Public Works gets sand from there now. Also, this is a municipal dumping site for road waste. The road waste can be moved.

Mr. Cunningham stated that he was completely supportive of the concept, but wants to review preliminary costs before transferring. Mr. Schulman asked for the project's timeline and Mr. Strauss replied that there would be a Community Preservation Committee application due on November 12th with a grant request going before Spring Town Meeting. The grant application would be looking to unallocated reserves. Mr. Strauss stated that use groups will pay the cost of a site evaluation from either LandTech or another engineering firm such as Dillis & Ducharme.

Ms. Eliot had several comments. She asked for the Police Chief to determine whether he needs the site. Also, the Planning Board has discussed this parcel as an industrial site. If the parcel does not go for fields, then perhaps it could be used for an industrial use. In addition, Ms. Eliot asked to hear from Department of Public Works head Tom Delaney.

Mr. Strauss stated that there is a desperate need for more fields and there are not a lot of other options. Mr. Strauss asked for some clarification from the Selectmen early in November. Mr. Haddad offered to collect additional information and the Board is scheduled to meet again on October 29th. Kevin McKenzie (represents Groton on the Nashoba Valley Technical School's School District Committee) suggested that Parks might consider a state park grant. Mr. Strauss will follow up on this possibility but these grants may not be available for Town owned land.

Mr. Strauss next asked for the Board to consider a request from fellow Parks Commission member Laurie Smigelski. Ms. Smigelski and Mr. Strauss propose to transfer 15 acres of Surrenden Farm property on the Ayer line to be designated for use by the boy scouts and girl scouts of Groton. Matt Pisani, a representative of the boy scouts, was present. Mr. Strauss cited Bonnie Nojeim (Groton's Service Unit Leader) as the girl scout contact for this initiative. The scouts could gather and perhaps camp. There are many adjacent trails for hiking in this area.

Mr. Degen observed that this acreage is rutted and sandy. Mr. Strauss said that land would not need to be improved. Mr. Schulman asked whether scouting use would involve campfires. If the Board designates the land for scouting use, then the Town Manager will ensure that scouting groups agree to maintain appropriate insurance coverage to protect scouting participants as well as the Town's interests during scouting events. Mr. Schulman and Mr. Cunningham indicated a willingness to delegate this matter to Town Manager. Mr. Degen noted that this designation is within the Board's discretion and is not a permanent transfer. The Board retains control and could end the designated use at any given

Mr. Cunningham moved to authorize use of 15 acre reserved parcel at Surrenden Farm to the boy and girl scouts subject to Town Manager oversight. Ms. Eliot seconded and motion carried 5:0.

LOST LAKE SEWER FOLLOW-UP FROM TOWN MEETING

Mr. Haddad introduced the Lost Lake sewer agenda item. Thomas Orcutt, Water Superintendent and member of the Lost Lake Sewer Advisory Committee, was present as was Susan Horowitz, chair of the Board of Health. Mr. Haddad informed the Board that all of the applications and permits related to the sewer project are still before the Commonwealth. The applications are still gook so long as the project scope does not change. The Town has missed the SRF funding for this year and has applied for consideration next year. Mr. Haddad stated that the vote at Town Meeting was overwhelmingly against the sewer project with reservations centered in the areas of financial means, science and state approvals. Mr. Haddad asked the Board to designate a couple of Selectmen to meet with Commonwealth regulatory agencies and see where we are. A question going forward is what does the Board of Health doe now when it has been very forgiving previously.

Susan Horowitz reviewed Board of Health records and reports that since 1997, thirteen properties are in failure and waiting for this vote. The property owners who lack recourse to a sewer tie in will either put in a septic system of a tight tank. The Board of Health has no ability to initiate septic system investigations on its own. Instead, the Board

of Health responds to complaints, or more frequently, testing data undertaken when properties are sold, which is one of the Title V requirements.

Ms. Horowitz stated that the failing systems that the Board of Health is tracking now are not stinking, not bubbling out of the ground so not an immediate health threat. However, the next step is to go to court in an attempt to force compliance. The facts and law clearly support the Board of Health's side, but each legal action incurs some legal costs for the Town. Mr. Schulman asked how many failing septic systems are located elsewhere and not at the Lake. Horowitz answered not very many at all. Occasionally a West Groton system will come up. The Board of Health meets twice a month and hears one or two septic cases each meeting. Most systems are located at the Lake.

Mr. Cunningham reminded the group that properties cannot convey without addressing Title V issues. Mr. Petropoulos asked Ms. Horowitz whether some property owners could afford the betterment fee (related to sewerage) but not a new septic system. The answer is yes as was represented to the Board of Health by petitioners. The group then reviewed the basic financials for septic costs. A property owner might spend \$50,000 for a septic system that lasts 25 years thereby costing an average of \$2,000 per year. Or, a tight tank might be installed for \$10,000 to \$15,000 which requires monthly pumping, a cost that ranges from \$200 to \$400. A household of one may not need to pump as frequently.

Mr. Schulman noted that Carol Quinn has resigned from the Lost Lake Sewer Advisory Committee.

Mr. Cunningham characterized the defeated sewer warrant article as a train that has left the station in that if the sewer project comes back, the project will probably be more expensive. Efforts to gain consensus will probably require mitigation of the financial impacts on the Lake. Mr. Cunningham notes that the community has a responsibility to the Lake as an important neighborhood in Town. The Town needs to make sure that the financial model works. Ms. Horowitz offered that she thought the resistance to sewerage was primarily due to financial concerns. Mr. Cunningham observed that the Town holds public hearings and few people show up. The Board appoints volunteers to advisory committees and those volunteers get beaten up at Town Meeting.

Mr. Schulman said that there is no question that sewer was needed. A review of board members' votes for members serving on boards having frequent exposure to Lost Lake septic issues found those people voting overwhelmingly in favor of sewer. Even the finance committee vote was divided 4:3 even though the speaker for the finance committee's majority was opposed to the proposition in its entirety. Mr. Schulman sized up the Town Meeting voters as:

a sizeable faction in favor of paying nothing,
a sizeable faction in favor of paying more, and
a sizeable faction who saw the \$12.9 million price tag as a large amount and quickly seized on a reason to reject it.

Mr. Schulman concluded with the view that the Town may decide to do more scientific studies and sampling for political reasons but should not undertake this course based on the reasonableness of the proposal. Ms. Horowitz spoke in favor of the good work done in Groton for ten years by contractors Woodward and Curran. Ms. Horowitz has heard that once the Commonwealth's DEP resolves present issues drawing its focus to Cape Cod, the DEP will turn its attention to water quality in the great ponds across the Commonwealth.

Mr. Petropoulos said that if the issue is really drinking water then we have a town problem that an individual homeowner cannot solve. Rationale in favor of the sewer was not as strong as it needed to be. The Massachusetts Department of Environmental Protection does not vote at our Town Meeting and residents said that they cared about that testing and that that matters to them. At least they said they did. Mr. Petropoulos then offered to be one of the Selectmen who meet with DEP. Mr. Petropoulos offered a public call out to volunteers to assist. Ms. Horowitz suggested that the committee include a hydrogeologist. Mr., Petropoulos reiterated that a good solid committee is needed.

Ms. Eliot stated that she would like to work cooperatively with the state. She added that a zero percent loan would be a huge help in assisting the Town with affordability. She suggested that the Board of Health needs guidance on failed septic systems as in what should the Board of Health response be. Ms. Eliot agreed that the quality of the contractor's work was good.

Mr. Degen said that \$720,000 worth of work has been invested in this matter. The amount is closer to \$1 million if we look back to the early 2000s. Mr. Degen recommended that the Town should not waste its prior investment. The contractor methodology was appropriate. In future, Mr. Degen recommends that a testing protocol be instituted down Route 40 all the way down to the inlet as well as a full lake testing protocol. Mr. Degen suggests that the testing be administered by the Water Department with testing of water sampling done out of house as a way to lower costs. In the interim, Mr. Degen suggests that the Board of Health stop being so lenient as the people do not want to pay.

Ms. Horowitz replied that she did not think that the Board of Health was acting with leniency. Rather, the question may be what the Town wants to spend in court on enforcement of Board of Health orders.

Mr. Cunningham concluded that the issue is bound to come back at some point and invited people to step forward and submit committee interest forms. The group then discussed whether a Town Meeting call for volunteers could be made. Mr. Haddad and Town Moderator Jason Kauppi cautioned that the Town needs to ensure that its action do not resemble a reconsideration. Connie Sartini suggested that the Town ask to advertise in the Groton Electric Department monthly electric bills as those are mailed to nearly everybody in Town.

COMMITTEE TO INVESTIGATE POTENTIAL CHANGES TO TOWN MEETING

Mr. Haddad introduced Town Moderator Jason Kauppi to the gathering, noting that with changes to Town Meeting being contemplated, the Town Moderator's input and involvement may be needed. Mr. Schulman stated that a varied number of changes to the Town Meeting have been raised ranging from convening on a different day, electronic voting, representative voting, placing money items on a ballot and even total abolishment. A Town Meeting Review Committee would investigate which ideas are viable, legal and the associated costs. Mr. Schulman asked for people to volunteer to serve on the committee if they are interested in the effort. He has received responses from two people so far. That is not a large enough number. The committee would need more people.

Mr. Cunningham added that this would be an appointed group which might report directly to the Town Moderator or Board of Selectmen in order to report finding to Town Meeting. No Selectmen suggested an investment in any particular outcome and the involvement of the Town Moderator may help the committee to remain impartial. Jason Kauppi, while not opposed, stated that he has no specific authority to oversee a review committee as this matter is not presently on the warrant. Mr. Kauppi added that Town Meeting belongs to the voters and if there are concerns we should look at them.

Mr. Cunningham requested research on whether we could appoint without a warrant article. If the Board of Selectmen appointed the committee members, then questions might arise about the influence of the Board of Selectmen on the committee. Mr. Schulman agreed and asked to see if the moderator can appoint and if he can we will ask him to do it.

Ms. Eliot asserted that last week's Town Meeting showed a functioning Town Meeting as it had people with a vested interest come out and vote their interests. Mr. Degen stated that he has no problem with Town Meeting. If people want it to change, then they should put their names in to serve on the committee. If the applicant is qualified and willing to put the time in, then he will consider appointing. On Scott Harker's question as to qualifications, Mr. Degen gave one basic requirement – that the applicant has attended Town Meeting in the past.

LIAISON REPORTS

Mr. Degen reported that the Conservation Commission has received a Notice of Intent for the weed control sonar application for Lost Lake.

Mr. Petropoulos reported that the Historic Districts Commission and the Planning Board are separately looking at proposed fire station. The Historic Districts Commission is currently reviewing details with respect to driveway lights, clapboards and retaining wall.

Mr. Cunningham reported that the Wetlands Bylaw Review Committee is meeting on Wednesday, October 24th and then will be scheduling a public hearing.

MINUTES

Ms. Eliot moved to accept the September 24, 2012 minutes. Mr. Cunningham seconded the motion and motion carried 4:0 with an abstention from Mr. Degen.

Ms. Eliot moved to accept the October 1, 2012 minutes with correction to Gina Marini reference. Mr. Cunningham seconded the motion and motion carried 4:0 with an abstention from Mr. Degen.

Mr. Cunningham offered his thanks to volunteers Carol Quinn and Angela Garger for their hard work and dedicated efforts on the Lost Lake Sewer Advisory Committee.

Mr. Schulman informed the group that there are now two vacancies for alternates on Zoning Board of Appeals.

ADJOURNMENT

Mr. Degen moved to adjourn the meeting at 8:40 p.m. Mr. Schulman seconded the motion. Meeting adjourned.

Approved: 

John G. Petropoulos, Clerk

respectfully submitted,
Fran Stanely, Housing Coordinator

Date Approved: 11-5-12