

**BOARD OF SELECTMEN MEETING
MINUTES AUGUST 29, 2016
APPROVED**

BOS Members Present: John G. Petropoulos, Chair; Joshua A. Degen, Vice Chair; Barry Pease, Clerk; Peter S. Cunningham, Member

Absent: Anna Eliot, Member

Also Present: Mark W. Haddad, Town Manager; Dawn Dunbar, Executive Assistant

Mr. Petropoulos called the meeting to order at 6:00pm and reviewed the agenda.

Chief Palma said that he was proud to be at the meeting with good news adding he wanted to present letters and commendations for great work members of the department and the public had done recently. The first letters of commendation were for Sergeant Gemos and Sergeant Breault. He said that on June 21st while working an off duty detail a member of the Electric Light Department had sustained a serious injury. The officers called for immediate assistance to help the gentleman with a neck injury. He said that because of their knowledge of first aid, the gentleman's recovery with a broken neck was progressing. Chief Palma said that the Officer's quick response saved his life.

Chief Palma said that Sergeant Breault on his way home on June 24th saw a bicyclist get struck by a vehicle. He said that the Sergeant stopped and performed CPR on the bicyclist which helped the gentleman survive in order to be transported to Boston.

Chief Palma said that on June 15th, Police and Fire received call to a local business for a severe laceration. He said that an exceptional youth, Lily Scheibe, was at this establishment getting lunch when this incident occurred. He said that Ms. Scheibe was an experienced lifeguard and if it wasn't for her, it would have been much worse. He said that Officers upon arrival rendered assistance. Chief Palma read the letter signed by himself and Chief McCurdy into record and presented it to her father, Dan Scheibe in Ms. Scheibe's absence. Chief Palma said that he also had letters for Sergeant Goodwin, Officer Steward, and Officer Lynn.

Chief Palma said that on August 12th a motor vehicle was being pursued by Tewksbury Police. He said that the suspect had driven a number of miles and through a number of towns. He said that the Officers in Groton placed stop sticks along the road which ended the chase in a safe conclusion. He said that he wanted to recognize Officer Beltz and Lola, Officer Hennehan, and Officer Cooper.

Mr. Petropoulos said that he was aware of other incidents the department intervened in adding this was just a fraction of the things they do for people. Chief Palma thanked the Fire Department how had also helped them.

ANNOUNCEMENTS

Mr. Haddad said that the Prescott School RFP was being advertised to start this Wednesday with proposals due on October 6th. He said that he had notified the Prescott Committee and Friends of Prescott that it would be available on Wednesday.

Mr. Haddad said that Article 17 of the Spring Town Meeting had approved the TREAD program adding that they should look to appoint a Committee in the near future. He said that they needed three (3) residents at large to be appointed by the Selectmen and asked if anyone was interested, submit a committee interest form.

PUBLIC HEARING

Mr. Haddad read the public hearing notice into record.

Mr. Pease moved to open the public hearing. Mr. Cunningham second the motion. The motion carried unanimously.

Mr. Petropoulos said that he wanted to frame the discussion around three (3) things; ownership of the property, public access, and element of responsibility of property. Mr. Collins said that he had submitted a request to discontinue a portion of Powder House Road which only serves the Lawrence Academy campus. He said that in the early 80's he had served on the Planning Board and Roads Committee and at that time, they never found evidence of a public dedication prior to 1848 of Powder House Road. He said that he had reviewed land court documentation with June Johnson that morning (Ms. Johnson served as the representative to First Parish Church). He said that the land court decree stated that what they know as Powder House Road, was also known as High Street, was private but used as a public way. Mr. Collins said that he wanted to suggest to the Board that Town Counsel review this information and render an opinion, at which time he (Mr. Collins) would come back before the Board. Mr. Collins said that he never felt it was a true public road and now that he had seen the land court paperwork he believed it was worth looking into this carefully. He added that there might be no further action by the Board needed. Mr. Pease said that he had seen previous documentation and asked for a similar review. He said that because this needed more time and because it should have an opinion from Town Counsel, he was not prepared to take a position. Mr. Pease was prepared to make a motion to continue the public hearing to a time not known at that time. Mr. Petropoulos asked him to wait on that.

Mr. Cunningham said that he was involved in some of the work that was done at the church adding there had been a question about the status of roads then. He said the fact that there was a land court case, he thought it would make Town Counsels work a little easier and agreed on holding off on this for now. Mr. Degen said that he also agreed but added that there was a thing called prescriptive rights and in this case when the Town maintains a road. He said that he would like to ask Town Counsel to look into prescriptive rights. He added that if town did own a portion of the road, he thought there should be equity paid to the tax payers. Mr. Collins said that he didn't disagree with Mr. Degen adding that no one intended to close the road. He said that public safety had to be able to get onto the campus. Mr. Degen said he also thought the cart had been put before the horse adding that the old road had been covered up and turned into a sidewalk. He said he wished they had come to the Board before construction started. Mr. Collins said that he understood that adding it was not intentional. Mr. Pease said that he spoke to Mr. Delaney and was of the understanding that the DPW did not plow the road adding Mr. Delaney could also not recall when the last time was the DPW touched the road. He said that there was no change in access from the Police Departments point of view either. Mr. Cunningham said that it would be good to reconcile this one now adding that the new entrance was very attractive and safer.

Mr. Cunningham moved to continue the public hearing to September 12th at 6:15pm. Mr. Pease seconded the motion. The motion carried unanimously.

PARK COMMISSION VACANCIES

Mr. Haddad said that two (2) individuals had submitted interest in serving on the Park Commission, James Gaffney and Tim Siok. (Mr. Flynn, Mr. Boucher and Mr. Bushnell were present for the Park Commission and called their meeting to order at 6:30pm.)

Mr. Siok said that he owned a landscape company in the Lincoln area and why his interest in the Park Commission adding he had just moved to town a month ago. Mr. Gaffney said that he moved to Groton four years ago and spent a lot of time in the parks with sports with his 10 and 7 year old. He said that he wanted to contribute to how the parks and playing fields were kept up. Mr. Boucher said that both gentlemen were a great fit, and both had great backgrounds. He said that the Commission was recommending that both be appointed as they were looking to have them start sooner rather than later. Mr. Haddad said that both terms expire at the election in May 2017 adding they would be filling vacancies left by Gineane Haberlin and Matt Frary who had both moved out of town.

Mr. Cunningham thanked both Mr. Gaffney and Mr. Siok you for stepping up to do this. Mr. Petropoulos said that he appreciated the fact that there was there was a fellow farmer interested and thanked both gentleman for their interest. Mr. Degen thought it was great they had stepped forward and were interested in contributing to the committee. Mr. Pease thanked both of them.

Mr. Degen moved that they appoint Mr. Gaffney and Mr. Siok to the Park Commission with a term to end at the annual election held in May 2017. Mr. Pease seconded the motion. Roll Call: Degen-aye; Petropoulos-aye; Cunningham-aye; Pease-aye; Boucher-aye; Flynn-aye; Bushnell-aye (Unanimous)

TOWN MANAGER'S REPORT

1. Mr. Haddad said that there was a vacancy on the Sign Committee and Mr. Degen had expressed interest. Mr. Degen said that he had an understanding of signs because of his time serving on the Planning Board. Mr. Petropoulos asked if he was interested in making changes to the bylaw or if it was good the way it was. Mr. Degen said that he had not heard complaints so he had no comment right now adding he needed to meet with the Committee first.

Mr. Pease moved to ratify the appointment of Mr. Degen to the Sign Committee. Mr. Cunningham seconded the motion. The motion carried 3-1 with Mr. Degen abstaining.

2. Mr. Haddad said that he was bringing forward the appointment of Nicholas Batchelder of Gardner, MA for the IT Desktop Specialist position. He said that Mr. Batchelder came highly recommended, and had a great background check. Mr. Haddad said that Mr. Chiasson had done a great job over the past couple of months adding they were both excited to bring Mr. Batchelder on board. Mr. Chiasson said that they interviewed 10 candidates through two (2) rounds of advertisements. Mr. Petropoulos said that he personally wanted to attest to the work Mr. Chiasson had done over the past few months.

Mr. Degen moved to affirm the Town Manager's appointment of Nicholas Batchelder as IT Desktop Specialist effective September 12, 2016. Mr. Pease seconded the motion. The motion carried unanimously.

3. Mr. Haddad said that he was bringing forward the appointment of Ann Livezey of Pepperell, MA for the Sewer Department Assistant position. He said that Ms. Livezey was chosen using the same interview process adding that the Sewer Commission interviewed and recommended her appointment. He said that he was impressed with Ms. Livezey's resume and was excited to bring her on board.

Mr. Pease moved to ratify the appointment of Ann Livezey as the Sewer Department Assistant position effective September 6, 2016. Mr. Cunningham seconded the motion. The motion carried unanimously.

4. Mr. Haddad said that he was bringing forward the appointment of Michelle Collette as an Election Worker and asked the Board to ratify the appointment.

Mr. Degen made the motion. Mr. Cunningham seconded the motion. The motion carried unanimously.

5. Mr. Haddad said that there is a vacancy on the ZBA for a full member. He said that Bruce Easom had served as an alternate member for at least the last five (5) years. He said that the ZBA has requested that Mr. Easom be made a full member with a term to expire June 30, 2019. He said that this was a Board appointment and asked them to consider making the appointment.

Mr. Easom at the request of Mr. Petropoulos said that the Zoning Board was a board that applied the zoning bylaw to different applicants who are looking for waivers or exceptions to certain aspects of the bylaw. He said that the ZBA and Planning Board had not gotten along in recent years over non-use adding that that language had been reworked by both Boards which he appreciated. He encouraged anyone that had interest to come and talk to the Zoning Board and see if it was a good fit adding that an alternate member was a good place to start.

Mr. Degen asked Mr. Easom what he believed the criteria was for granting a variance. Mr. Easom said that variances didn't really come up that often adding they saw more special permits. He said that his take would be to have people not go down the road of variances. Mr. Degen said that the issuing of variances was predicated on hardships adding that if the hardship was not self-imposed, was that reason to not grant one.

Mr. Easom said that he would have to look at the case. Mr. Degen asked Mr. Easom to use judgment wisely when he saw variance requests come in.

Mr. Cunningham moved to appoint Bruce Easom to a full time member position of the ZBA. Mr. Pease seconded the motion. The motion carried unanimously.

6. Mr. Haddad said that the Board received a request from the Groton Service Center for a Class II license for their premises located at 15 Elm Street. He said that the Board deferred action on this a few months ago as the owner needed to go before the ZBA for a Special Permit. He said that the ZBA approved the Special Permit with the following conditions and asked the Board to consider approving the request with the same conditions:

1. No More than three cars shall be displayed for sale on the site.
2. No for-sale signs, flags or stickers will be displayed on the cars or on site.
3. The cars shall be parked in the three spaces on the southwesterly side of the lot.
4. All conditions of the ZBA Special Permit, including Planning Board site plan review, shall be complied with.
5. The fence shall be maintained that is located on either side of the parking area.
6. Hours of Operation shall be no greater than 7:00 a.m. to 7:00 p.m. Monday through Saturday.
7. The license is non-transferable.
8. The dumpster shall remain in the building at all times, including during pick-up.

Mr. Haddad said that they received a letter of opposition from Ms. Camilia Blackman. The Board said that there was no need to read the letter into the record. They had received it via email. The applicant introduced himself and stated that everything the Town Manager said was correct. Mr. Pease pointed out that the ZBA opinion had passed the appeal period and there were no appeals. Mr. Degen said that there had been 25 years' worth of history of cars being sold on this property and was not sure if the last owner was able to sell 2 or 3 vehicles. The applicant said that the prior owner was able to sell 3. Ms. June Johnson agreed adding that she was an abutter at 8 Elm Street and said that the neighborhood was happy with ZBA decision. She said that this business property had been set in a residential neighborhood for a long time and they would like to see the Board endorse the decision and conditions of the ZBA. Mr. Petropoulos said that it was highly unusual to have one business in the middle of a residential neighborhood and thought it spoke highly that the neighborhood is behind the business.

Mr. Degen moved that they approve the Class II license for the sale of up to three (3) used cars with all ZBA conditions being set in place. The permit will expire on December 31, 2016. Mr. Cunningham seconded the motion. The motion carried unanimously.

7. Mr. Haddad said that enclosed was notification from Attorney Thomas Gibbons, who represents Jodie Gilson of Ayer, Massachusetts. Mr. Gibbons was informing the Town of Ms. Gilson's intent to sell a portion of land (approximately 16.56 acres) situated on Dale Lane in Groton, MA. This land was currently classified as Chapter 61A land. The Town of Groton has the right of first refusal to purchase this land. Ms. Gilson has entered into a Purchase and Sales Agreement with Edward Juskalian for \$330,000 adding that the Town had 120 days to decide whether or not to exercise their purchase rights. The Planning Board recommended purchase and the Conservation Commission had voted to purchase the land subject to Board of Selectmen approval. The Commission would use funding from the Conservation Fund for this purchase. Attorney Robert Collins, who represents Edward Juskalian, was urging the Board not to exercise this option and had sent a letter to the Board explaining his client's position.

Mr. Degen said that he was familiar with this land and thought they would be remised to not follow guidance of the Conservation Commission. He said that he was fully in favor of them exercising their right of first refusal. Mr. Cunningham said that he was also familiar with this land but was also mindful of the Conservation Fund and the fact that this would spend most of that. He said that he would like to have a conversation about whether there were other ways this land could be restricted to satisfy the concerns of the Commission. Mr. Pease said that he had a conversation to learn about 61A land. He said that they have a lot

of open land and was usually not in favor of these purchases but he said once the 61A was gone, it was gone. He said he was inclined to allow the Commission to purchase this land. Mr. Petropoulos asked Mr. Collins if his client was willing to place the entire property in 61A. Mr. Collins said that they had not discussed the entire property. He said that his client entered into an agreement to save his view and was purchasing it with the intent to not construct anything there. He said that he instructed his clients engineer to draft a plan whereas 5 acres would not be 61A but would have a permeant conservation restriction on it. He said if his client were to purchase the property, it would be put on the tax rolls and did what the Commission wanted. Mr. Collins added that he would love to go back to Commission and work this out.

Mr. Petropoulos said that they were in such a dire financial situation adding that exiting from the CPA might be a possibility and replenishing these conservation funds was not a given. He said he was very concerned about this and was asking the Board to do everything they could without spending tax payer dollars. He said that if they could put it into 61A, they would not have to come back. Mr. Pease said that that was not his understanding adding there was no protection after 5 years. The restriction would go away and after 5 years, and taxes would have to be paid if it lapsed. He said there were no guarantees it would remain 61A. Mr. Cunningham said he thought there may be more than one way to offer protection adding they didn't lose anything by letting the parties do that and come back.

Mr. Gerath said that the parcel abutted another that had road access on Old Ayer Road and by purchasing this land the Dale Lane parcel had contiguous to access on Old Ayer Road. Mr. Cunningham said that it was blocked by wetlands. Mr. Tada said that he could speak as an observer of discussions adding that the points raised were all on point. He said that the Conservation Fund was a unique instrument suited for scenarios like this. He said that 5 acres going back to 61A was the only thing that had been presented. Mr. Collins said that there was room for discussions on the entire parcel but believed there was something that could be worked out. Mr. Haddad said that the deadline for responding would be Sept 20th. Mr. Gerath said that the Conservation Trust talked about the value of the property and to maintain that you had to maintain entire access of property. He said that an enforceable CR was not possible in the time frame available adding that they could negotiate a CR and a side agreement before the deadline. Mr. Degen said that he shared the concern about the Fund and would not support replenishing it. He said there was no harm in allowing the parties to negotiate something. Attorney Tom Gibbons said that he had hoped this process would have moved faster and objected to it being delayed any longer. He said that they had a closing date scheduled for Sept 21st and urged the Selectmen to start the process of a P&S now. Mr. Haddad said that he thought all they had to do was notify of their intent to purchase by 120 day deadline. Mr. Degen asked if the Commission could call a special meeting to discuss this with Mr. Collins. Mr. Gibbons said he thought the Town might be tied to the closing in the P&S. Mr. Easom said he was a little concerned about executing within the terms of the P&S. Mr. Petropoulos said that he could not make a decision that day. Ms. Johnson asked if the Commission members heard that their fund might not get refunded would they still move forward. Mr. Tada said that they would and was part of the reason the Commission deliberated so long. Mr. Cunningham recommended they defer to their meeting on Sept 12th. The Board agreed.

8. Mr. Haddad said that he wanted to review the June 30th fourth quarter financials He said that they exceeded estimate of revenues and expended less than they did last year. He said that they spent 95% of the budget this year. He said that the Town was in outstanding shape with money they had. Mr. Petropoulos said that the budget had been managed well. Mr. Haddad said that it was a good year with excise and they exceeded the building permit budget. Mr. Degen said that this looked great.

Mr. Haddad said that he wanted to provide an update on where they stood on goals and objectives. Mr. Petropoulos asked if they could get a count on the number of streamed meetings. Mr. Haddad said that they were in test mode but would when it went live.

Mr. Haddad said he thought their relationship had been evolving and was looking forward to it continuing. Mr. Petropoulos suggested scheduling another dinner.

Mr. Petropoulos said he wanted them to be cautious about spending money on initiatives they were not sure of referencing the parking lot behind the banks. Mr. Haddad said that they had been fully reimbursed. Mr. Petropoulos asked about putting signs up at Prescott mentioning public parking.

Mr. Petropoulos said that the Groton Inn never said that they would bury lines but only from poles to structures. Mr. Degen said that the original owner did say they would bury line during site plan review. Mr. Petropoulos said that they might not have known what they were agreeing to.

Mr. Petropoulos brought up the goal about affordable housing inventory. Mr. Degen said that Ms. Stanley had come in to provide a report on affordable housing adding that the purview did not come from the Board. Mr. Cunningham said that the problem imposed on them was by the state adding it was difficult to get people qualified by state standards. Mr. Degen agreed adding there was a limited pool of applicants out there that qualify. He said that they could ask Ms. Stanley for an update on the number of vacancies and units for sale. Mr. Petropoulos asked if there was a need to continue to build out units if there were a lot of vacancies already. Mr. Pease thought their goal should be to see how to fill them adding that the problem was a state problem. Mr. Cunningham said he saw no loss in reaching out to their Reps to see how they could help them. Mr. Degen said that rentals might be the way to go.

Mr. Haddad reviewed his annual goals. Mr. Petropoulos asked the media is communication had improved. The reporter from the Nashoba Valley Voice said he had no issues. Mr. Harris withheld comment.

Mr. Degen said that they went to Town Meeting to get funding so Four Corners would be shovel ready. He said that it made no sense for them to move forward on the design and bid money for the Senior Center at this Town Meeting. He said that it was best to keep this warm and work on communication to the public about the project over the next few months. He said that he would not support this at the Fall Town Meeting and not rush it. Mr. Petropoulos said that this was about Mr. Haddad's goals not Town Meeting.

LIAISON REPORTS

Mr. Pease said that there was a meeting the next day to finalize the Regional Agreement adding that a placeholder had been put on the Fall Town Meeting warrant. He provided the Board with a brief synopsis of updates and changes such as who owns buildings, and weight of votes.

Mr. Cunningham said that the COA met earlier and the Feasibility Committee met last week. He said that they voted to recommend the current site for a new center adding there were too many obstacles at Prescott and the Country Club.

Mr. Petropoulos said that the Sustainability Committee had been meeting weekly and done an enormous amount of work. He said that they would be proposing potential solutions this week adding that compensation was the big driver. He said he appreciated the employee's willingness to hear out the Committee and what they had been working on.

MINUTES

The minutes would be brought back to a future agenda.

The meeting adjourned at 8:30pm.

Approved: _____
Barry Pease, Clerk

respectfully *submitted*,
Dawn Dunbar, Executive Assistant

Date Approved: 9/6/16