

BOARD OF SELECTMEN
SEPTEMBER 10, 2001
REGULAR SESSION
"MINUTES APPROVED"

Present: Chairman Peter S. Cunningham, Clerk Dann Chamberlin, Member Thomas P. McCuin, Jr. and Administrative Officer Jean E. Kitchen.

The meeting was called to order at 7:00.

ORCHARD LANE

Ms. Kitchen gave a brief overview of the situation.

Joshua Degen gave a verbal summation stating that he and his wife would like a decision by the Board of Selectmen by September 24 whether the Board will put an article on the Town Meeting Warrant to discontinue Orchard Lane on the Degen property. Otherwise they will take legal action.

Neither Mr. Chamberlin nor Mr. McCuin appreciated being threatened. Mr. Chamberlin said he would like to come up with a solution.

Ed Kopec thought there was an easement from Orchard through the building that is now the Degen's garage. It was access for the orchard.

Mr. Cunningham said that some of the work done when Chestnut Hill subdivision was laid out was probably faulty.

Mr. Degan submitted a map from the web site, claiming that Orchard Lane was outside the layout.

It was noted that the topographical map is only representational. Mr. Chamberlin quoted part of the September 28, 1999 letter from Town Counsel.

Alan Hoch said this was not a new issue. Injunction relief can be granted in only a few days. The Town's own survey shows the road is on the Degen's property. He asked if the Town was going to support residents their property rights. Mr. Cunningham asked if Mr. Hoch was representing the Degen's. He said he was not.

Jim Gmeiner, on behalf of Bill Miller, who submitted another map said the overlay of the Assessors' map with the aerial map shows the road in the right of way. The Degen's and the Town's surveys were based on poor standards. Mr. Campbell's survey was more accurate. Mr. Cunningham noted that all the surveys showed some roadway on the Degen's property.

Mr. Degen said he and his wife had been extremely patient. However, they would like a resolution so that it can be corrected on the next Town Meeting in October or November. Article 26 of the 1958 ATM, which accepted Orchard Lane, came from a compiled plan, not a survey.

Mr. Cunningham agreed that it should be settled, but would not commit to a deadline. He agreed to work with all parties regarding the rights of way to bring something to Town Meeting. He said the Selectmen would commence discussions within the next two weeks.

Mr. Degen said he would like negotiations fast tracked. Mr. Cunningham said he would like to come up with a solution as soon as possible, but it was a complicated issue.

Mr. Hoch said they would not settle legal issues that night. The Town had a moral and philosophical obligation. It is important that the Town protect the owners' property rights. Mr. Cunningham said this is not that type of issue. He would not cast it as a moral issue, but rather a technical issue.

Mr. McCuin said everyone should get a fair shake. Mr. Chamberlin said the Selectmen have to work with Town Counsel. Mr. Cunningham said the Board would contact all parties to get their views and to try to reach a solution.

CYRIL LUNN LAND DONATION

Mr. McCuin said Mr. Lunn owes money on some parcels, but he did not know if money was owed on these particular parcels

Planning Administrator Michelle Collette said this is an old subdivision from 1990. The Planning Board has been reminding Mr. Lunn of this donation for sometime. The Planning Board does not want the Town to loose these parcels. The Planning Board would like the Town to expedite this. Ms.

Collette noted that there is a bankruptcy filing by this developer. Mr. Hartnett noted that the Town is holding a \$25,000 bond.

Mr. Chamberlin moved to accept the donation of land for conservation purposes in the Caldwell Smith Subdivision on Chicopee Row, shown as Parcel A and Parcel B on a plan entitled "Caldwell Smith Subdivision prepared by Amherst Survey Associates, Inc., Old Nashua Road, Amherst, New Hampshire", dated January 1, 1990. The motion was seconded and voted unanimously.

Town Counsel will be requested to do a title search.

GROTON FIRST NIGHT

This was postponed.

FINANCIAL DEPARTMENT DISCUSSION

Present for the discussion were Treasurer/Collector Tom Hartnett, Board of Assessors Ed Kopec, Rena Swezy, Hugh McLaughlin and Tony DeBruyn of the Town Government Study Committee:

As the Town grows and with the Treasurer/Tax Collector not seeking reelection in 2003 and Town Accountant possibly retiring in three years, the Selectmen determined that it would be an appropriate time to begin discussions on the organization of the financial departments in Town.

Assessor Ed Kopec said he was against changing the Treasurer Collector from elected official. Mr. Chamberlin said this position requires professional expertise, which does not lend itself to election.

Mr. Cunningham that night they were just sitting down to talk about it. He said the Town could not ignore the fact that the Town is changing. The Selectmen are looking at efficiency. This should not be perceived as a threat.

Ms. Kitchen recommended drafting a charge for a committee to review all the financial departments (Treasurer/Collector, Assessors and Town Accountant) this committee. The Selectmen asked that Ms Kitchen to draft the charge

Assessor Hugh McLaughlin said that the Town may need to look at other aspects of government as well.

Mr. Chamberlin said the Board needed to look at the quality of service for the public. He said that it is easier to look at things more objectively when there are retirements, when it comes to considering changes.

Mr. McCuin said the Town is too large now not to do financial 5 year forecasts. A professional finance person could assist the town in doing this.

MILL & MAIN STREETS - Intersection Re-Alignment

Attorney Bob Collins was present for the discussion. A plan was submitted showing the intersection being re-configured so as to create a proper alignment of the two streets at a location where sighting distances are optimum. A small section of the existing Mill Street would become part of the adjacent properties, with easements reserved for any utilities that are located there. The Board of Selectmen did not have to do anything at this point. The first public hearing with the Planning Board will be next week. In the end it will come back to the Selectmen to lay out the road.

Mr. Cunningham said this was a long process. Atty. Collins said he needed to bring this to the Selectmen's attention. That was the purpose of it being on the agenda. Mr. Chamberlin said he was supportive of the concept.

COUNCIL ON AGING - Additional Road Runner Hours

Present for the discussion were Council on Aging Director Meredith Bowes. The COA requested increasing the hours for the Road Runner driver by 4 hours per week to give her more time to complete her rounds. The Lowell Regional Transportation Authority (LRTA) would not increase the assessment

Motion by Selectman Chamberlin to endorse an increase of four (4) hours per week with the understanding that the LRTA will absorb the cost of this increase in hours with no increased cost to the Town. The motion was seconded and voted unanimously.

CULVER ROAD - Tracy Eliades

Present for the discussion were Tracy Eliades and his Attorney John Gallant.

Selectmen Cunningham expressed concern that the town line boundary marker

had been buried and that the Town of Ayer issued a stop order. Mr. Cunningham did not remember that the plan showed any work in Ayer.

Atty. Gallant said the boundary was not in the correct location. It would be correctly replaced when the road is completed. He said he expected that it would be put back correctly this week and David E. Ross Associates will certify it.

Mr. Chamberlin said he should check with the Highway Surveyor to see how far off the road the bound should be.

OTHER BUSINESS

Scholarship Committee - Increase Membership & Appointment
The Scholarship Committee recommended increasing the membership from 5 to 7. Mr. Hartnett said the Committee also wants to raise more money. It only has \$2500 after 5 years.

Mr. Chamberlin moved to amend the charter of the Scholarship Committee by increasing the membership from 5 to 7. The motion was seconded and voted unanimously.

Mr. McCuin moved the appointment of Alison M. Manning and John S. Adams as members of the Scholarship Committee, terms to expire June 30, 2002. The motion was seconded and voted unanimously.

Capital Planning Committee Appointment

This was postponed.

Web Site Committee Appointment

Mr. McCuin moved the appointment of William R. Rushmore as a member of the Web Site Committee, term to expire June 30, 2002. The motion was seconded and voted unanimously.

Communications Officer Appointment

Mr. Chamberlin moved the appointment of Sarah E. Mickle as a part-time Communications Officer, term to expire June 30, 2002. The motion was seconded and voted unanimously.

W. Groton Pond & Park Committee Appointment

Mr. Chamberlin moved the appointment of Donna M. Nowak as a member of the W. Groton Pond & Park Committee, term to expire June 30, 2002. The motion was seconded and voted unanimously.

Minutes

Mr. Chamberlin moved approval of the regular session minutes of August 27, 2001. The motion was seconded and voted unanimously.

Award Landfill Capping Bid

Landfill Capping Committee Chairman Jamie Greacen said Camp Dresser McGee (CDM) has reviewed Littleton Environmental's references and financials. CDM was very confident that Littleton Environmental was very qualified for the job. It has completed 20 landfill closure projects. Mr. Cunningham read a letter from CDM.

Mr. Cunningham asked the time frame. The closure will begin this fall and finish spring of 2002. Mr. Greacen said the pond dredging would be done right away to get the sediment to the landfill. Littleton Envir. will be ready to be mobilized by next week. Mr. Cunningham noted that this would bring up the level of the Squannacook River. The dam was repaired last winter. Now is the time to start. Mr. Greacen said the work would start next week.

Talking about the level of the river, Bruce Clements said something needed to be done fast. He said there was reason to believe the gate would not work. Mr. McCuin asked Mr. Clements how he knew the gate did not work. Mr. Clements did not respond. Mr. McCuin stated to Mr. Clements that Mr. Clements knew because he and Brooks Lyman and Marion Stoddard were at the dam earlier in the day. Individuals going over to the dam to play or manipulate the low level gate mechanism cannot be tolerated. Mr. Chamberlin said people should not be trespassing. The only person authorized to operate the gate is Highway Surveyor Tom Delaney. Everyone needs to be forewarned to stay away from the gate. The Town has the opportunity to dredge the pond and also this allows the Town to close the landfill.

The fact that it is inoperable is new, because the Selectmen had the gate

fixed when the dam was repaired. The Selectmen will take the appropriate measures. No one should operate the gate at the dam other than the Highway Surveyor. If it is closed all the way, it will affect the downstream.

Mr. McCuin said a Federal administrator (EPA) on Friday tried to strong arm the town and had no jurisdiction. Actions this afternoon were a result of this. Mass DEP would not force the Town to close the gate. The actions today were a result of not liking the decision made on Friday.

George Moore asked if there was a performance clause if the project runs beyond October 15, which is the draw down date. Peter Morrison, Conservation Commission, said if the deadline cannot be met, they need to meet back with the Conservation Commission.

Craig Auman, Conservation Commission, asked who was responsible for restoring the water level. Mr. Cunningham said the Selectmen are responsible, but they would need professional advice. He said the impoundment needed to be re-hydrated without affecting upstream and downstream.

Mr. Chamberlin moved to award the bid for the Landfill Capping to Littleton Environmental, in an amount not to exceed \$643,525. The motion was seconded and voted unanimously.

Carol Canner read a petition supporting pond restoration dated August 7, 1999.

ADMINISTRATIVE OFFICER REPORT

Round Town

There will be Around Town Celebration on Thursday, September 27 after the show which the Selectmen are invited to attend.

ADJOURNMENT

At 9:40 PM Mr. Chamberlin moved to adjourn. The motion was seconded and voted unanimously.

Approved: _____
Dann Chamberlin, Clerk

Jean Kitchen

Respectfully Submitted,