

**BOARD OF SELECTMEN
MARCH 4, 2002
REGULAR SESSION MINUTES
APPROVED**

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

The meeting was called to order at 7:00 PM.

CABLE TV ADVISORY COMMITTEE - Contract Update

Dorothy Davis, Chairman of the Cable TV Advisory Committee, was present to update the Selectmen on the Charter contract for cable services to the Town. The Committee had been negotiating the contract with Charter representative Gordon Champion, who has been transferred to a different position within the company. In January the Committee met with the new representative and Charter's counsel to discuss the contract. Charter's counsel looked at the contract and drew up a draft proposal. The Committee got the results back the second week in Feb. It was forwarded to K&P. K&P has come back with comments on the first 5 sections of the contract. These have been incorporated in the contract and will be forwarded to Charter.

The contract term has been extended twice. It was originally up in July 2001. Ms. Davis said that what had already been negotiated with Mr. Champion had not been challenged. She was positive about the renewed progress of negotiations.

NORRIS PROPERTY - Boy Scouts

Ken Lefebvre, Marcia Melanson and Jim Babcock were present to discuss the out buildings on the Norris property. The cinderblock barn is in the best condition. The house is in very poor condition and could be a liability. The garage isn't too bad. Access to the property would be an issue. Ms. Melanson said that Troop 1 of the Boy Scouts was more interested than Troop 2. The garage or barn could be used in the fall and spring for scouts or other groups, like the Recreation Department.

Ms. Kitchen noted that originally the buildings were slated to be demolished because of liability. It would cost approximately \$26,000 to demolish all the buildings. She added that the Town's insurance company recommended that the Boys Scouts of America name the Town of Groton as "additionally insured" on its liability policy.

A list of questions and concerns were submitted to the Selectmen regarding the property and use there of. Some were Board of Health issues. Mr. Cunningham said the Selectmen were not planning to do betterments on the road. He said that maybe the Highway Dep't. could grade it. Mr. Chamberlin said the Board would want some reassurance of who would maintain the buildings, since there was no money budgeted. He said the Selectmen were concerned about the attractive nuisance of these buildings. He asked that Mr. Lefebvre identify which buildings they are interested in and which should go. Then they would have to go through the proper permitting process for use, draw up a lease, etc.

Mr. Lefebvre said maybe the house could be gutted and used. The Scouts are interested in fixing up and maintaining it. They would be looking for donations and they have people that are contractors, electricians and plumbers would be willing to do the work. Mr. Lefebvre will get back to the Board in one month with a proposal.

RAIL TRAIL WATER FOUNTAIN - Donna Picarello

Donna Picarello, representing the Holofcener family, was present. She requested that the outside drinking fountain that will be installed along the Nashua Rail Trail be dedicated in memory of Evan Holofcener. This boy, a resident of Groton, was an avid cyclist who was killed while riding his bicycle, even though he wore the proper helmet. DEM supported this idea, as did Rep. Hargraves. Mr. Cunningham and Mr. Chamberlin voiced their support of the dedication.

Ms. Holofcener requested that the fountain be very available to the most limited walker. The target date requested was Sept. 1, 2002, which would be the one-year anniversary of Evan's death. Mr. Cunningham said the proposed location of the fountain is at the end of Station Ave. This project could be integrated with the larger plan of the Station Ave. area. Mr. Chamberlin said Sept. 1 might not be realistic because of all that is going on with GELD and the other things on Station Ave.

TOWN GOVERNMENT STUDY COMMITTEE

Dollar Amount in Warrant Articles

Mr. Cunningham said that last year there was an issue about an article on Town Meeting floor being voted on for more than the estimate that was published in the warrant summary that was mailed out. The group that had the article had a plan of action for funding the increase. Mr. Cunningham did not think that was appropriate. He suggested that the TGSC look into the pros and cons of printing the maximum estimated figure on the warrant. This would prevent the article being voted for more than what was printed. Past practice has been that the warrant article reads "a sum of money", rather than a specific dollar amount. The warrant and summary that is mailed out has the estimated amount in the summary portion. Mr. Cunningham was concerned that it would be a free for all if people thought they could come up with a larger number than expected at the last minute. He noted that the Finance Committee worked hard prior to Town Meeting to come up with a balanced budget.

Tony DeBruyn, TGSC, said the Finance Committee said it doesn't always have the numbers in time for when the warrant goes to print. He said that maybe if the dollar number is not available in time, that article should wait until the next Town Meeting. Publishing the numbers gives the public fair knowledge of what would be spent. Some people look at the warrant and summary mailed out and decide whether to bother attending Town Meeting.

Mr. Chamberlin disagreed with Mr. Cunningham. He said what happened last year was a one of a kind. It was unique in that the Town had turned down the CPA and that is what changed the figure.

Mr. McCuin said it was most disconcerting to think that publishing the number would depress the turnout at Town Meeting. He agreed with Mr. Chamberlin. He noted that the Town is limited by Proposition 2 1/2. He said the Finance Committee could announce at the beginning of Town Meeting what the levy limit would be. The voters at Town Meeting are the legislative body of the Town. They have the authority to vote the amount they want to.

Mr. Cunningham was concerned that increasing the amount at Town Meeting pins department against department because the money would have to come from some place else that would otherwise be included in the balanced budget. The Finance Committee spends a lot of time to come up with a balanced budget. There may not always be money available in the Reserve Fund to pull from.

Mr. McCuin said that some towns have a lottery type system of choosing the order of the articles. This would prevent packing the house for certain articles because no one would know the order of the articles ahead of time. People would be encouraged to stay from beginning to end.

Mr. DeBruyn said the TGSC just wanted the Selectmen to have a chance to deliberate on this topic.

3 vs. 5 Members of Board of Selectmen

Mr. DeBruyn said that the TGSC wanted to know what problem the Selectmen thought a 5-member board would solve. Mr. Cunningham said it was a political question. Some thought it would provide greater representation; the Town has grown, so maybe the Board should; and with 3 members 1 Board member could gain control by convincing 1 other member to go his/her way. Mr. Cunningham said he had no strong feelings about making a change. If increased, the meetings would be longer, but there would be a broader spectrum of ideas. He saw the pros and cons.

Mr. Chamberlin said it was his idea to put it on the warrant this year while there was a well working Board. He said that would be the time to consider it calmly. But he also understood that "If it ain't broke, don't fix it". He saw that there would be more diversity of viewpoints with a 5-member Board. He said that with a 5-member Board there would be less chance of having only 2 members in attendance with possibly 2 different views (no tie breaker). He said the number of members is not a cure for anything. The caliber of the people on the Board is what would make a difference. He thought he would support a 5-member Board if it came to a vote.

Mr. McCuin did not want to rush into this for this ATM. He wanted more analytical data. At this time he was not for or against a 5-member Board. He didn't know whether it would make government run better and more efficient or just foul things up and make things more complicated. He wanted to see data showing, of the towns that looked into this, why did they decide to go with a 5-member Board, or not. Those that made the change, he wanted to know if they were glad they did so.

Ed Kopec said it would offer a broader spectrum of ideas. Mr. McCuin said that more is not always the answer. Mr. Chamberlin said more members are not a cure for anything. It is whom the members are that makes the difference.

Mr. DeBruyn said he would provide more detail. The results of the survey that the Committee did were "all over the place". Making the change required more administrative support and more time at meetings. Some thought the cost was worth it,

others did not. He said the Committee was not recommending the change currently. The Selectmen will not put this on the ATM this spring.

AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC)

Bob Pine and Ed McNierney did a presentation of ACEC and what it would mean to Groton. They requested a letter of support to put in an application for nomination of ACEC designation to the Secretary of Environmental Affairs. Once you get the designation, a stewardship is set up. This would help get Self-Help money and Agricultural Preservation Restrictions.

The program was created 25 years ago. It affects state regulations and state laws. 11 towns are involved in this area. They said they wanted to file a nomination in about 2 weeks to get the process going. They were looking for broad-based support of the ACEC designation concept. Most property owners in Town would not be affected. The strength is in the education and outreach for the protection of environmental issues and natural resources. Things like filling in a wetland would not be allowed in an ACEC designated area. There would be 2 designations for nomination – Squannassit and Petapawag. It would protect the ecology.

Mr. Chamberlin said he appreciated all the group had done with their environmental concern. He was in awe of the energy and dedication they had showed on this. But he did not see this changing someone like Land West developing what they want on Thorne Hill, for instance. He said the Town could get Self Help grants without this ACEC.

Marion Stoddart said it would be a planning tool for boards like the Planning Board, by identifying the critical environmental areas with special resources. It really would help to protect against development.

Mr. Pine said it would be a tool to protect block areas with environmental concerns with connections being preserved. Mr. McNierney said to think of it as a "Regional Environmental Master Plan". Mr. Chamberlin said that analogy was very helpful.

Mr. Cunningham suggested the Board send the letter of support for the ACEC nomination and designation application. A letter will be drafted for next week.

Mr. McCuin had reservations. He had a problem with the landowners' inability to do what they want with their own land.

OTHER BUSINESS

1 Day Liquor Licenses - First Parish Church

Mr. Chamberlin moved approval of a 1 Day Liquor License to serve wine and malt beverages on premise for Annie Rayhill for a function to be held at First Parish Church on March 16, 2002 from 6:00 PM – 11:00 PM, contingent on the Town receiving the proper insurance documentation. The motion was seconded and voted unanimously.

Mr. McCuin moved approval of a 1 Day Liquor License to serve wine and malt beverages on premise for Stephen Miller for a function to be held at First Parish Church on March 24, 2002 from 5:00 PM – 8:00 PM, contingent on the Town receiving the proper insurance documentation. The motion was seconded and voted unanimously.

ADMINISTRATIVE OFFICER REPORT

Nashoba Valley Tech. High School

The NVTHS will be presenting its budget at a breakfast meeting at the school on Friday, March 8, at 8:30 AM.

Squannacook Sportsman's Club Sitewalk

If a municipality purchases the property it would be necessary for a 21E study to be conducted. If a private entity buys it, it would not be required (although may be preferred). Ms. Kitchen walked the site with Matt Robbins of Leggette Brashears. He will submit a proposal and cost estimate on Wed. to do a 21E study of the site and the approximate cost of clean up should shot be found. A few inches of the soil would have to be removed and test borings done. The Board of Health is looking into the lead paint issue.

Station Avenue Directions Advisory Committee

Doris Chojnowski requested that the SADAC be expanded by one to include a representative from the Conservation Commission, because there are conservation issues with the property.

Mr. Chamberlin moved to authorize the expansion of the Station Avenue Directions Advisory Committee by one member. The motion was seconded and voted unanimously.

Mr. McCuin moved the appointment of Peter Morrison as a member of the Station Avenue Directions Advisory Committee, term to expire June 30, 2002. The motion was seconded and voted unanimously.

V.H. Shea

Everything is coming together, but Town Counsel said the Town would not get the gravel. Originally the intent was to use the gravel for covering the waste at the landfill. Now that it is no longer a landfill, the gravel is not needed for that purpose.

EXECUTIVE SESSION

At 10:20 Mr. Chamberlin moved to go into executive session in accordance with MGL Chapter 39, Section 23B to discuss strategy with respect to contract negotiations, not to reconvene in open session. The motion was seconded. Vote: McCuin - Aye, Chamberlin - Aye, Cunningham - Aye

ADJOURNMENT

At 11:00 PM Mr. Chamberlin moved to adjourn. The motion was seconded and voted unanimously.

Approved: _____
Dann Chamberlin, Clerk
Secretary

Respectfully Submitted,
Doris T. Wheeler

Administrative