

**BOARD OF SELECTMEN
DECEMBER 9, 2002
REGULAR SESSION MINUTES
“APPROVED”**

Present: Chairman Dann Chamberlin, Clerk Thomas D. Hartnett, Member Peter S. Cunningham, Administrative Officer Jean E. Kitchen, and Office Assistant Kathryn Fisher.

The meeting was called to order at 7:03 P.M.

A motion was made by Peter Cunningham to open the public hearing in regards to the transfer of the alcohol license from Beef N’Ale to Oliver’s Griller and Pub. Motion was seconded by Mr. Hartnett. Motion was unanimously approved.

**PUBLIC HEARING – TRANSFER OF ALCOHOL LICENSE
From Beef ‘n Ale to Oliver’s Grille & Pub**

The Board opened the public hearing in the matter of the transfer of the annual restaurant alcoholic beverages (to be drunk on the premises) license from the present holder the Beef N’ Ale to the applicant, Oliver’s Grille & Pub.

Present at the hearing was Mr. Robert Lacombe, on behalf of Brenker, Inc. the current license holder, and Mr. Robert Kimball, representing R.C. Kimball, Inc., d/b/a Oliver’s Grille & Pub.

The legal notice was then publicly read; legal notice having been published November 27th, as required. The checklist of required documents was then verified as having been received. All documents had been duly filed. The board then called for public comments in favor of the transfer. Mr. Robert Kimball spoke in favor of the transfer. Selectman Dann Chamberlin asked if the facility would be comparable to the Beef N’Ale. Mr. Kimball replied that it would. Selectmen Thomas Hartnett asked about the relocation of the bar, as shown of the submitted floor plans. Mr. Hartnett commented that it was a nice setup. He also asked whether or not it would seat 80 – 85 patrons. Mr. Kimball replied in the affirmative. Selectman Peter Cunningham also wished to know this information. Mr. Kimball further stated that they will be hiring back some of the previous help. He also said there would be no more seating. Jean Kitchen asked if the annual license would need to be prorated considering the close proximity to its annual renewal. After a general discussion it was concluded that the license would not need to be prorated as the establishment would probably not be open until after the first of the year anyway.

The board then queried the audience for any objection. None was offered.

Selectman Peter Cunningham then made a motion to approve the transfer of the license. The motion was then seconded by Selectman, Thomas Hartnett. Motion was unanimously approved.

COMMENTS ON GROTON RESIDENTIAL GARDENS, LLC 40B

The board then began comments on the Groton Residential Gardens, LLC project under Chapter 40B. Dann Cunningham stated that the project presented a big ambiguity. Namely, the potential lack of capacity to handle this project, with regards to the municipal sewer system. He said this represented a definite fly in the ointment as far as he was concerned. Otherwise he likes what he saw very much. He further commented that there is a crying need for this price level for housing. He liked that there were 2 bedroom units and not 3 bedroom units given the rapid growth in the demands on the Groton School system.

Thomas Hartnett commented next. He said Selectmen Chamberlin’s comments on the sewer system were right on

point. Mr. Walker (the applicant) addressed the board and stated that they will be going before the Sewer Commission and then the Zoning Board of Appeals.

Mr. Hartnett continued his comments and said that the project had good-looking buildings, albeit maybe a little utilitarian. And he also stated that the town is currently below the 10% standard set by the state. It was suggested that the Town is presently at 1.8 to 2% and certainly not above 3% of its housing being considered affordable.

Peter Cunningham then added his comment that the sewer issue needs to be resolved. It was also mentioned that the Sewer Department may be in the middle of a capacity study and this should help determine the demand in relation to this proposed project. He further emphasized that the Town needs to do something like this (i.e. project). He supports the project. He also believes that there should be a three-bedroom unit in the project. That would be a recommendation he would like to make. He also added that he had a comment about the site. He said he would like to have a realignment of Middlesex Street with Route 111 because of the traffic issues there. Dann Chamberlin added his support of Mr. Cunningham's remark concerning this intersection. Mr. Chamberlin also asked if the town could get a "local preference" for any of the units in this project. Jean Kitchen advised the Board that they could write a recommendation for this condition, perhaps with the Housing Authority having ownership of a three-bedroom unit. Mr. Cunningham said he favored that idea.

The question was asked if any of the units are handicapped equipped. The answer was that the project contains one unit. The board upon hearing this information concluded it would like 2 such units in the complex. Mr. Chamberlin stated that he understood that the applicant was only applying for one waiver. Mr. Hartnett again asked if a three-bedroom unit could be incorporated into the design.

Harlan Fitch then asked the Board, "What is the definition of affordable?" And to determine this he suggested that the salaries of town employees should be factored into what constitutes affordable. For example, is this affordable for a truck driver with a salary of \$25,000 employed by the town? In response Peter Cunningham explained that there are a host of programs to try and make housing more affordable for people depending upon their circumstances. Something like a housing subsidy for someone at the suggested salary level. Mr. Cunningham said a general definition would be "80% of the median income of the greater Lowell area". Mr. Fitch expressed his view that the truck driver really doesn't stand a chance. It's like trying to win the lottery. Mr. Cunningham addressed his comment by saying that the truck driver would have a chance depending upon how the program is set up.

Mr. Hartnett said the town does try to hire people from the Town of Groton for positions. It was also mentioned that the Fire Chief upon his hire, had had trouble finding suitable housing due to prices. Mr. Hartnett said the housing situation is a widespread problem, not just Groton. Jean Kitchen informed the board and the audience present that the asking price for these units should be in the range of \$140,000 to \$155,000 while the current market rate for such units would be about \$229,000. She also clarified that three units are designated handicapped and one unit is designated as affordable. Ms. Kitchen asked the Board if they wished to have 2 units be affordable and 2 units not? The Board agreed to this proposition.

The Board then moved to take business out of order seeing as how it was not yet 7:30 p.m., which was the designated slot for the next matter on the agenda.

Under **Other Business** the Board took action on the first item.

Review/Approve Class II licenses

The following Class II Licenses were presented to the board:

Book Value Auto Sales
Frederick A. Miller d/b/a Miller's Classic Cars
Groton Towing Inc.

Jean Kitchen informed the Board that none of these licenses have any Special Permits, which expire this year.

After review, Mr. Cunningham made a motion to approve the renewal of the afore-mentioned licenses. Thomas Hartnett seconded the motion. Dann Cunningham asked for any comments. Mr. Hartnett asked if one of these establishments can sell cars and if that location was down by the bridge? Jean Kitchen said Groton Towing never has more than 6 cars at any one time for sale at that location.

Hearing no further comments, Mr. Chamberlin asked for the vote on the motion. The Board voted unanimously to approve the licenses.

The Board then moved on to the second item under Other Business.

The Winter Street Contract – Lost Lake Fire Station

No comments were made by any members of the public. It was also noted that no architects were present at the meeting. It was noted that the Municipal Space Needs Committee voted unanimously to approve this contract.

Mr. Hartnett said they do however, still have a problem with the cost of the project. He said the Committee would fight the amount of the town meeting appropriation because they consider it to be too high. He said other committee members feel the same way he does about it. The number \$1.3 million is the number the committee does not agree with. The committee wants that number to be lower and may ask for a redesign.

Mr. Cunningham asked if the firm who was being awarded the contract was the same firm as the one who did the Preliminary Design. Mr. Hartnett said, “No, this is a different group which impressed the committee a lot.” Mr. Hartnett further emphasized that no way will he approve more money. And it will be a beautiful Fire Station. Mr. Hartnett also stated that this firm is the firm that did the Ayer Fire Station and they have done many other fire stations as well. He stated that this firm was in fact their first choice but had not been awarded the Preliminary Design contract.

Peter Cunningham then made a motion to execute the contract for designer services for the Lost Lake Fire Station between the Town of Groton and Winter Street Architects.

Thomas Hartnett then seconded the motion. The Board was unanimous in their vote.

The Board noting the time was then 7:30 p.m. returned to the next item on the agenda as posted.

CONSERVATION COMMISSION ASSISTANT – New Hire

Mr. Kris Corwin, Committee Chair of the Conservation Commission, reported to the Board that they had looked at 14 resumes and had chosen 5 candidates to interview. The Committee, after the interview process was unanimously recommending, Barbara Ganem, be hired as Conservation Assistant.

Dann Chamberlin stated that he had had a brief chat with Barbara. Thomas Hartnett expressed his opinion that the Conservation Commission is a great organization. And further added that he had no personal questions of the candidate. Peter Cunningham said he was quite impressed with her background and likes her experience in the public arena. He too expressed that the Conservation Commission is very commendable in their work.

Dann Chamberlin asked what her expected start date was. The answer was that the start date was to be worked out, as they still needed to look at their budget.

Peter Cunningham made a motion to approve the hiring of Barbara V. Ganem as 40 hours a week Conservation Commission Assistant at Grade 7, Step 1 with a start date to be determined. Mr. Hartnett seconded the motion. The motion was unanimously approved.

It was later determined that the start date would be January 6, 2003.

Again the board deferred to other matters under OTHER BUSINESS, seeing as how the time was not yet 7:45 p.m., which was the scheduled time for the matter regarding the Library open on Sundays.

Local Cultural Council Appointment

Under item three of Other Business – Local Cultural Council Appointment, Mr. Chamberlin explained that since 3 members of the Local Cultural Council had moved out of town but had not given their resignations that this action was therefore necessary.

Mr. Cunningham moved to remove Donelle Ruwe, James Leve and Merrill Matthews from the Local Cultural Council.

Mr. Hartnett seconded this motion.
Motion was unanimously approved.

Tom Hartnett asked since he was new to the Board what the Cultural Council does. Jean Kitchen explained that they are largely funded by a grant from the state. Mr. Cunningham read the following information into the record:

“The Local Cultural Council functions under guidelines established by the Massachusetts Cultural Council, which allocates funding to each community. The purpose of the local cultural council is to:

- *Support public projects that promote access, education, diversity, and excellence in the arts, humanities, and interpretive sciences in the community.*

The Council re-grants the state funds to individuals and organizations in the Town as part of a two-tiered process in which the LCC acts on applications, which are then reviewed by the MCC for adherence to guidelines set forth in the state law and regulations.

By state law, members are initially appointed for a six-year term, maybe be reappointed for two three year terms, then must go off for at least a year before they are eligible for reappointment. In Groton, the terms have been shorter, two or three years.”

Mr. Chamberlin asked if this budget item was one of the ones that the State has already cut. Jean Kitchen replied that it had been cut 62%.

Mr. Jeff Wilson asked if there was an expense budget for this committee. Jean Kitchen said no.

Mr. Cunningham further added by reading into the record “Recipients include: the NWRA for a five-part environmental lecture series, Art on the Rail trail for benches and a bike rack and Steve Peisch for a concert of original music.”

Mr. Cunningham then made a motion “to appoint Zoa S. Guernsey to the Local Cultural Council for the term to expire June 30, 2004.” Mr. Hartnett seconded the motion.
Motion unanimously approved.

Minutes of 10/28/02, 11/4/02, 11/12/02, 11/18/02, and 11/25/02

Next under Other Business the Board turned their attention to approval of the minutes of meetings of 10/28/02, 11/4/02, 11/12/02, 11/18/02, and 11/25/02. The minutes of 12/2/02 were not discussed although they were listed on the agenda.

Mr. Chamberlin noted that Mr. Hartnett had not been a Board member for two of the meetings; the minutes of which were being presented for approval.

Mr. Cunningham, upon review of the minutes of 11/4/02 said there was a misspelling in the last name, fourth line down under the section dealing with Main Street Committee.

Ms. Barbara Scofidio’s name should be spelled “Scofidio” not “Scoffed”.

Mr. Cunningham then made a motion to approve the minutes of 10/28/02 and 11/4/02.

Mr. Hartnett abstained from the approval of these meetings. Mr. Chamberlin seconded the motion. Motion was unanimously approved.

The board then reviewed the minutes of 11/12/02, 11/18/02, and 11/25/02.

Mr. Cunningham had a correction on the minutes of 11/12/02. Under the section regarding the GELD Site Redevelopment, comments that were made by him were written “Mr. Chamberlin commended GELD for not only this Site Redevelopment Concept, but also for your overall willingness”, Mr. Chamberlin said that should read “for their

overall willingness”.

Mr. Cunningham also stated that on the Minutes of 11/25/02 under Earth Removal – HGA, Ltd., Nashua Road – Still Meadow, that the first line should having the following comment inserted. The line should read “Mr. Chamberlin recused himself from discussion of this agenda item, because he is a Trustee of Groton Conservation Trust, which is a parent organization of the Groton Land Trust.”

He also noted that under Groton Business & Professional Association Re: Signage for Business on Rail Trail Kiosk, the line that reads “The Board wholeheartedly supported this effort and told GBPA to work directly with DEM and Danny O’Brien to do whatever is necessary” should continue with (at the end of the sentence) “with a time line and pictures on railroad history.”

Mr. Cunningham made a motion to approve the minutes of 11/12/02, as amended. Mr. Hartnett seconded the motion. Unanimously approved.

Mr. Cunningham made a motion to approve the minutes of 11/18/02. Mr. Hartnett seconded motion. Unanimously approved.

Mr. Cunningham made a motion to approve the minutes of 11/25/02, as amended. Mr. Hartnett seconded the motion. Unanimously approved.

LIBRARY OPEN ON SUNDAYS

The board then returned to the issue of the Library opening on Sundays on a trial basis.

Mr. Mike Manugian, Chairman of the Library Board of Trustees presented an explanation of this agenda item.

He stated that an anonymous benefactor has offered to fund the cost of employees to man the library for hours on Sunday on a trial basis next September (September 2003) for a pilot program of 13 weeks. The reason they were coming forward at this time is that they need time to do planning for this trial period. They need to come up with an acceptable plan well in advance.

He further explained that they had surveyed a number of other libraries to gather information. They were recommending that they pay the employees time and ½ regardless of a 40-hour workweek. They were not seeking approval for this on a permanent basis only for the term of the pilot program.

Mr. Chamberlin said he didn’t have a problem with time and ½. Mr. Mike Manugian said they had gone to the Personnel Board to discuss the time and ½ issue. The Personnel board said this was okay.

Mr. Chamberlin did have a concern about educating the public who might expect Sunday Hours to continue after the pilot program ended. He did think that Sunday hours would be well received, but that Sunday hours were not likely to be funded by the town in the future. This was his concern if you raise people’s expectations. But that if you did you needed to work it into the budget in the normal Fin Com process.

Mr. Jeff Wilson wanted to know if they had any idea if the public wanted Sunday hours. Mr. Cunningham asked Mike if there had been a survey done or if they had anecdotal information? Mr. Manugian said no formal survey had been done. But he offered that many of the towns they spoke to said that Sunday hours are their busiest times. Mike said they could have done a survey but since the benefactor made the offer they thought they would just try it.

Mr. Chamberlin expressed that he thought it was a good idea to try it. He felt that “they will either come or they won’t”. Mr. Cunningham asked if they set it up the way they were expecting if they might run afoul of other town employees. The Personnel Board volunteered that the Board had considered this. Joan Hutchinson said that if it’s good for the town and there is precedent for paying the time and ½ only if they work over 40 hours. Jean Kitchen informed the Board that there is a contract for dispatchers currently who do work on Sundays without time and ½ pay. She also felt that there perhaps was a chance that employees who worked that shift might not ask for time and ½.

Mr. Chamberlin supported Ms. Kitchen’s idea that it’s difficult to take away something you have already given. It was expressed that the Personnel Board did not feel that there were any negative aspects to the proposal.

Ms. Kitchen also said that if you cutback on hours for employees then they do have grounds to file for unemployment for

the “lost” hours.

Mike Manugian, Chairman of the Library Board of Trustees elaborated about the possibility of shifting work schedules or hiring hourly employees rather than current town employees. He said the current staff did not want to work these hours. But that the bargaining unit can bargain for whatever they want.

He further said that if time and ½ is unacceptable then it’s unacceptable. But both Jean Kitchen and Dann Chamberlin felt the town might be liable for unemployment if hours were cut back. Mike (lib) said that temporary employees could be used to avoid this issue. He repeated that even though September is a long ways off that they need the Board to take action as this time so that they can go back to the benefactor with a plan. Ms. Kitchen asked if contract employees could be used. Mr. Hartnett felt this was an excellent idea, to test the demand but it should be noted that it is the Town of Groton who

is the employer not the benefactor. He said there are some tricky IRS regulations And he thinks there could be a problem and it needs to be looked into. Jean Kitchen said there could be some alternative. Joan Hutchinson said the Personnel Board thought it would be current employees but we could staff from hiring agencies. Mr. Hartnett said he would like to see this work out. Mr. Jeff Wilson interjected with an idea. He suggested that if an agency is involved that we involve an auxiliary organization and don’t flow the money through the town. Mr. Chamberlin asked if the Friends of the Library might be a suitable group to do this through. But Mr. Hartnett said if you do this that “if it looks like a duck and quacks like a duck – it’s a duck.”

Mr. Manugian said they did want to use contract employees now and they could switch to town employees later. Mr. Jeff Wilson said this is not flush times for the town. In fact we have asked budgets to be level funded and/or handle 10% cuts. He continued by saying that “it doesn’t make sense to add a program given the current situation. And that maybe if the benefactor wants to benefit the library maybe the benefactor should fund the library’s core programs.” Mr. Hartnett said he is favor of the idea and that if it’s successful then maybe it could be addressed in the FY 2005 budget. Mr. Manugian said they could work with the Personnel Board on any issues such as liability and wage classification bylaws. Ms. Jane Bouvier said maybe the prudent thing to do is to go back to the Board and discuss these ideas. Ms. Bouvier then asked how many are to be hired?

Mr. Manugian said five or six people for Sunday afternoon coverage. He thought two to three could be current employees and three or 4 more could be hired. The intent would be to blend the staff.

Mr. Harlan Fitch made a general comment from the audience that there are some clouds on the horizon, which the town hasn’t looked at yet. He said there are issues that need to be looked at.

Mr. Chamberlin said the Personnel Board would look into some of those. He also said that it is his hope that the benefactor who may be listening that such spirit is really appreciated. And he thinks that it will be very successful and after 13 weeks the town will be not be able to fund it. His fear is that there could be a lot of frustration around the town. Mr. Wilson said he hopes the benefactor doesn’t ‘fear success’. He says there will be choices to be made. But he doesn’t think it should be turned down. Mr. Chamberlin said, “We should be realistic.”

Mr. Cunningham said he heard what Mr. Manugian said and he believes we need to do more work to investigate the issues. But “let’s try.” Mr. Hartnett also said it is a good test and maybe we can figure it out.

Mr. Manugian reiterated two concerns: no potential unemployment issues and possible negative impacts – giving fuel to bargaining units. Mr. Wilson added a third: “adding another service when we are cutting.” Mr. Manugian said maybe (due to future budget concerns) that they would do Sunday hours and not others.

Ms. Kitchen suggested the proponents come back with more information given the concerns raised. The Board agreed with this suggestion and rescheduled this matter for a future meeting.

TOWN ACCOUNTANT APPOINTMENT

The Board then moved to the appointment of a new town accountant, the time then being 8:20 p.m. Mr. Chamberlin said they (the board) had met with the selection committee and now comes the hard part. He then asked if the Board wanted to start at one end or the other or if they wanted piece of paper to write their choice on?

Mr. Cunningham said he was comfortable with a piece of paper but not a secret ballot, as the choice would become public. (Ms. Kitchen then provided each board member with a slip of paper, which she collected after each selectman, had written his choice).

Ms. Kitchen announced: two for Valerie Jenkins and one for Lee Thompson.

Mr. Cunningham then said it was a difficult choice. He remembers Ms. Jenkins well but he favored Ms. Thompson because her education was in accounting. He said, Sarah Vaz was also a strong candidate. But since he would like the vote to be unanimous he would change his vote to Valerie Jenkins.

Mr. Hartnett said Valerie has a very suitable background. And that all three candidates were strong. He was however swayed by Valerie's experience on the Finance Committee for six years.

Mr. Chamberlin said he agonized about this choice. He said all of the candidates could handle the position. And they all had glowing references. For him what narrowly tipped the scales was a subjective feeling to go with his gut. He said he has a comfort level having dealt with Valerie in the past and her volunteer commitment to the town in the past. But he added that he doesn't want anything negative to be reflected on the other candidates.

Mr. Cunningham said he wanted to commend the selection committee.

Mr. Cunningham made the following motion: "I move to approve the hiring of Valerie Jenkins as Town Accountant at Grade 13, Step 1." Mr. Hartnett seconded the motion. Unanimously voted.

Mr. Chamberlin echoed the commendation of the selection committee. The Board then gave their congratulations to Ms. Jenkins. Jean Kitchen said she would call all the candidates in the morning.

Mr. Cunningham then asked to return to the budget process. He wants to be more proactive. Mr. Wilson said the board could meet with all the departments but he said it's a lot of work. Mr. Cunningham suggested that the departments directly under the Board be looked at a little bit closer. Such as the Public Safety, Building Grounds, Conservation Commission etc. His intent was not to duplicate the Finance Committee's work but to be more informed. Mr. Wilson said because the board already gets the packets that they might want to make a list of those departments that submitted their budget on time. Mr. Hartnett suggested that another thing that could happen is that each department could make a copy of their budget and make it available to the Board. Jean Kitchen explained that the Board does now get a copy of each department's budget should they wish to review it. Mr. Hartnett said thank you because being new to the board he was not aware of that. Mr. Cunningham continued by saying that maybe more thought or detail in the budget process this year could make it easier for the Finance Committee. Ms. Kitchen interjected to say that sometimes after talking to the Board the departments might change their budgets. Mr. Wilson expressed that he thought that sometimes some 'half baked ideas' get submitted. Mr. Cunningham then said that the message needs to get out that this budget process is very serious.

(Having previously acted upon all the items under OTHER BUSINESS the Board then moved onto hear the report of the Administrative Officer.

ADMINISTRATIVE OFFICER REPORT

Ms. Kitchen stated to the Board that she had received comments that the audience could now be heard loud and clear as of last Monday night's meeting. The Cable Committee informed her that this is because the new Cable operator knows what he is doing.

She also informed the board that the reference checks for each of the Town Accountant applicants was excellent. She told the Board that copies of each of the reference checks were in their folders.

The Chairman of the Board then asked if there was any further business.

Jean Kitchen then reported to the Board that they will be interviewing maybe 5 candidates for the Police Department's Secretary's position. The board duly noted this information.

Mr. Cunningham moved to adjourn at 8:45 p.m. Seconded by Mr. Hartnett. Unanimous vote.

Approved: _____
Thomas D. Hartnett

Respectfully submitted,
Kathryn Fisher,
Office Assistant

Date Approved: January 6, 2003

