

**BOARD OF SELECTMEN  
DECEMBER 30, 2002  
REGULAR SESSION MINUTES  
“APPROVED”**

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

The meeting was called to order at 7:03 p.m.

**Fuel Storage Public Hearing – Chicopee Row, Map 230, Parcels 41 & 46, New Groton/Dunstable High School**

Peter Cunningham made a motion to open the public hearing for a temporary fuel storage permit and application by Amerigas to be located at: Chicopee Row, Map 230, Parcels 41 & 46, New Groton/Dunstable High School. Mr. Thomas Hartnett duly seconded motion.

The Public Hearing was then opened at 7:04 p.m.

Chairman Dann Chamberlin read the Legal Notice. Said Legal Notice having been published on December 20, 2002.

Verification of Notice to Abutters was duly noted by reference to a letter from the Assessors regarding the abutters' list.

Mr. Mark Jacobson of Amerigas represented the applicant at the meeting.

Mr. Jacobson explained that the application was for temporary storage of propane fuel on the construction site for the new Groton/Dunstable High School. Such fuel storage could provide 1.5 million BTUs, as such any storage over 2,000 gallons requires a permit be granted. The propane would be used for heat on site. It is expected that they will be done using the propane in 90 to 120 days, at which time the tanks would then be removed.

Mr. Chamberlin then asked the audience if there was any support for the granting of a permit. Mr. Chamberlin in support read the letter submitted by the Fire Chief Joseph Bosselait.

The letter stated the following:

“I have been in contact with Turner Construction regarding the temporary heaters that will be used during the winter at the New High School while under construction; I see no problem with a temporary propane license being issued.”

Mr. Chamberlin then asked if there were any questions. There were no questions by either the Board or any members of the public in attendance.

Mr. Peter Cunningham then made a motion to close the public hearing. Mr. Hartnett seconded the motion. It was unanimously voted to close the hearing at 7:08 p.m.

There was general discussion by the Board that this was a fairly routine matter and that of course heat was needed at the site.

A motion was then made by Mr. Peter Cunningham “to approve the fuel storage permit application and license to Amerigas for the temporary storage of propane tanks for heat at the site of the New Groton/Dunstable school building site on Chicopee Row to expire on June 30, 2003.”

Thomas Hartnett then seconded the motion. Motion was unanimously approved.

**Order of Taking of Allen’s Trail**

Ms. Jean Kitchen explained to the Board that this Order of Taking is the last step in the process to make a road public in order for the town to own the road.

Mr. Dann Chamberlin asked if there were any lingering issues with regards to this road.

Ms. Kitchen stated in reply that there were no issues.

Mr. Peter Cunningham inquired as to where this road is located. The answer was given that this road is located off Rt. 40 across from Old Dunstable Road.

There being not further questions or comments, Mr. Peter Cunningham made a motion "to approve an order of taking as further described in "Order of Taking, Allen's Trail dated December 30, 2002."

Thomas Hartnett seconded the motion. Motion was unanimously approved.

The Chairman Dann Chamberlin then noted that because it was not yet the designated time for the next matter on the agenda that the Board would then consider items under Other Business.

### **Other Business**

The first item under Other Business was vote the Board's intention to renew the contracts of the Police and Fire Chiefs and the Administrative Officer's contracts.

Ms. Jean Kitchen, the Administrative Officer explained that all 3 contracts contain a clause, which require the Board to state their intention to renew.

Mr. Chamberlin opened his remarks by saying that he had high praise for all three of the individuals who were under such contracts. Mr. Hartnett echoed this remark. Mr. Cunningham expressed that "we are extremely lucky to have such people especially in the public safety areas. And he further expressed that "they have also been good mentors and he looks forward to contract discussions.

Mr. Cunningham then moved: "to vote their intention to renew the Police Chief, Fire Chief and Administrative Officer's contract for a three year period, with the terms of the contracts subject to negotiations."

Mr. Hartnett then seconded the motion. The motion was then unanimously approved.

The board then moved onto the second item under Other Business – Legislation regarding Middlesex County Retirement.

Mr. Chamberlin asked if Chelmsford had spear headed this effort, which was resulting in this matter coming before the board. Jean Kitchen said yes, due to significant increases in the county assessments. The current thinking is that more oversight is needed and this in the aim of the proposed legislation. Along with a little more representation and a system of checks and balances.

Mr. Chamberlin then proceeded to read the caption headings for the legislation as follows:

1. Increase the Retirement Board membership from five (5) to seven (7) members;
2. Restore the balance between community representation and employee representation on the retirement board;
3. Establish a professional management team that is accountable to the retirement board;
4. Alter the composition of the Advisory Council such that representation is more equitable Between member communities and districts;
5. Establish a procedure for authorizing the annual operating budget of the retirement System that provides for an independent review of the retirement system's operating budget by the Advisory Council;
6. Establish a financial oversight committee of the Advisory Council;
7. Establish that pension assets and liabilities will be determined as they are attributable To each individual member community and district, and provide that member Communities and districts have both the responsibility and the ability to fund the Pension liability that is attributable to each member community and district on an Individual basis.

Mr. Hartnett asked how many members are on the committee? Ms. Kitchen replied that it is not really a committee. Mr. Hartnett then asked how many communities are behind this legislation? Ms. Kitchen said so far as she knows all the member communities are behind the legislation. She also said they may be amended submitted but that it would be beneficial for the board to go forward with this at this time.

Mr. Cunningham asked if this was similar to other retirement boards. Ms. Kitchen explained that it is similar but there are also, all different. She said the PERAC is the top layer, and then came the County, which is now dissolved. She also said that Middlesex had been one of the counties that had not made good management decisions. Mr. Chamberlin said this circumstance seemed to be reflective of bad county management. Mr. Hartnett added, "They are only funded three ways, by employees, by towns and by market conditions." Ms. Kitchen added that communities had not been paying their fair share but that we now need to. Mr. Hartnett again asked how many were present at the meetings. Ms. Kitchen said about 30, usually the big towns like Andover, Billerica, Chelmsford, etc. And that many of these towns were very knowledgeable and were asking some good questions.

Mr. Hartnett contributed that the Town of Groton has a sizable Trust Fund, i.e. \$10 million dollars, but this past year was brutal. Mr. Hartnett said he wished to know before this meeting how many towns support this. Mr. Chamberlin then interjected to say that the Board could postpone action on this matter. Mr. Hartnett said he would be in favor of that suggestion. Mr. Cunningham also supported the idea of waiting a week. The Board then postponed action on this until another meeting.

The time now being 7:20 p.m. the Board returned to the agenda matter posted for this time.

## EMS ABATEMENTS

A member of the EMS department explained that these amounts represent outstanding unpaid ambulance bills for each of the various years. He said that the National average for collection is 60 – 66 % while they had a collection rate of over 90%. Ms. Kitchen told the board that these were bills that were unpaid prior to Coastal taking over the billing. Mr. Cunningham asked if we were going to give them some of these bills (to collect them)? Ms. Kitchen said they already had and that these bills are considered to be uncollectible because they were so old. Mr. Hartnett said the bills should be done on a more current basis. It was also noted that quite a number of these bills are for people out of Groton and now some of these people are deceased. Mr. Chamberlin asked Ms. Kitchen if we get any support from the state for these bills. Ms. Kitchen replied, "Nothing". But she then added that if some property could be levied to try and collect these bills. Mr. Hartnett said there is a bylaw, which should permit the board to deny permits. Ms. Kitchen said some of these bills could yet be collected if the person who owes it is asked.

The Board then read to themselves the list of names on the list. Mr. Cunningham wanted to know of the bills from the most recent two years if there was any chance that we could still collect the amounts?

Ms. Kitchen told the board we could write the parties and we can still send these to collection agencies. If anything monies were then collected it would come into the Town coffers as Free Cash.

Mr. Chamberlin then asked if this list is public? Ms. Kitchen said no. A member of the audience then asked what the next step is? Ms. Kitchen answered that we could pursue them through collection agencies. Mr. Hartnett said, "Perhaps some action could be taken through the Treasurer/ Collector's office, but that they have some time to decide what the best method would be."

Mr. Cunningham then made a motion to "abate the following amounts for ambulance bills:

FY 1996	\$5,728.60
FY 1997	\$4,316.14
FY 1998	\$8,615.77
FY 1999	\$10,675.19
FY 2000	\$8,276.98
FY 2001	<u>\$3,184.38</u>
	\$40,617.06

Mr. Hartnett duly seconded the motion. Motion was unanimously approved.

Ms. Kitchen then asked the Board if they wanted to follow up with a collection agency? Mr. Chamberlin said he wanted all avenues to be pursued provided the action was reasonable. Ms. Kitchen suggested a form letter.

### **Lost Lake/Knopp's Pond Weed Management Advisory Committee**

Chairman Dann Chamberlin informed those present that the "Lost Lake/Knopps Pond Weed Management Advisory Committee requested this meeting in order to recommend that the Board of Selectmen file a Notice of Intent as soon as possible for an extended draw down to take place in the fall of 2003."

Dr. William Eger spoke to the Board and read from the letter the Committee had sent the Board.

Mr. Eger read the following excerpts from the letter:

"The Committee with the help of the Groton Lakes Association will assist in the actual preparation of the Notice of Intent.

The Committee considers the procedure urgent for the following reasons:

1. The previous attempts to carry out an extended draw down were interrupted by well failures; therefore the efficacy of a draw down remains unknown.
2. A draw down should occur promptly to capitalize on the gains achieved to eliminate Milfoil by chemical means in 2002.
3. Although total eradication of an alien species is next to impossible, the herbicide treatment results of 2002 were greater than expected. The Groton Lake Association plans to have a professional assessment done early in the spring of 2003, in order to determine whether or not spot treatment should be applied, consistent with the original plan and approved Order of Conditions.
4. Previous efforts in weed management were designed primarily to combat Milfoil. Another alien species, Cabomba (Fanwort), originally located near the Fisherman's Landing has spread. The Committee has reason to believe that a draw down would be effective against Cabomba because of its current known locations. However, just as it has spread from the original site to the northern cove of Lost Lake, it has or will spread further and will be an increasing menace. The alternatives to a draw down for Cabomba are less attractive. The chemical treatment for Cabomba is more costly than the chemical used for Milfoil; chemicals are an unpopular choice with all interested parties and would require further review regarding safety."

Dr. Eger also said that the committee has attempted a survey of the owners around the lake.

He reported that so far 71 responses had been received. Out of those 71 responses 7 people believed that the drawdown would affect their well. But Mr. Eger said that well failures are not directly related to a drawdown, and that a cause for a well failure can be hard to determine. He further stated that he wished the board to move on this matter, but stressed that this would not completely eliminate the Milfoil but they want to try this in order to determine if it can work.

Mr. Chamberlin questioned how opposition could be handled. Mr. Eger said the survey could pinpoint these owners and maybe some remedy could be put in place before a drawdown or they could be prepared to act if there is a problem. Mr. Eger said he has reviewed the past correspondence and he feels that we may not have the same problems or opposition that we did the last time.

Mr. Hartnett questioned Mr. Eger asking him if a new well might be needed to be dug for some owner(s)?

Mr. Eger replied, "Maybe". Mr. Hartnett asked what the cost would be? Mr. Eger said it would depend on each lot and its topography.

Mr. Cunningham said he applauds their efforts and said he thinks the drawdown is generally recognized as an effective treatment. Mr. Cunningham urged people to return the surveys. He also said that some of the wells could be marginal anyway. But maybe some programs currently available could be utilized to help these people.

Mr. Bob Lewis asked if the Water Department has tested any of the lands along the lake in places where they have suffered well failures. But he added that some (of these properties) have town water now.

He also prompted people to answer the survey. Mr. Cunningham asked how many surveys went out?

Ms. Kitchen replied, "200 plus".

The Board was also told that the well site on Tavern Road has been looked into but that 5 years is what you can expect to bring in a well and that is not quick. A comment was also offered to the Board that the DEM admits the tools are limited

and this is an on-going management issue. And that to treat the camboda is more costly than the milfoil problem. Milfoil has increased in certain areas in the pond. The Lake Association is of the opinion that the Valid Order of Conditions should allow them to go forward with the big drawdown.

Mr. Bruce Clements asked Mr. Eger about the impact on fish and wildlife? Mr. Eger said that, "Of course (there would be some) but it difficult to predict; its dependent upon temperatures during the drawdown. In the 1980s the professionals estimated very little actual damage (to wildlife) would be done."

Dr. Susan Horowitz answered that if the weeds are not controlled then the wildlife is dead anyway. The Weed Management Committee is also looking into spot herbicides.

Mr. Cunningham said he thinks we should file a Letter of Intent for a drawdown. Mr. Chamberlin again made a plea for the survey to be filled out. Ms. Kitchen told the Board that the office has additional forms and that the survey is available on-line (on the Town's website).

Next the Board returned to matters under Other Business.

The third item on the agenda under Other Business was the appointment of Valerie Jenkins to the Computer Committee. Mr. Cunningham made the motion, "I move to appoint Valerie Jenkins to the Computer Committee, term to expire June 30, 2003."

Thomas Hartnett seconded motion. Motion was unanimously approved.

The fourth item on the agenda under Other Business was the MRPC Affordable Housing Plan – Hiring MRPC to conduct a Housing Plan for the Town of Groton.

Mr. Cunningham explained as a part of an Executive Order communities are supposed to have a Master Housing Plan and that monies are available to hire professionals to do this. Mr. Cunningham said we now have a proposal by Montachusett to do the Housing portion. He further explained to the Board that the Housing Partnership had interviewed a couple others who are not currently available to do the job. He said Montachusett is available and can do the job and they have the expertise. The amount is \$20,300. And he said the Town must be on record by the end of the year.

Mr. Cunningham then made the following motion, "I move to hire Montachusett Regional Planning Commission to conduct a Housing Plan for the Town of Groton, not to exceed \$20,300, contingent on funding by ExecutiveOrder 418/Community Development Plan Program."

Mr. Hartnett seconded motion. Motion was unanimously approved.

The final matter under Other Business was to review/approve Minutes.

Ms. Kitchen informed that board that there no minutes to be reviewed this evening.

### **Administrative Officer's Report**

Ms. Kitchen told the Board that there is a working session planned with Town Boards in January concerning the "tear down". Mr. Chamberlin expressed that he had a problem with teardowns, i.e. the least affordable is what is torn down then you have people putting 2 lots together afterwards.

Mr. Cunningham wanted to announce on Friday, December 27<sup>th</sup> they completed closing on the Gibbet Hill property with the conservation restrictions now in place. He thought commendations were due to all parties involved and said, "this is a real upbeat note to end the year on."

Mr. Chamberlin said he wanted to echo those commendations and that the Webber family really deserves credit for stepping in and rescuing the property from development. He said Mr. Cunningham was too modest about his participation. He sincerely complimented Mr. Cunningham as a "hero" in this process. Mr. Hartnett firmly backed those comments also.

**Executive Session – Discipline against a Public Officer**

*Mr. Cunningham moved to go into executive session in accordance with MGL Chapter 39, Section 23B for the purpose of considering discipline against a public officer, employee, staff member, or individual and not to reconvene in open session. Mr. Hartnett seconded motion.*

*Roll call vote;*

*Dann Chamberlin – Yes  
Thomas Hartnett – Yes  
Peter Cunningham – Yes*

*Unanimous Voted.*

Mr. Cunningham then moved to adjourn at 8:29 p.m. Motion was seconded by Mr. Hartnett. Unanimously voted.

Approved: \_\_\_\_\_  
Thomas D. Hartnett, Clerk

\_\_\_\_\_  
Respectfully submitted,  
Kathryn Fisher  
Administrative Office Assistant

Date Approved: January 27, 2003