

**BOARD OF SELECTMEN  
AUGUST 11, 2003  
REGULAR SESSION MINUTES  
“APPROVED”**

Present: Thomas D. Hartnett, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball, Clerk; Peter S. Cunningham, Member; Virginia C. Wood, Member; Administrative Officer Jean E. Kitchen; and Kathleen Newell, Office Assistant.

The meeting was called to order at 7:05 p.m.

**Gift of Land – Throne Hill – Map 213, Block 3 – 5,663 square feet**

Attorney Christine Morrissey, Bruce Clements, Conservation Commission Member, and Michelle Collette, Planning Board Administrator were present for this portion of the meeting. Attorney Morrissey stated that she was representing L & S Builders who wished to gift a parcel of land located at Castle Drive and Throne Hill for conservation purposes and was seeking the Board of Selectmen’s approval. Mr. Clements stated that he had walked the parcel, it is a small wooded lot containing a stream, and his recommendation was that town custodianship would be best. Ms. Collette stated that the Planning Board had accepted the parcel as it provided a nice buffer. Ms. Wood asked if the deed had been reviewed and if not requested that it be done by Town Counsel.

*Mr. Cunningham moved pursuant to M.G.L. Ch. 40, Section 8C, to accept the gift of land know as Map 213, Parcel 3, Lot 0 approximately 5,663 square feet, assessed value of \$8,400.00 for Conservation purposes, contingent upon satisfactory review of the deed. Ms. Wood seconded. Unanimous.*

**West Groton Service Station Update – Tom Delaney**

Mr. Tom Delaney was present for this portion of the meeting to provide a status update on the property at 217 West Main Street (a.k.a) West Groton Service Station currently under sales agreement for use as a future Highway Department garage. Mr. Delaney stated that the seller was now aware that they needed to supply a complete RAO (Response Action Outcome) instead of the partial RAO. Mr. Dillon asked about the on-site tanks that were to be removed. Mr. Delaney stated that the tanks would be removed with the exception of tanks inside the building that would be used for storage of heating oil for the garage. Ms. Kitchen stated that there was an oil stain on the property, which Mr. Matt Robbins had reviewed. Ms. Wood asked if there were any grandfathered uses. Mr. Delaney stated that there were none and the permitting process would need to be followed for a non-conforming use from the Zoning Board of Appeals. Mr. Delaney further offered that was a condition on the Purchase and Sales agreement.

**Earth Removal Permit – Robert C. Black – 68 Burnt Meadow Road, Assessors Map 242, Parcel 9**

Mr. Bennett Black, Sr., Mr. Robert Black, Ms. Michelle Collette, Earth Removal Inspector were in attendance. Also in attendance were abutters and concerned citizens (see attached sign-in notice, names enclosed herein).

*Mr. Cunningham moved to open the hearing at 7:30 p.m. Ms. Wood seconded. Unanimous vote.*

Mr. Hartnett read the legal notices published in the Groton Herald on July 25, 2003 and August 1, 2003. Mr. Hartnett queried the audience for support to the applicant’s request.

Mr. Bennett Black addressed the Board requesting that Earth Removal permit be granted to his son, Mr. Robert C. Black. Mr. Black stated that there has been gravel continually removed from the pit since 1939 and that the operation has been grandfathered. He stated that he had forgotten that he needed to renew the permit because he believed that the grandfathering covered the renewal. Mr. Black stated that the operation provided all types of gravel to the town and local contractors. Mr. Black stated that there had been some concern over the slope on the site. He stated that he had been asked by a neighbor to leave the slope untouched as there were a pair of Kingfishers nesting in the bank, once the birds had left the nest the slope would be returned to the 30% grade. Many abutters spoke in favor of granting the Blacks’ permit, stating that they were good neighbors, good stewards of the land and conscious of safety measures to ensure the protection of neighborhood children. Mr. David Moulton spoke in favor of granting the permit, however he

had concerns over safety. Mr. Hartnett queried the audience for objections to the applicant's request. Attorney Paul Alphen, representing Deerhaven Homeowners Trust and Moulton Construction Corp. stated he had a procedural question, and then requested that letters from his office dated August 6, 2003 and August 11, 2003 be entered into the record. Mr. Hartnett stated the record would reflect his request.

Ms. Collette, Earth Removal Inspector submitted the Earth Removal Committee report and stated that in 1963 the Town adopted the first Earth Removal by-law. The grandfathering provision has continued and had special provision, which came from a floor amendment, which passed at the 1984 Town Meeting. Since 1984 Mr. Black and Mr. Elliott Blood's operations have been considered existing operations. Ms. Collette stated that the Committee recommends that the permit include conditions that the applicant shall stabilize all slopes at the end of the workday, and no stumps, brush or other wood waste shall be buried on site. Mr. Blood questioned if the slopes had to be returned to finish grade at the end of the day. Ms. Collette stated that they only needed to be stabilized. Mr. Hartnett asked Mr. Robert Black if he could meet the conditions by Thursday August 14, 2003 for inspection by Ms. Collette before she goes on vacation. Mr. Black affirmed.

*Mr. Cunningham moved to close the hearing at 8:00. Ms. Wood seconded. Unanimous vote.*

*Mr. Cunningham move approval of an Earth Removal Permit to Robert C. Black for Assessors Map 242, Parcel 9, Lot 0, also know as, 68 Burnt Meadow Road, for an earth removal operation to be conducted in full compliance with the Guidelines for Earth Removal Activities Under the Earth Removal By-Law Section IIIA (134-3B) - Existing Operations.*

- (1) Hours of operation: 7:00 AM to 5:00 PM on weekdays, as specified in the guidelines.*
- (2) That no area shall be excavated so as to allow the accumulation of freestanding water.*
- (3) That no final finished slope shall be greater than a gradient of 30°.*
- (4) That such earth-removal shall be governed by earth removal regulations as may be promulgated from time to time by the Board of Selectmen.*
- (5) The applicant shall stabilize all slopes at the end of the workday.*
- (6) No stumps, brush or other wood waste shall be buried on the site.*

*This permit will expire August 12, 2005. Ms. Wood seconded. Hartnett, yes; Dillon, yes; Cunningham, yes; Saball, yes; Wood, yes.*

### **Groton Dunstable Education Foundation – Kristen Stone and Lisa Dingle**

Ms. Kristen Stone and Ms. Lisa Dingle were present for this portion of the meeting.

Ms. Stone introduced Ms. Dingle and herself as co-presidents of the Groton Dunstable Education Foundation. Ms. Stone stated that they were a volunteer non-profit organization whose goal is to provide private funding for activities and projects that are outside the responsibility of the public schools' operating budgets. Ms. Stone explained that a non-biased group would through formal grant dispersal – separate from the school committee – make the distribution of monies. Ms. Wood asked how the grants would be divided between the schools, Ms. Stone stated that there was no division plan; all grants would be considered. Ms. Wood asked what the fundraising goal was for the first year. Ms. Stone stated that they were hoping for \$40,000 on a low side to \$60,000 on the high side. Ms. Stone stated that their first fundraiser would be an Antique Preview Party on October 10, 2003 and invitations would be forthcoming and the event information could be reviewed at the organization's website: [www.gdefinc.org](http://www.gdefinc.org). The Board commended them on their efforts.

### **Reserve Officer Appointment – Joseph Fortunato**

Chief Mulhern was present for this portion of the meeting.

*Mr. Cunningham moved to appoint Mr. Joseph M. Fortunato as Reserve part-time patrolman effective August 12, 2003, for the one-year term to expire June 30, 2004, with a one-year probationary period. Ms. Wood seconded. Unanimous vote.*

### **Dispatcher Appointment – Paul E. Martel**

Chief Mulhern was present for this portion of the meeting.

*Mr. Cunningham moved to appoint Mr. Paul E. Martel to the position of on-call part-time dispatcher effective August*

*12, 2003, for the one-year term to expire June 30, 2004, with a one-year probationary period. Ms. Wood seconded. Unanimous vote.*

### **Un-collectable Ambulance Bills FY96-FY00 and FY01-FY02**

Ms. Valerie Jenkins, Town Accountant, Mr. John Walsh, EMS Director and Ms. Susan Ragusa, EMS, were present for this portion of the meeting.

Ms. Jenkins stated that she was asking permission from the Board of Selectmen to write the un-collectable fees from the books. She explained that a previous Board had asked that the billing continue which it had, but the bills were very old and could not be considered an asset on the books. Ms. Jenkins explained that Coastal Billing Company had been commissioned to collect bills, however the old bills did not have insurance information from which to make collection possible. Mr. Dillon and Mr. Cunningham concurred that future procedures could include getting a copy of information from police reports for billing. Ms. Jenkins stated that with the new HIPPA regulations information could not be released unless a patient signs a form stating that specific information may be released. Ms. Ragusa stated she would contact Coastal Billing Company to see if that information was obtainable.

*Ms. Wood moved to authorize the Town Accountant to write-off \$52,852.20 on behalf of the Emergency Medical Services Ambulance bills for FY96 through FY2000, effective June 30, 2003. Mr. Cunningham seconded. Unanimous vote.*

*Ms. Wood moved to authorize the Town Accountant to write-off \$2,779.51 and \$10,538.29 on behalf of the Emergency Medical Services Ambulance bills for FY01 and FY02 respectively, effective June 30, 2003. Mr. Cunningham seconded. Unanimous vote.*

### **Lost Lake Drawdown Protocols**

The Board reviewed the draft protocols. Ms. Kitchen stated that there had been meetings with the Lost Lake group and had also received input from the Water Department and Fire Chief. She also referred to a notification received from the Department of Fisheries & Wildlife, which referenced possible endangered species. Mr. Dillon stated that the letter did not specifically state that there were endangered species, however an in depth survey would need to be done.

### **Road Closure – Willowdale Road 9/27/03 – Harvest Fair 8:00 a.m. – 4:00 p.m.**

*Ms. Wood moved to authorize the closure of Willowdale Street between Main and Hollis Streets from 8:00 a.m. to 4:00 p.m. for the purpose of holding the annual Harvest Fair on Saturday, September 27, 2003, traffic flow to be coordinated with the Police Department and Highway Surveyor. Mr. Cunningham seconded. Unanimous vote.*

### **Early Retirement Incentive**

Ms. Kitchen referenced the list of eligible employees in the BOS packet. Mr. Dillon asked what was the purpose of offering the Early Retirement Incentive. Ms. Kitchen stated that it was supposed to be a cost savings to the Town. Ms. Wood stated that the Board could look at the last retirement package and the benefits accrued to the Town.

### **Regular Session Minutes of July 28, 2003; Special Session July 30, 2003 & Executive Session July 28, 2003.**

*Mr. Cunningham moved to approve the Regular Session Minutes from July 28, 2003. Ms. Wood seconded. Unanimous vote.*

*Ms. Wood moved to approve the Special Session Minutes of July 30, 2003. Mr. Dillon seconded. 4 Ayes; 1 abstention (Mr. Cunningham)*

*Ms. Wood moved to approve and not release the Executive Session Minutes of July 28, 2003. Mr. Dillon seconded. 3 Ayes; 2 abstentions (Mr. Cunningham and Mr. Saball)*

### **Selectmen Liaison Updates**

Ms. Wood had attended the Planning Board meeting at which they discussed the goals and implementation of the master plan. The Planning Board's September meeting will cover the master plan and how to help departments achieve goals. Ms. Wood stated that the master plan should be looked at from a Board of Selectmen perspective. Ms. Wood also attended a GMAC meeting, at which they were working on a 5-year plan. She stated that Mr. Steve Weber

is also working on the plan through the Finance Committee.

Mr. Dillon stated that the dredging of Thompson Pond would be delayed until August 18 because one section is deeper than it was last year.

Mr. Saball that he had attended on behalf of the Board, the Town of Lunenburg's Anniversary celebration on August 1, at which he presented a proclamation, which was well received.

Mr. Hartnett, Mr. Dillon, and Ms. Kitchen had attended a meeting with MIIA regarding the 350<sup>th</sup> Anniversary. Mr. Hartnett stated that the town was well covered.

Ms. Kitchen informed the Board that there was a community forum on open space scheduled for August 28, 2003.

*Ms. Wood moved to adjourn at 9:00 p.m. Mr. Dillon seconded. Unanimous vote.*

Approved: \_\_\_\_\_  
John L. Saball, Clerk

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*Respectfully submitted,*  
Kathleen Newell, Office Assistant

Date Approved: August 25, 2003

Attachments (3)– Earth Removal Permit– Attendance Sheet  
Letter from Balas, Alphen & Santos, P.C., dated August 6, 2003  
Letter from Balas, Alphen & Santos, P.C., dated August 11, 2003