

**BOARD OF SELECTMEN
JANUARY 12, 2004
REGULAR SESSION MINUTES
“APPROVED”**

Present: 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.

Absent: Thomas D. Hartnett, Chair

The meeting was called to order at 7:02 p.m.

Road Opening Amendment Public Hearing

Mr. Tom Delaney, Mr. Tom Orcutt, Mr. Harlan Fitch and Ms. Michelle Collette were present for this portion of the meeting.

Mr. Cunningham moved to open the hearing at 7:03 p.m. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon read the legal notice published in the Groton Herald on January 2, 2004.

Mr. Delaney stated the fees would remain the same, however payment would be collected up front for road paving. Mr. Dillon stated comments had been solicited from other departments, Mr. Orcutt stated he was in agreement with Mr. Delaney, and Mr. Fitch had submitted suggestions from the Sewer Department. The Board reviewed Mr. Fitch's memo; specifically of concern were his request to add "sewer pipes and or sewer manholes" under the heading Regulations #15 and the road width Mr. Fitch suggested of forty (40) feet wide. Mr. Delaney stated the manhole covers were included under public utilities. Mr. Delaney further stated most streets are thirty-three (33) feet wide (two rods). Ms. Collette stated some of the roads, which are public roads that have been taken by the Town, are less than two rods i.e. Lost Lake roads. Ms. Kitchen stated there could be problems in the future if it is assumed that all roads are forty-foot wide. Ms. Collette stated the changes would make the road opening permits much clearer. Ms. Collette further stated it is critical to have a 100% performance bond up front in the event of any damage done. Ms. Collette stated the sub-division regulations give the Planning Board the opportunity to hold a bond for one full winter after construction to see how the road holds up. Ms. Collette suggested the Board give themselves the authority to hold the bond. Mr. Delaney stated if that were not already in the regulations, the regulations could be "fine-tuned".

Mr. Cunningham moved to close the hearing at 7:28 p.m. Seconded by Mr. Saball. Unanimous vote.

Mr. Cunningham moved to approve the Amendments to the Road Opening Regulations, Adopted April 7, 1997. Seconded by Mr. Saball. Unanimous vote.

Road Acceptance Regulations or Policy

Ms. Michelle Collette, Mr. Harlan Fitch and Mr. Tom Delaney were present for this portion of the meeting. Ms. Collette stated the \$2,000 bond amount required appears excessive and may be an impediment. Ms. Collette recommended an amount of \$500.00. The Board concurred it only needed one (1) 11"x17" plan to review; and four (4) as-built plans would be necessary. Mr. Delaney stated he would like to have the plan on a disc if available, instead of getting a 24"x36" plan. Ms. Wood suggested asking the computer administrator if it were possible.

Ms. Wood moved to accept the amendments to the Road Acceptance Policy as amended by Michelle Collette. Seconded by Mr. Cunningham. Unanimous vote.

Creation of Health Insurance Advisory Committee

Ms. Valerie Jenkins was present for this portion of the meeting.

Ms. Jenkins explained the phrase "true retiree"; if there were only one (1) retired member on the committee, the retired community will best be represented by someone who is participating in the plan. Ms. Kitchen stated all members are direct beneficiaries of the health care plan.

Mr. Cunningham moved to form the Health Care Advisory Committee with representation as follows (7) Employees: Police Union (1), Highway/Water Union (1), Dispatch Union (1), By-Law Employee (1), Town Accountant,

Administrative Officer, Employee-At-Large (1), and a True Retiree (1) for a total of eight (8) members. The Committee is charged with reviewing insurance coverage, changes, additions, deletions, cost shares, etc., and make appropriate recommendations to the Board of Selectmen and Finance Committee. Seconded by Ms. Wood. Unanimous vote.

Cell Tower Bid Discussion

Mr. Josh Webber of Gibbet Hill Tower LLC and Mr. Carey Diehl of Bay Communications, and Ms. Michelle Collette and Mr. George Barringer of the Planning Board were present for this portion of the meeting.

Mr. Dillon explained three bids had been received; each bid seems to be somewhat different. Mr. Dillon stated representatives of two of the bidders were present. Mr. Dillon asked each to comment. Mr. Webber stated he was actively recruiting tenants for the tower. Mr. Webber explained each carrier pays rent to the tower owner, Gibbet Hill Tower LLC is proposing until the tower reaches \$200,000 the town would receive \$20,000, once that threshold is reached the town would receive 30% of revenue. Mr. Diehl stated Bay Communications was offering \$1,800 per month, Bay Communications will not move forward until they have at least one carrier and they will market the tower when they have a lease agreement.

Mr. Dillon referenced the tower height requested by each applicant, Bay Communications – 190 feet; Nextel – 170 feet and Gibbet Hill Tower LLC – 150 feet. Mr. Diehl stated any tower over 200 feet requires FAA approval, furthermore the location is one and three quarter miles from Route 40, the 190 feet is required for co-location of carriers. Mr. Webber stated he had bid 150 feet because that is the amount he believed the Planning Board to allow, however he would prefer 170 feet.

Mr. Barringer stated the Zoning limits monopoles to 120-feet without a waiver, he stated it is unlikely a 190-foot tower would be allowed. Mr. Barringer stated the current Gibbet Hill Tower was allowed with a waiver because of co-location. Ms. Collette stated there are four towers, which are solely used by Sprint. Ms. Collette further explained the Planning Board has made a request that the poles have pushing flush-mounts. Mr. Webber stated Nextel will not do stealth (flush-mounts); the site becomes less attractive to carriers, as it diminishes coverage area; and it wouldn't be worth building at 120 feet because there would be no room for co-location.

Discussion ensued relative to varying tower heights, co-location requirements and the permitting

Ms. Wood moved to accept their offer to extend thirty days from the January 19, 2004 date, contingent upon agreement with Nextel. Seconded by Mr. Cunningham. Unanimous vote.

One-Day Wine & Malt Liquor License – Carol Bousquet

Mr. Cunningham move to approve a One-Day Wine & Malt Liquor License for Carol Bousquet on Sunday, January 18, 2004 from 2:00 p.m. to 6:00 p.m. at the First Parish Church, Main Street, Groton, Mass, contingent upon receipt of Certificate of Insurance listing the Town of Groton as additional insured and the license fee of \$40.00. Seconded by Ms. Wood. Unanimous vote.

Administrative Officer Update

Ms. Kitchen reviewed her AO Report stating there would be an Ethics Workshop held on Tuesday, January 20, 2004. Ms. Kitchen explained there had been some problems at Squannacook Hall because of frozen pipes, but the problem has been rectified. Ms. Kitchen stated that she, Mr. Dillon and Ms. Wood had met with Mass Highway in Boston regarding the Four Corners project and they hope to advertise in April and work could start in August.

Ms. Wood addressed Mr. Delaney regarding the Fleet/Citizen's Bank parking area. Ms. Wood asked Mr. Delaney if he was still up to doing the work if an agreement could be reached about a municipal parking area. Mr. Delaney stated he would. Ms. Wood asked Ms. Kitchen to write a letter on behalf of Mr. Delaney and Mr. Hartnett to Fleet and Citizen's Banks regarding combining municipal areas.

Mr. Cunningham moved enter into Executive Session in accordance with MGL Chapter 39, Section 23B for the purpose of discussing litigation and will not return to Open Session at 8:53 p.m. Seconded by Ms. Wood. Unanimous vote.

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Kathleen Newell, Office Assistant

Date Approved: February 2, 2004