

**BOARD OF SELECTMEN
FEBRUARY 9, 2004
REGULAR SESSION MINUTES
"APPROVED"**

Present: Thomas D. Hartnett, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball (arrived at 7:05 p.m.), Clerk; Peter S. Cunningham, Member; Virginia C. Wood (arrived at 8:30 p.m.), Member; Administrative Officer Jean E. Kitchen; and Kathleen Newell, Office Assistant.

The meeting was called to order at 7:01p.m.

Attorney Arthur Pearlman & Admin. Secretary to the Board of Selectmen Maria Casey RE: Alcohol Hearing - Transfer of License from Groton General Store to Groton Convenience

Attorney Arthur Pearlman, Ms. Maria Casey, Ms. Vimuben G. Patel and her husband, and Mr. Bruce Gagne of Groton General and Mr. James Gmenier representing Mr. Gagne were present for this portion of the meeting.

Mr. Cunningham moved to open the hearing at 7:01 p.m. Seconded by Mr. Dillon. Unanimous vote.

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|-------|----|---|--------------------------------|
| [X] | 1. | Hearing Opened at 7:01 P.M. | |
| [X] | 2. | Read Legal Notice
Published January 23, 2004 | |
| [X] | 3. | Verify receipt of the following documents – | |
| | | Form 43 (X) | Form 983 (X) |
| | | \$200 fee payable to state (X) | Articles of Organization (X) |
| | | Floor Plan (X) | 5 page application (X) |
| | | Vote of Corp. Board (X) | Form A (X) |
| | |) P & S (X) | Lease Info (X) |
| | | Financing Info. (X) | |
| [X] | 3. | Query audience for support either written or in person. | |
| [X] | 4. | Query audience for objection either written or in person. | |
| [X] | 5. | Hearing Closed at <u>7:15</u> P.M. | |

Ms. Casey reviewed the documentation of the application. Attorney Pearlman stated Ms. Patel has extensive experience and familiarity with the operations of a package store and MGL 138 and the Rules and Regulations of Alcohol Sales. Mr. Cunningham asked when the change of ownership would take place. Attorney Pearlman stated the date had not been scheduled, however if the Board approves the transfer tonight, probably within four to six weeks. Ms. Casey explained the Board's objective is to approve the transfer of the license and that the Alcoholic Beverage Control Commission (ABCC) approves the license. If and when the ABCC approves the license via the Form 43, Ms. Casey will provide the BOS with a license to be approved on a future agenda.

Mr. Cunningham moved to close the hearing at 7:15 p.m. Seconded by Mr. Dillon. Unanimous vote.

Mr. Cunningham moved to approve the transfer of the Package Store Wine & Malt Alcohol License (to be drunk off the premises) from Norman B. and Rena E. Gagne d/b/a Groton General Store to Vimuben G. Patel d/b/a Groton General Store located at 871 Boston Road contingent upon Groton Convenience filing a Doing Business As (DBA) with the Town Clerk and receipt of \$24.00 payable to Groton Herald for the Legal Notice as amended. Seconded by Mr. Dillon. Unanimous vote.

Road Acceptance Policy Amendment

Ms. Maria Casey was present for this portion of the meeting.

Ms. Casey explained the proposed amendment would have the applicant pay the fees for legal notices directly to the publisher. Ms. Casey stated the \$500 fee would remain the same, however the legal fees were separate from that cost. Mr. Hartnett referenced a memo from Ms. Collette stating the fee was too high. Ms. Kitchen stated there is a lot

of work involved in the process, requiring Town Counsel to draft the eminent domain takings and reviewing and writing necessary documentation. Ms. Casey stated she had asked for Ms. Collette's input on the amendment.

Mr. Cunningham moved to amend the Road Acceptance Policy adopted January 12, 2004. Seconded by Mr. Dillon. Unanimous vote.

Police Chief Mulhern RE: Level 3 Sex Offender Registry on Cable

Chief of Police Robert Mulhern was present for this portion of the meeting.

Chief Mulhern stated he wanted to bring the Board up to date on the Level 3 Sex Offender Registry. Chief Mulhern stated that Level 1 Offenders are required to register with the State via mail; Level 2 Offenders are considered more dangerous and more apt to repeat, they are required to register with their local police department; Level 3 are considered most dangerous and must register with the local police, providing their current home and work address. Chief Mulhern stated Groton currently has two (2) Level 2 Offenders living within its bounds. Chief Mulhern stated the State is registering all offenders however, the State is behind in registering and there is a potential for there being more Level 2 or Level 3 in the community. The Chief explained bordering communities that have Level 3 Offenders must notify Groton if there is potential for that individual to enter the town. The Chief stated he has not had to deal with a Level 3 Offender until now; there is a Level 3 Offender who resides in Westford, but spends a good portion of his time in Groton in the Throne Hill area. Chief Mulhern stated he is obligated and wants to provide the residents with all the information available. Chief Mulhern stated it is important for the citizens to realize they are not to take any action, which could be construed as harassment to the offender.

Mr. Cunningham moved to authorize the Police Department to post the Level 3 Sex Offender Registry to the Groton Public Access Channel Message Board and to the Town of Groton Website. Seconded by Mr. Saball. Unanimous vote.

GDAY RE: Presentation of GDAY's Accomplishments and Programs

Ms. Karen Riggert, Ms. Penny Hommeyer and Chief of Police Robert Mulhern were present for this portion of the meeting. Ms. Riggert reviewed a memo explaining GDAY's accomplishments and programs and requesting support and financial direction from the Board. Ms. Riggert asked if they should proceed to the Finance Committee. Mr. Hartnett explained the Finance Committee deals with Town budgets and the GDAY is an independent program, which is associated with the School but has no official connection with the School. Ms. Riggert stated GDAY is a community coalition, which was created to provide a community effort. Mr. Cunningham stated a lot of the work done by GDAY was consistent with the D.A.R.E programs. Chief Mulhern stated there is no longer any D.A.R.E. money; the D.A.R.E. was eliminated from the State budget. Chief Mulhern stated GDAY has run great programs in both the school and community. Chief Mulhern further stated they are doers and successful. Mr. Saball stated, "the organization is hitting the mark paying attention to the kids who are crying out for it." Mr. Saball recommended the Board strongly support GDAY if at all possible. Ms. Riggert stated they were not looking for a specific answer this evening; however, they were looking for the Board to make a decision if it wants to support GDAY. The Board thanked Ms. Riggert and Ms. Hommeyer for their presentation.

EMS Director John Walsh RE: ALS Agreement & MedStar Agreement

Mr. John Walsh was present for this portion of the meeting. Mr. Walsh stated MedStar was providing ALS service through Nashoba Hospital, he had received an agreement with which he was not happy and had forwarded the agreement to Kopelman & Paige, Town Counsel, who had rewritten it. Mr. Walsh stated area Fire Chiefs would be meeting to discuss ALS. Mr. Saball asked if Mr. Walsh had received a response from MedStar regarding the revised agreement from Kopelman & Paige. Mr. Walsh stated he had not sent the revised version to them. Ms. Kitchen requested he send a copy to MedStar and see how they react. The Board decided to table the discussion for two to three weeks.

Cost of Living Adjustment (COLA)

Mr. Cunningham stated the Board had received a memo from the Finance Committee which had voted to recommend a 3% COLA for FY05. Mr. Dillon stated he would be in favor of a 2.1% COLA for the by-law employees, which would be in line with Social Security and Military increases. Mr. Hartnett spoke in favor of the 3%, stating the Cost of Living Adjustment should be as close to the actual cost of living as possible. Mr. Saball spoke in favor of the 3%, stating the non-union employees should be treated fairly.

Mr. Cunningham moved to approve a three (3) percent Cost of Living Adjustment (COLA) for FY05 for the Personnel By-Law Employees. Seconded by Mr. Saball. 3 in favor, 1 opposed (Dillon).

BUDGET PRESENTATIONS

Water Department

Mr. Tom Orcutt and Ms. Valerie Jenkins were present for this portion of the meeting.

Mr. Orcutt reviewed the FY05 Budget (enclosed herein). Mr. Dillon inquired about a new vehicle listed and if they were going to buy a new vehicle this year. Ms. Kitchen stated the Water Department has four (4) vehicles, she asked if this additional vehicle was for the GIS person. Mr. Orcutt stated the vehicle was to replace an existing vehicle, which has 90,000 miles on it. Ms. Kitchen asked if Mr. Orcutt had considered paying mileage instead of purchasing a new vehicle. Mr. Orcutt stated he had not. Mr. Hartnett expressed concern regarding the vehicle purchase; he asked if Mr. Orcutt could get another year from the vehicle. Discussion ensued regarding GIS salary, water rates and fire protection. Ms. Jenkins stated the budget needs to be reworked with the Finance Committee.

Building Department

Mr. Mike Tusino was present for this portion of the meeting.

Mr. Tusino explained a part-time clerk left and he would like to take that amount in the budget and apply that money towards additional hours for the Assistant Inspector. Mr. Dillon stated by eliminating the clerk position, which is a Grade 3, Step 4 to pay the Assistant who is a Grade 6, Step 2 there will be less hours available. Mr. Tusino was asking to abolish the position and give his assistant those hours. Ms. Wood stated she thought it would be acceptable for the assistant to pick up some of those hours, however there needs to be a review of the position.

Town Clerk

Ms. Onorina Maloney was present for this portion of the meeting.

Ms. Maloney reviewed the budget (enclosed herein).

Council on Aging

Ms. Martha Campbell was present for this portion of the meeting.

Ms. Campbell reviewed the budget (enclosed herein).

Board of Assessors

Mr. Hugh McLaughlin and Mr. Edward Kopec were present for this portion of the meeting.

Mr. McLaughlin reviewed the budget stating the last revaluation was within 10% of value and there will likely be some moderate movement of valuation.

Nashoba Valley Technical High School

Mr. Kevin McKenzie was present for this portion of the meeting.

Mr. McKenzie reviewed the budget (enclosed herein).

Health Insurance Advisory Committee

Ms. Kitchen stated a memo had been sent to all employees. Ms. Kitchen stated the by-law employees asked either Ms. Jenkins or Ms. Kitchen relinquish voting privileges to allow for two representatives from the by-law employee population.

Mr. Cunningham moved to appoint the following to the Health Insurance Advisory Committee for an indefinite term as follows: Paul Connell as Police Union Representative, April Melvin as Dispatch Union Representative, George Bracket as Highway/Water Union Representative, Jack Balonis as Retiree Representative, Maria Casey as Personnel By-Law Representative, Kevin Kelly as Employee at Large (representative from GELD), Paula Martin as Personnel By-Law Employee, Valerie Jenkins, Town Account as voting member and Jean Kitchen as facilitator (non voting) to the committee . Seconded by Mr. Dillon. Unanimous vote.

Selectmen Liaison Updates

Mr. Dillon stated he and Ms. Kitchen had attended a meeting in Chelmsford regarding the NVTHS Budget. Mr. Dillon stated all towns are experiencing budget funding problems.

Mr. Cunningham referenced a letter received from the Library Trustees stating they were unable to assist financially with legal fees. Mr. Cunningham stated he was disappointed they were unable to find it within their auspices to help. Mr. Saball stated he had met with Fire and EMS regarding their budgets. Mr. Saball asked if another Selectman would join him at a meeting regarding the merger. Mr. Hartnett stated he would attend.

Mr. Hartnett stated there had been inquiries regarding the Recreation Department and some deficiencies regarding its budget. Mr. Hartnett stated there would be a meeting with the Director and others to work this out.

Mr. Hartnett asked if the Board should recommend a 3% increase for Highway Surveyor, Tom Delaney. Mr. Cunningham stated it was inequitable and unlikely that every elected official would stand up at Town Meeting and request an increase. Mr. Cunningham stated a previous Board had requested the Personnel Board to review wages and packages in comparable towns. Ms. Kitchen stated she would check with the Personnel Board.

Mr. Cunningham moved adjourn at 10:03 p.m. Seconded by Ms. Wood. Unanimous vote.

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Kathleen Newell, Office Assistant

Date Approved: March 22, 2004

Enclosure (s) (3): Budgets from Town Clerk, Council on Aging and Nashoba Valley Technical Regional High School