

**BOARD OF SELECTMEN
SEPTEMBER 20, 2004
REGULAR SESSION MINUTES
“APPROVED”**

Present: George F. Dillon, Jr., Chair; John L. Saball, Clerk; Virginia C. Wood, Member; Robert W. Nordblom, Member; Maria Casey, Administrative Secretary to the Board of Selectmen and Kathleen Newell, Office Assistant.

Absent: Peter S. Cunningham, Vice Chair

The Meeting opened at 6:55 p.m.

Carl and Carol Canner Presentation

Mr. Carl and Ms. Carol Canner were present for this portion of the meeting.

Mr. Dillon stated Mr. and Mrs. Canner had been the motivators in the newly dedicated Carol G. Wheeler Park in West Groton. Mr. Dillon stated there had been a very nice dedication ceremony on Labor Day weekend however Mr. and Mrs. Canner were unable to attend. Mr. Dillon read and presented a framed letter to the Cannons from the Board of Selectmen thanking them for their contribution.

Mr. Canner read a letter he had prepared stating he had conceived the idea of the pond dredging and a park in 1987. He stated it had taken a long time to see it come to life.

Plane Sense

Mr. Chris Forbes, Ms. Melanie Campbell and other members of Plane Sense were present for this portion of the meeting.

Mr. Forbes stated the members of Plane Sense had come before the Board of Selectmen a year ago and the Board had written a letter to Senator Kennedy. Mr. Forbes stated he had good news in that there was an impressionistic feeling that the noise levels have lessened. Mr. Forbes stated that some people have complained that there is still excessive noise and it is an on-going problem.

Ms. Campbell distributed data from the Federal Aviation Association which they had received in December. The data showed flight tracts and concentrated activity over the Groton area. Mr. Bruce Easom stated on the map there was an area showing no activity. Ms. Campbell stated the radar comes from Logan Airport and there are buildings in Boston which block the radar from that area. Mr. Easom stated that information should be stated on the map as it shows double the data for the area and was misleading.

Mr. Saball stated he had been the Board of Selectmen representative to Senator Kennedy's office. Mr. Saball stated he had grown up in Groton and was used to the air traffic from Fort Devens, however it seems that Groton has been targeted with excessive air traffic.

Mr. Forbes requested that the Board write another letter to Senator Kennedy asking the flight schools and acrobatic schools work to disperse the activity to other areas.

Ed McNierney - Trails Committee RE: Jenkins Road

Mr. Ed McNierney was present for this portion of the meeting. (letter from Trails Committee dated 9/16/04 enclosed herein).

Mr. McNierney stated Town Meeting had authorized \$10,000 for surveying and legal expenses and the Trails Committee was requesting monies for an opinion from Town Counsel. Mr. McNierney stated the Committee would like to resolve the issue of Jenkins Road and whether it is a public way or not. Mr. McNierney stated in 1885 the Town had discontinued Jenkins Road and there was no record of a town vote accepting any portion of Jenkins Road. Mr. McNierney stated in 1960 when the property was conveyed to Mr. Frederick it was a new subdivision and the language of the Sheridan deed was to convey land east of Jenkins Road. Mr. McNierney stated there was no evidence of an ANR (note 1-6 letter). Mr. McNierney stated the Trails Committee was seeking Town Counsel's opinion. Mr. Dillon stated that would impact the Jenkins Road as it is known today. Mr. McNierney stated that was a real concern as there is potential Chapter 40B activity and Partridgeberry Woods residents use the roadway as an access, but as far as is known Jenkins Road was discontinued.

Ms. Wood asked what the Trails Committee hoped to achieve from this action and what is the Town's benefit. Mr. McNierney stated as a start the Town Meeting vote had instructed the Committee to investigate; and for the Town's benefit to do what it can to protect both public and private rights. Mr. McNierney stated there was one-quarter of a mile of riverbank that the public has an interest in and thinks the issue should be resolved. Ms. Wood stated there was \$7,000 left in the account and asked if the answers could be obtained for that amount. Mr. McNierney stated Town Counsel could clear up the issues.

(**Mr. Saball recused himself and left the room at 7:38 p.m.)

Ms. Wood referenced the letter and asked if the Committee wanted Town Counsel to answer all the questions in order and asked how they could answer question 6 without a survey. Mr. Nordblom asked if there were some strategic value to the property. Mr.

McNierney stated that long term value would be the ability to cross Fitch's bridge.

Mr. Dillon asked for comments from the audience.

Mr. Al Frederick stated he was the property owner and felt that the questions had been answered but no one was listening. Mr. Frederick stated his attorneys had been dealing with this issue for a long time and did not feel that money should be spent on Town Counsel reviewing when the information was available.

Ms. Wood stated the issue has been around for a long time and she would like an opportunity to go back over the files and review. Ms. Wood stated the Trails Committee has stayed on top of the issue and she places a great deal of trust in their abilities. Mr. Dillon asked Ms. Wood what she would suggest. Ms. Wood asked what the original \$10,000 was voted for at the Town Meeting. Mr. McNierney stated survey and legal fees. Mr. McNierney suggested sending the questions with supporting information to Town Counsel to get their opinion. Mr. Easom stated Mr. Frederick had not allowed anyone on his land to conduct a survey. Mr. Dillon stated he would hate to have Town Counsel review information which had previously been reviewed and asked if it could be narrowed down. Ms. Wood suggested reviewing the files to see what legal opinions have been rendered. The Board concurred. (** Mr. Saball returned at 7:53 p.m.)

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Ann Nolette RE: Tax Possession Property - Valley Road

Ms. Ann Nolette was present for this portion of the meeting.

Mr. Dillon stated the Town owned property through tax possession and on which a portion of Ms. Nolette's home sits. Ms. Nolette stated she would like to purchase and clean the property. Ms. Wood read a memo from Treasurer/Tax Collector Christine Collins stating a valuation of the property plus legal cost totaling \$4,113.87. Mr. Dillon stated the Town could not just sell the property, there is a need for survey and the property is only of value to Ms. Nolette. Ms. Wood, referencing Ms. Collins letter, asked why the Board should negotiate a price. Mr. Dillon stated the Board did not need to negotiate and asked Ms. Nolette if she had discussed the price with Ms. Collins. Ms. Nolette stated she was aware of the property price and fees. Ms. Wood stated she was fine with \$4,000. Mr. Nordblom and Mr. Dillon concurred. Mr. Saball stated the projected fee and the \$4,000 did not match. Ms. Wood stated the attorneys would be informed not to exceed \$4,000. Mr. Saball concurred. Mr. Dillon stated the next step would be Special Town Meeting.

Bruce Dubey RE: Transfer Station Vacancy

Mr. Bruce Dubey was present for this portion of the meeting.

Ms. Wood moved to authorize Transfer Station Supervisor Bruce Dubey to fill the vacancy of Heavy Equipment Operator. Seconded by Mr. Nordblom. 4 in favor, 1 absent (Cunningham).

Dr. Bill Eger RE: Lost Lake/Knops Pond Weed Management Advisory Update and Combination of Lost Lake Committee with Great Pond Advisory Committee

Dr. Bill Eger was present for this portion of the meeting.

Dr. Eger invited the members of the Board to take a tour of the Lake with John Diezemann. Dr. Eger stated the Rapid Response had received a negative determination from the Conservation Commission and had received two (2) responses but the areas were too infested to hand pull. Dr. Eger updated the Board regarding the benthic guards and the on-going cabomba problem. Dr. Eger stated the draw-down had been halted due to an endangered shiner, however none had been found and hearings would continue next spring.

Dr. Eger requested the combination of the Lost Lake/Knops Pond Weed Management Advisory Committee and the Great Pond Advisory Committee to one committee now called Great Pond Management Advisory Committee. Ms. Wood asked if with the requested 17-member committee there would be problems getting a quorum, explaining specific tasks could be assigned to people without their being voting members. The Board and Dr. Eger determined 11 members would be appropriate. Ms. Wood stated if the Committee needed to it could request an increase in membership.

Ms. Wood moved to combine the two committees Lost Lake/Knops Weed Management Advisory Committee and the Great Pond Management Advisory Committee and name it the Great Pond Advisory Committee and combine the charges with a total membership of number of 11 members. Seconded by Mr. Nordblom. 4 in favor, 1 absent (Cunningham).

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Town Clerk - Onorina Maloney RE: Polling Locations

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

Ms. Maloney updated the Board regarding voting Precincts 2 & 3 would be returning to 346 Main Street (Groton Dunstable Middle School) as its polling location and Precinct 1 would remain at the Senior Center. Ms. Maloney wished to invite anyone who was not a registered voter to register before October 13, 2004 to be eligible in the November 2nd election. Ms. Maloney stated there will
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be a special voter registration on October 15, 2004, which is required for the Special Town Meeting to be held on October 25 , 2004, however voters would be ineligible to vote in the November 2nd election.

Ms. Maloney also stated the Help America Vote Act (HAVA) requires new voters and inactive voters to provide identification.

Ms. Casey asked if the voter information would be available on the Town website. Ms. Maloney confirmed it was available.

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OTHER BUSINESS:

Appointment - Lost Lake/Knops Pond Weed Management Advisory Committee - Bruce Clements

Ms. Wood moved to appoint Bruce Clements to the Great Pond Advisory Committee as the Conservation Commission Representative to fill the un-expired one-year term to expire June 30, 2005. Seconded by Nordblom. 4 infavor, 1 absent (Cunningham).

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Seven Hills Extended Care - Request to Amend Earth Removal Permit

Ms. Wood referenced a memo from the Water Superintendent Tom Orcutt dated 9/20/04 and stated the Water Department needed to coordinate with Seven Hills Extended Care regarding street closures due to construction in the area.

Ms. Wood moved to amend the Certificate of Exemption to the Earth Removal By-Law, Chapter 134, Section 10, for Edward Doucette of Seven Hills Extended Care, granted August 23, 2004 to hours material taken off site to 8:00 a.m. to 4:00 p.m. to coincide with the operation hours, contingent upon agreement with Seven Hills Extended Care and the Water Department. Seconded by Mr. Saball. 4 in favor, 1 absent (Cunningham).

Mill Run - Attorney Bob Collins

Attorney Bob Collins accompanied by Planning Board Members Josh Degen and Ana Eliot entered the meeting room. Attorney Collins stated he had been meeting with the Planning Board regarding the endorsement of the plan for the Mill Run Street Realignment. Attorney Collins explained the Planning Board had made a motion contingent upon the Board of Selectmen not allowing work until such a plan addressing areas of concern was submitted for the Planning Board's review. Mr. Degen and Ms. Eliot emphasized no work would be done until said plan has been submitted and reviewed by the Planning Board.

** Ms. Wood left the meeting at 8:32 p.m.

Attorney Collins stated the Planning Board would endorse the plan and the plan would be recorded the following day. Mr. Dillon stated the Applicant had stated he was ready to begin construction. Attorney Collins stated the recording should not be a lengthy process and construction should begin in October. Mr. Nordblom asked if the endorsement was the last component. Mr. Dillon stated if the plan was not recorded tomorrow, the whole matter would have to go back to Town Meeting.

Mr. Pierre Comtois a reporter for the Groton Landmark asked if this were a legal action as it had not been posted on the agenda. Ms. Casey stated the Board of Selectmen has the right to add or delete from any agenda.

Mr. Saball stating the plan has been reviewed and asked in reference to the timing if there is a chance that the this may not be approved and how would that affect the Town Meeting vote.

Mr. Dillon moved Ryan Development LLC or any of its agents to not begin construction of the realignment of Mill Street until the Planning Board approves a modification plan for site plan review for Mill Run Plaza to include utilities, drainage and signalization infrastructure for the realigned portion of Mill Street, with agreement by Planning Board Members Josh Degen and Ana Eliot. Seconded by Mr. Saball. 3 in favor, 2 absent (Wood and Cunningham).

Ms. Casey asked for the Mylar of the endorsed plan. Mr. Collins returned with the Mylar copy.

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MINUTES

Mr. Dillon asked the acceptance of the Regular Session Minutes of August 23, 2004 be tabled until Mr. Cunningham was present.

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SELECTMEN LIAISON REPORT

Mr. Dillon expressed condolences to the family of Barbara Whitehall.

Mr. Dillon stated nest week there would be a review of the Special Town Meeting warrant articles and a representative from the School Committee to review the surplus.

Mr. Saball stated he had attended Grotonfest, which had been held on Sunday due to inclement weather and wished to commend the Committee for all its hard work and providing excellent event for the townspeople.

Mr. Nordblom moved to adjourn at 8:50 p.m. Seconded by Mr. Saball. 3 in favor, 2 absent (Cunningham and Wood).

Approved: _____
John L. Saball, Clerk

Respectfully submitted,
Kathleen Newell
Office Assistant

Attachment (1): Letter from Groton Trails Committee, dated September 16, 2004

Date Approved: November 15, 2004