

**BOARD OF SELECTMEN  
NOVEMBER 15, 2004  
REGULAR SESSION MINUTES  
“APPROVED”**

The meeting began at 7:03 P.M.

**Present:** George F. Dillon, Jr., Chair; John L. Saball, Clerk; \*\*Virginia C. Wood, Member; Robert W. Nordblom, Member; Administrative Officer Jean E. Kitchen and Maria Casey, Administrative Secretary to the Board of Selectmen

**Absent:** Peter S. Cunningham, Vice Chair

**Alcohol Public Hearing (Alteration of Premises) – Gibbet Hill LLC, 61A and 61B Lowell Road**

The Board of Selectmen (BOS) held the Public Hearing and the Public Hearing Checklist is attached herein.

**Regular Session Minutes of September 20, 2004, September 27, 2004, October 4, 2004**

*Mr. Saball moved to approve the Regular Session Minutes of September 20, 2004. Seconded by Mr. Nordblom. Unanimous vote.*

*Mr. Saball moved to approve the Regular Session Minutes of September 27, 2004. Seconded by Ms. Wood. Unanimous vote.*

*Mr. Saball moved to approve the Regular Session Minutes of October 4, 2004 as amended. Seconded by Mr. Nordblom. Unanimous vote.*

**Board of Assessors RE: Tax Classification Public Hearing for FY05**

The BOS held the Public Hearing and the Public Hearing Checklist is attached herein.

Board of Assessors (BOA) Eddie Kopec, Sylvia Sangiolo and Hugh McLaughlin and Assistant Assessor Rena Swezey were in attendance for this portion of the meeting.

Hugh McLaughlin stated that there is still potential of additional commercial however the Town is still in the situation where residential represents 95.3% of our tax base; and that there would be a nominal revenue by a split rate which would not impact the tax base substantially but that would create a strong signal to commercial base that they are not welcome in Town. He recommended look at zoning and development first and then look at split rate.

Rena Swezey stated that the Department of Revenue has not yet certified the numbers so that we cannot close the hearing.

Sylvia Sangiolo stated that some zoning laws need to be considered to rezone some areas to strictly commercial to guarantee a steady commercial growth and that spot zoning is not effective and is subject to neighborhood veto and added further that any of the 40B projects have a very low return and yet burden our system. Another point she made was that with the CPA going into effect, the land value associated goes to zero.

Hugh stated that there's still some difficulty finding a group to take on zoning type strategy. The BOA met with the BOS and Planning Board however the BOS should be advocating a designated group taking the lead on this. He further stated that the State has been quite responsive in closing loopholes in new property that comes into existence and that the BOA now have a number of statutes that allow them to go out immediately and return the new property on the tax base and accrue tax revenue for it.

**Treasurer Christine Collins and Town Accountant Valerie Jenkins RE: Quarterly Financial Update**

The BOS met with the Treasurer and Town Accountant. The Treasurer and Town Accountant gave their quarterly reports (both attached herein) and reviewed the reports with the Board of Selectmen.

Ms. Wood asked Capital Planning Member Steve Webber if the Town had any big projects on the horizon? Steve replied that perhaps a senior center expansion, which may be funded by another source versus the town and new Center Fire Station.

Christine Collins stated that in the year 2011 a lot of debt will be paid off.

Val Jenkins stated that with these quarterly reports, the BOS is looking at it is on a periodic basis. She gave a comparison of budgeted appropriation versus actuals and stated that for the first quarter it would stand to reason that 25% of the appropriation has been spent; however that may not be the case. Conversely however by the 3<sup>rd</sup> quarter, should she see 98% spent, questions would be raised by her and should be by the BOS.

Val Jenkins made the following points regarding her report summarized below:

- Revenue is a little more difficult to determine. For the FY05 budget, which is \$27.4 million, only 5% comes from department revenues. Val added further that the revenue is one area that the Town does not have as much control over.
- Continue to review grants, gifts and trusts where “money tends to lie around” and review encumbered expenses such as the Landfill Capping which we did this past Special Town Meeting.
- Set aside additional money for unexpected expenses. \$75,000 does not even begin to help deal with such issues as health insurance increases, the assessment early retirees and especially accumulated sick and vacation time when an employee leaves.
- Regarding the early retirement assessment, she needs help from an actuary and would like to start now but that it is going to be required in the next 5 to 10 years and that the next step would be to start funding for these things at this time.

Mr. Dillon inquired if the school assessment for both Groton-Dunstable and Nashoba Tech were paid quarterly. Christine Collins replied yes. Mr. Dillon also inquired about the hydrants fees. Christine replied for Groton Water, it's quarterly; for West Groton Water, it's semi-annual.

### **Personnel Board RE: Personnel Manager**

In attendance for this portion of the meeting were Patty Modzelewski, Pam Keith and Joan Hutchinson of the Personnel Board (PB). The BOS reviewed the Personnel Manager Job Description with the PB. Town Accountant Valerie Jenkins and Town Administrator Jean Kitchen reviewed the drafted job description and there was consensus. Joan Hutchinson stated that as the Town has grown more and more, this part-time position has become critical to the Town with ever increasing issues that need to be addressed. She stated that an Administrator position, which was also considered, is merely clerical and does transactions. The Manager position can do more functions and would benefit the Town of Groton greatly.

Ms. Wood inquired why the Supervision was “works under the general direction of the Board of Selectmen” versus the Town Administrator (TA)? She stated that her preference would be the Town Administrator which would opt to get the politics out of this position. Ms. Wood further added that working under the direction of the Town Administrator would also reach the long-term goal working toward a Town Manager form of government, but stated that she was open to what the PB had to say. She also inquired under Supervision why this position would function independently specifically with regard to direct access to Town Counsel. She stated that she's wary of giving any Department Head access to Town Counsel that does not coincide with our policy that all requests for Town Counsel go through Jean (the Town Administrator).

Joan replied that regarding BOS versus TA, this would be more like Jean's position that answers to the Board of Selectmen and regarding access to Town Counsel that that was a “very general statement” and that the PB is aware of the well-established policy in the Town regarding use of Town Counsel.

Patty Modzelewski stated that she felt this position needs to have autonomy and that she did not see this as a politicized position regarding the Personnel Manager reporting to the BOS and added further that this position needs the authority to work the other department heads as well. She stated that the Town needs to hire “the right person” for this job and that who they report to is moot. “We are dealing with all professionals here.”

Ms. Wood responded that the BOS are the general policy setters not the day-to-day supervisors and that the BOS should not get more involved with personnel or the day-to-day operations.

Joan Hutchinson added that the manager is a professional who has specific duties and would be acting for the employees and a consultant to the Department Heads.

Ms. Kitchen inquired how the PB sees the interaction between PB and this position?

Joan replied that this position has not been fully staffed and as a result, the PB has been doing a lot of the work that they should not be doing. They are an advisory board who should also be setting policy. She views this position will facilitate speedier and better decision-making. She added further that this position will be critical to the checks and balances for the PB. The implementation of this position would be Town Meeting Vote. She feels that the public would understand the necessity of this position. It was stated that the PB should hold a presentation to the Finance Committee as part of the budget process and make a presentation for the public. Ms. Kitchen added that the PB should also make a presentation to the employees. Joan also wanted the BOS to give consideration now to where this person will “reside” and that it should not be the Selectmen's office that they need a place to sit by themselves due to the confidentiality of this position.

Ms. Wood inquired about Joan's statement regarding “an advocate to the Town Employees” implying that they (employees) are already underdogs. Mr. Dillon added that this position should be one “that which is fair for the employees **and** the Town.”

*Ms. Saball moved to approve the Personnel Manager Job Description per the recommendation of the Personnel Board. Seconded by Mr. Nordblom. Ms. Wood reiterated that the PB should have some latitude to change the reporting structure and that she feels strongly that this position must not report to the Board of Selectmen. Three in favor (Dillon, Saball, Nordblom) and one abstention (Wood).*

**\*\*Ms. Wood left the meeting at 8:30 P.M.**

### **Board of Health RE: Flu Shots**

Mr. Ben Cutone of Nashoba Associated Boards of Health was in attendance for this portion of the meeting. He stated that the Department of Public Health received 100% disbursement of their portion of flu vaccines and that the private health care providers received their regular 50% disbursement portion as well. He stated that the shortage percentage of 40 – 45% represents the vaccines that they go out and purchase and were unable to this year. This resulted in the Mass. Dept. of Public Health coming up with a plan to administer the flu vaccines that the Nursing Division would go out to nursing homes, long-care facilities and administer them on site. These clinics were not made public due to the security of the health care workers. Any remaining vaccines would be distributed among the member towns; however Ben was unable to answer how the member town distribution areas were designated. The Nursing Division was to take names on a first-come, first-served basis with the eligibility for the most highly risked. For instance, the age requirement used to be over 65; this year is over 75 as dictated by the Centers for Disease Control (CDC). Another previous requirement was a chronic medical condition; this year it is for anyone who requires continuous therapy for that condition.

On a more positive note, Ben stated that the CDC is reporting a lower than average flu season thus far – 1.2% versus 2.5%. He added that people should contact Nashoba Board of Health at (978) 772-3337 or can contact him directly at (978) 772-3335.

### **Administrative Officer Report**

Ms. Kitchen stated that the office has had the computers updated and has been experiencing computer glitches and as a result the Agenda was not posted to the website as is our customary practice.

### **Selectmen Liaison Update**

Mr. Dillon stated that the BOS met last week with the Finance Committee on Tuesday evening versus the regular BOS meeting on Monday regarding the budget process and then met this AM with the Finance Committee and Department Heads to distribute the budget packets.

Mr. Dillon also noted that most of the BOS attended the Chamber of Commerce Awards ceremony last Wednesday where Groton Residents Steve Webber and Edie Tompkins were recipients of awards. He congratulates them and stated that they were well-deserved.

Mr. Dillon noted that there will not be a BOS meeting next Monday, 11/22 in the evening as they will continue and close the tax rate public hearing at 8:00 a.m.

Mr. Saball read a letter from Chris Phillips commending Groton EMS, specifically Susan and Tony, for their outstanding work during an incident. He further added that we all appreciate these professionals, and this is a fine example.

Mr. Dillon stated that there are still vacancies on the following committees:

Two Finance Committee

Two Personnel Board

Two Recreation Commission

Two Members-At-Large Community Preservation Committee and an opening on the School Committee created by the resignation of Jeanne Niemoller which the BOS will hold a joint meeting with the Groton members of the School Committee to select an interim to serve until the next general election.

### **Regular Session Minutes October 25, 2004 and November 1, 2004**

*Mr. Saball moved to approve the minutes of October 25, 2004. Seconded by Mr. Nordblom. 3 Ayes (Dillon, Saball, Nordblom).*

*Mr. Saball moved to approve the minutes of November 1, 2004. Seconded by Mr. Nordblom. 3 Ayes (Dillon, Saball, Nordblom).*

### **Review/Approve Work Session Minutes of September 8, 2004 and October 27, 2004**

*Mr. Saball moved to approve the minutes of September 8, 2004. Seconded by Mr. Nordblom. 3 Ayes (Dillon, Saball, Nordblom).*

The Board tabled the minutes of October 27, 2004 until the next regularly scheduled meeting.

**Review/Approve Executive Session Minutes of November 1, 2004**

*Mr. Saball moved to approve and not release the minutes of November 1, 2004. Seconded by Mr. Nordblom. 3 Ayes (Dillon, Saball, Nordblom).*

**Executive Session – Real Property**

*Mr. Saball moved to enter into Executive Session in accordance with MGL Chapter 39, Section 23B for the purpose of considering purchase, exchange, lease or value of real property and not reconvene into Open Session. Seconded by Mr. Nordblom. Roll call vote: Dillon-yes; Saball-yes; Nordblom-yes.*

The meeting adjourned at 9:00 P.M.

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

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*Respectfully submitted,*  
Maria Casey,  
Administrative Secretary to the  
Board of Selectmen

Date Approved: January 10, 2005

- Attachment (4)
- Alteration of Premises Hearing Checklist
- Tax Class Hearing Checklist
- Treasurer's Quarterly Report
- Town Accountant's Quarterly Report