

**BOARD OF SELECTMEN  
NOVEMBER 29, 2004  
REGULAR SESSION MINUTES  
“APPROVED”**

The meeting began at 7:02 P.M.

Present: George F. Dillon, Jr., Chair; Peter S. Cunningham, Vice Chair; John L. Saball, Clerk; Virginia C. Wood, Member; Robert W. Nordblom, Member; Administrative Officer Jean E. Kitchen and Administrative Assistant Maria Casey.

**School Committee Appointment**

The Board of Selectmen (BOS) met with the Groton members of the Groton-Dunstable School Committee regarding filling the vacancy created by Jeanne Niemoller's resignation. Present for the School Committee were Chuck McKinney, Patty Murray, Judy Converse and Karen Lofgren. Also present was Chairman Alan Vervaeke of Dunstable. There was only one candidate letter submitted for the vacancy which was published in the November 19, 2004, Groton Herald, as per school policy. Mr. Dillon read Ms. Barrett's letter of interest (copy enclosed) for the record. Ms. Barrett was interviewed by the Board Members and a few citizens. In summary, Ms. Barrett felt that the drug and alcohol policy currently under review by the School Committee is one of the more important issues facing the community and additionally hopes to improve communication to the parents in order to answer more of their general questions. *Mr. Cunningham moved to appoint Cindy Barrett to the Groton-Dunstable Regional School Committee until the Annual Town Election, 2005 to fill Jeanne Niemoller's vacancy. Seconded by Mr. Saball. Roll call vote: Dillon – yes; Cunningham – yes; Saball – yes; Wood – yes; Nordblom – yes; Chuck McKinney – yes; Judy Converse – yes; Patty Murray – yes; Karen Lofgren – yes.*

**Appointment of Police Officer Keith Weidlich**

Chief Mulhern was present for this portion of the meeting and explained to the BOS that Keith Weidlich (KW) was unable to be present as he is in the process of relocating to this area and had been back and forth from Delaware at least four times thus far while reviewing. The Chief continued that upon appointment and relocation to this area, he would bring Officer Weidlich to the next available meeting for introduction. The Chief stated that he's requesting the appointment of Keith Weidlich as he was the top candidate during the interview process and was the selection of all department members that participated in the process. KW had completed the requirements for a waiver from the Mass. Criminal Justice Training Council. KW has been a member of the Wilmington, Delaware, Police Department since 1998 serving in patrol for almost five years and is currently assigned to the criminal investigation unit as a Detective. KW is trained as a crime scene investigator and primary responsibilities are collection and preservation of evidence. KW has a BA in Criminal Justice from the University of Delaware. *Mr. Cunningham moved to appoint Keith Weidlich as Patrol Officer effective December 1, 2004, with a one-year probationary period contingent upon successful completion of the psychological exam. Seconded by Mr. Saball. Unanimous vote.*

**Police Department Website**

Police Chief Mulhern gave a presentation on Groton Police Department's website.

**Public Hearing with Board of Health RE: Cost Increase to Transfer Stickers and Trash Bags**

The Board of Selectmen held a public hearing (checklist enclosed herein) with the Board of Health – Susan Horowitz and Bob Hanninan present. Transfer Station Bruce Dubey was also in attendance, as well as Recycling Committee members Tessa David, Mike Brady and Michelle Lerner.

Ms. David stated that the Town will need to award a new contract for waste disposal. A Request for Proposal was drafted in concert with the Towns of Littleton and Ayer in hopes of all Towns realizing a savings due to regionalization. Based on the criteria, one vendor was selected. It was noted that the cost is increasing 30% but that Groton has had a contract of 20 years in duration that will expire July 1, 2005. This increase precipitated the sticker and trash bag fee increases. Tessa gave a presentation (blue sheet enclosed herein).

Ms. Wood thanked the recycling committee for all their work relative to the contract and recycling initiatives.

Mr. Ed Kopec noted for the record that he's been disappointed with the Transfer Station. All of the bags should be orange, which was instituted two years ago, and he still sees the black/green trash bags. He feels strongly, especially for the seniors who are purchasing the orange Town bags, that the committee needs to rectify this as soon as possible. He feels if the fees increase, the Transfer Station will see more black/green bags.

Mr. Cunningham noted that raising the fees had nothing to do with Pay As You Throw (PAYT) but that Mr. Kopec's concern was more a question of enforcement. Michelle Collette noted that the quality of the orange bags is poor.

Dr. Horowitz noted that if people are unhappy with the quality, the committee can address this prior to placing the next large order.

Bruce Dubey responded that some of the black/green bags are coming from the playing fields in town as the orange bags don't hold the volume. He added further that some residents use the black/green bags for strength and then place them in orange bags for disposal.

Mike Brady noted that they have met with Don Black of the Parks Commission and Tom Delaney regarding organization's trash and stated that those organizations should be responsible for their own disposal. It was also noted that Mike Brady wrote the grant for the Recycling Committee.

Dr. Horowitz also thanked the committee for the tremendous job that they did and continue to do.

### **Landfill Monitoring Services Agreement**

*Mr. Cunningham moved to execute the Agreement between the Town of Groton and LFR, Inc. for landfill monitoring services dated October 1, 2004 to November 1, 2005 as approved to form by Town Counsel. Seconded by Mr. Saball. Unanimous vote.*

### **Harmonious Development RE: PGI Realty, Inc., 318 Main Street**

Mr. Paul Palmer of PGI Realty, Inc. gave the presentation to the BOS. He presented his plan entitled "Groton Exchange by Landry Architects, A-1 through A-3" (copy enclosed herein). Mr. Palmer noted the following:

- ✓ Several modifications to the original plan have been made to fit the residential area.
- ✓ The second floor was removed and the kept the colonial look on the outside with a brick facade.
- ✓ Changes were made to the front end entrance dormers and the Champney Side has shutters with clapboard gables; there are granite sills; the brick on the bottom appears like windows which is also the same face as bank side with two articulated windows.
- ✓ Site has 283 plants that will be part of landscaping when site up and ready for operation.

Mr. Dillon noted that the open area has increased substantially.

Mr. Cunningham inquired if this is a "rebuilding". Mr. Palmer stated that the building is being pushed back on the site, smaller building from original footprint and added further that if you look at the flow on traffic, there's a defined means of egress and likewise the canopy and dispensers have been moved back for traffic and safety.

Mr. Saball inquired if there are any outstanding issues from the public or abutters. Mr. Palmer replied none that he was aware of. He stated that he had numerous meetings with everyone and there were concerns to keeping the gas station such as the size of the complex, which has been downsized.

Ms. Wood inquired about the sidewalks noting that she realized they had nothing to do with harmonious development. Mr. Palmer stated that the sidewalks are much improved; they are fully defined now; to be constructed with cement and fits in with the curb cuts which have been approved by Mass Highway.

Planning Administrator Michelle Collette added that the Planning Board was actively involved with the pedestrian issues and directly reviewed the plan during Site Plan Review.

Mr. Dillon added a sidebar comment regarding the Harmonious Development Bylaw stating that the bylaw is rather subjective at best and that the Board plans to review the process in order to make recommendations much earlier in the process. It is not the BOS's intent to have the applicants go back and forth between the various boards for approval but rather have them apply concurrently with the various departments which would make better sense.

### **Mill Street Performance Amendment**

Michelle Collette was in attendance for this portion of the meeting. She stated that the Performance Bond that the Planning Board currently holds in the amount of \$126,497 was the amount recommended by Judith Nitsch Engineering, Inc. for the road relocation. The Planning Board was concerned with related improvements to the drainage system which will support both Mill Run Plaza (commercial) and Groton Residential Gardens (40B project). On October 18<sup>th</sup> the applicant came for a modification of the Site Plan for the drainage and it was noted that the drainage was not included. Michelle will not sign off on the building permits without this

amendment to include the drainage as part of the performance bond. Highway Surveyor Tom Delaney has signed off on the road work which is complete and satisfactory and the Planning Board will continue to hold the bond until next September.

*Mr. Cunningham moved that the Board of Selectmen propose to Ryan Development that the Performance Bond for the Mill Street Relocation in the amount of \$126,497.79 be amended to include the drainage work as referenced by the JNEI letter dated November 29, 2004 under the terms to cover the detention, retention and improvements necessary. Seconded by Mr. Nordblom. Unanimous vote.*

#### Vacancies

Mr. Dillon stated that there are current openings on some committees – Finance Committee, Recreation Commission, Zoning Board of Appeals, Personnel Board and two members-at-large for the Community Preservation Committee.

#### Assistant Assessor Rena Swezey RE: Tax Classification

*Mr. Cunningham moved to amend the motion of November 22, 2004 that the single level of classification for FY05 as recommended by the Board of Assessors be \$13.84 “as dated today, November 29, 2004.” Seconded by Mr. Saball. Unanimous vote.*

#### Zoning Board of Appeals Appointment

*Mr. Cunningham moved to appoint Meghan Mahony-Wickham to the Zoning Board of Appeals as an Associate to fill the vacancy for the one-year term to expire June 30, 2005.*

#### Gibbet Hill Request of Alcohol License Fee Prorating

Ms. Wood recused herself from this portion of the meeting so as not to appear to have a conflict of interest. She is an owner of a restaurant in a neighboring town. Ms. Casey reported to the Board that upon their request she surveyed area towns regarding prorating liquor license fee policy. She found that Westford and Ayer do not prorate licenses; Pepperell just approved their first liquor license so there is no history; Shirley does prorate a Transfer License; however do not prorate new licenses; Littleton only prorates new license fees only; Dunstable is a dry town; and neither Townsend nor Tyngsborough responded. The BOS decided that new liquor licenses, upon request, may be prorated using a quarterly formula. *Mr. Cunningham moved to approve the prorating of Gibbet Hill Grill LLC Alcohol License Fee for a total amount due \$2,000 for the 2004 calendar year. Seconded by Mr. Saball. 4 Ayes (Dillon, Cunningham, Saball, Nordblom); 1 Abstention (Wood).*

#### Review/Adopt Board of Selectmen Policies and Procedures

The BOS tabled reviewing and adopting the Policies and Procedures until December 6, 2004.

#### Administrative Officer Report

Enclosed herein. Also Ms. Kitchen stated that there will be a Town Holiday Party on Thursday, at 6:00 P.M., December 16<sup>th</sup>, \$34 a piece and that more information will be forthcoming if anyone is interested in attending.

#### Selectmen Liaison Updates

Mr. Dillon complimented the 350<sup>th</sup> Committee for the Tree Lighting Ceremony and presentation of the magnificent quilt to the Town by the Groton Woman’s Club. Mr. Cunningham agreed and stated that it was impressive and thanked the Committee for a job well done. Ms. Wood sent her apologies to the committee stating that she was sorry she missed it as she fell asleep.

#### Executive Session Minutes Release

*Mr. Cunningham moved to release the Executive Sessions Minutes of October 13, 1998; October 22, 1998; October 27, 1998; November 2, 1998; January 11, 1999 and April 12, 1999. Seconded by Mr. Saball. Unanimous vote.*

#### Minutes

The BOS tabled approving the minutes of November 15, 2004.

*Mr. Cunningham moved to approve the Regular Session Minutes of November 22, 2004. Seconded by Mr. Saball. 4 Ayes (Dillon, Cunningham, Saball, Nordblom); 1 Abstention (Wood).*

*Mr. Cunningham moved to approve the Work Session Minutes of October 27, 2004. Seconded by Mr. Saball. 4 Ayes (Dillon, Cunningham, Wood, Saball); 1 Abstention (Nordblom).*

*Mr. Cunningham moved to approve and not release the Executive Session Minutes of November 15, 2004. Seconded by Mr. Saball. 3 Ayes (Dillon, Saball, Nordblom); Two Abstentions (Wood and Cunningham).*

*Mr. Nordblom moved to adjourn the meeting at 9:50 p.m. Seconded by Mr. Cunningham. Unanimous vote.*

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

\_\_\_\_\_  
*Respectfully submitted,*  
Maria Casey,  
Administrative Assistant

Date Approved: January 31, 2005

Attachments (5) – Barrett Letter of Interest  
Transfer Station Stickers & Trash Bag Increase Public Hearing Checklist  
Blue Spreadsheet entitled “Groton Transfer Station  
Groton Exchange by Landry Architects, A-1 through A-3  
Administrative Officer Report