

**BOARD OF SELECTMEN
MARCH 14, 2005
REGULAR SESSION MINUTES
“APPROVED”**

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 Kathleen Newell, Office Assistant

The meeting was called to order at 7:01 P.M.

Mr. Dillon stated that the Board would be reviewing Warrant Articles and taking positions on April 4, 2005.

Water Department Budget and Annual Town Articles 21 & 22 Meeting Articles

Water Commissioner Chris Kelley and Water Superintendent Tom Orcutt were present for this portion of the meeting.

Mr. Dillon reviewed the Water Department Budget noting a significant increase in pay. Mr. Orcutt stated that due to a clerical error the incorrect numbers had been calculated and placed in the overtime line. Mr. Dillon noted the intergovernmental line had significantly increased. Ms. Jenkins stated that was from retirement and health insurance. Mr. Orcutt stated that there had been an error of \$10,000 in assessment for early retirement when there had been no early retirees. Ms. Jenkins stated that there was an interdepartmental assessment of a percentage of paid early retirement. Ms. Jenkins stated the number would need to be backed out of the budget.

Article 21 – Mr. Dillon read the article. Mr. Kelley stated that this was a housekeeping article as the regional school district had chosen to use an independent contractor. Mr. Cunningham stated this article had been on the warrant the previous year and the Board of Selectmen had decided to leave it on in the event the school decides to use the Water Department’s services. Mr. Kelley stated that the Commission could revisit the issue, they had gotten the School up and running, but the School had not called upon the services of the Department in over a year. Mr. Cunningham asked why the Commission felt the need to rescind the agreement. Mr. Kelley stated that the Commission had voted against the agreement feeling it was outside their charter to operate other systems.

Article 22 – Mr. Dillon read the article. Mr. Kelley stated that this article would give the Commissioners the authority to enter into discussions regarding interconnections. Ms. Kitchen commented that this was the same article as the previous year, which had not been well received because the people had not wanted the Commissioners to have carte blanche. Mr. Kelley stated that any agreement would have to be worked out in a public meeting. Mr. Dillon stated he agreed in principle, but didn’t think he would want to do it without Town Meeting approval.

Sewer Department Article 20

Sewer Commissioners Jim Gmeiner and Harlan Fitch were present for this portion of the meeting.

Mr. Dillon read the article. Mr. Gmeiner reviewed the sewer district map and stated that there were a number of areas that the district lines cut through parcels and the new map doesn’t intersect parcels. Mr. Dillon stated there had been a Boston Road extension which had been approved last year at Town Meeting and asked what changes had been made. Mr. Gmeiner stated the only changes were at Skyfields Drive and there would be a public hearing to remove two lots on Skyfields Drive. Mr. Cunningham asked if there were another article. Ms. Kitchen stated a separate motion for part of the budget. Mr. Cunningham asked if it were part of the enterprise budget. Ms. Kitchen stated the vote would be on the Sewer Enterprise budget. Ms. Jenkins asked if the vote was a 2/3rd or 50%.

Earth Removal Article 23

ERAC Inspector Michelle Collette was present for this portion of the meeting.

Ms. Jenkins stated that there was an error on the last line which should refer to 2006 not 2005.

Planning Board Article 24, 25 & 26

Planning Administrator Michelle Collette was present for this portion of the meeting.

Ms. Collette stated there were three zoning amendments which would be on the agenda at a public hearing on March 17, 2005. The articles will be making a formal Rate of Development by-law extension for another five years, shared driveways and accessory apartments. Ms. Collette encouraged the members of the Board to attend the public hearing.

Richard Barry Article 31 Rezone Petition

Planning Administrator Michelle Collette and Assessor Eddie Kopec were present for this portion of the meeting.

Ms. Collette stated that the Planning Board would be holding a public hearing on April 7, 2005. Mr. Kopec stated that the Assessors had been in favor this for quite some time as it would make it easier for the Assessors to value the properties.

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Robert W. Anctil Article 32 Rezone Petition

Mr. Steven Gillis was present for this portion of the meeting.

Mr. Gillis stated that the project was for a proposed 60 x 80 two-story commercial building next to NEBS with one entrance and one exit from Route 119. Mr. Gillis explained that there had been other projects considered for the property, but it was determined that a commercial building would benefit the tax base. Ms. Wood asked what the level of detail was needed on the concept plan. Ms. Collette stated that a concept plan shows detail but is not as finely engineered as a site plan for review. Ms. Wood expressed concern that the article presented was for rezoning and the applicant would not be held to the concept plan that had been reviewed. Ms. Collette stated that the plan is approved at Town Meeting, but there are changes allowed. Mr. Cunningham stated that the article was for rezoning of the parcel not a concept plan of the project. Ms. Collette stated that a concept plan was required for Planning Board support at Town Meeting. Ms. Kitchen stated that the language could not be changed as it was a citizen's petition article. Ms. Collette suggested that the Board have another article for the concept plan to avoid confusion at Town Meeting. Ms. Collette further suggested Mr. Gillis contact his attorney for the necessary details. Ms. Kitchen stated that she would contact Town Counsel regarding the article.

Brooks Lyman Article 33

Mr. Lyman stated the Town had voted to make the fall town meeting an Annual to alleviate the quorum requirements, and then the fall was rescinded and became a Special, but that did not relieve the quorum requirements. Mr. Dillon asked if the Town Government Study Committee had been contacted. Mr. Lyman stated that he had spoken with Ms. Edna White, who had not expressed a concern over the article.

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Brooks Lyman STM Quorum & Cow Pond Brook Study

Mr. Lyman stated that this article was to fund a Chapter 40B housing project study for the town-owned Cow Pond Brook Road property. Mr. Lyman stated that a study had been done on the Brownloaf property which was deemed unsuitable for those needs. Mr. Lyman noted that the article needed to be amended. Ms. Kitchen reminded him that a citizen's petition article could only be amended at Town Meeting.

Groton Country Club & Recreation Authority RE: Appointment

Ms. Valerie Spencer and Mr. Edward MacMahon were present for this portion of the meeting.

Mr. Dillon recapped the previous week's meeting at which concern had been raised regarding Mr. MacMahon being a direct abutter of the Groton Country Club property. Mr. Dillon read an e-mail from Mr. MacMahon regarding a request from the State Ethics Commission. Ms. Spencer stated that only once in the past ten years had the Authority been required to notify abutters. Mr. Saball asked if the other applicant had been notified. Ms. Spencer confirmed that both applicants had been notified.

Ms. Wood moved to appoint Edward G. MacMahon to the Groton Country Club and Recreation Authority for the vacant unexpired three-year term to expire June 30, 2005. Seconded by Mr. Cunningham. Unanimous vote.

Other Business:

Registrars Appointment

Ms. Wood moved to appoint Susan S. Slade as Registrar of Voters for the three-year term to expire March 31, 2008. Seconded by Mr. Cunningham. Unanimous vote.

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Bay Communications RE: Lease Agreement Extension

Ms. Kitchen stated she had been contacted by Carey Diehl of Bay Communications stating that he had not yet received the performance bond from Nextel and that was the only delay in applying for a building permit. Mr. Diehl was requesting an extension on the lease agreement. Mr. Nordblom stated that he had reviewed the lease and didn't believe that the Board needed to extend or amend the lease. Mr. Nordblom suggested taking no action and waiting. Ms. Kitchen stated that Mr. Diehl wanted to be assured that the Town would not exercise the right to terminate the lease if building had not commenced by the due date.

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Recreation Commission Appointment

Ms. Wood moved to appoint David Whitcomb to the Recreation Commission for the vacant unexpired three-year term to expire June 30, 2007. Seconded by Mr. Cunningham. Unanimous vote.

Vote to Disband Landfill Capping Committee

Mr. Cunningham moved to disband the Landfill Capping Committee, as it has completed all its goals, effective immediately. Seconded by Mr. Saball. Unanimous vote.

One-Day Liquor License –Nashoba Valley Chamber of Commerce

Mr. Cunningham moved to approve a One-Day Liquor License for All Alcohol for Bonnie Biocchi on behalf of Nashoba Valley Chamber of Commerce on Tuesday, March 22, 2005 from 5:30 p.m. to 8:00 p.m. at Lawrence Academy, 1 Powderhouse Road, Groton, Mass, contingent upon receipt of Certificate of Insurance listing the Town of Groton as additional insured and the license fee of \$50.00. Seconded by Mr. Saball. Unanimous vote.

Open Special Town Meeting Warrant

Mr. Cunningham moved to open the Special Town Meeting Warrant and close it on Thursday, March 17, 2005 at NOON. Seconded by Mr. Saball. Unanimous vote.

ADMINISTRATIVE OFFICER REPORT

Ms. Kitchen reviewed the following:

- A town hall auction would be held on March 11, 2005.
- ConductorLab Committee would like attendance for its meeting on March 27, 2005
- There would be a banquet to honor Bob Johnson on April 10, 2005
- She will be attending a meeting with MRPC.

SELECTMEN LIAISON UPDATE

Mr. Dillon stated he had attended the play “Keeping Time” and complimented the cast and crew.

Mr. Dillon stated that the Community Preservation Committee had requested a liaison from the Board of Selectmen. Ms. Wood volunteered to be the liaison.

Mr. Cunningham stated that tickets were available for sale to the Taste of Nashoba Valley.

Mr. Nordblom moved to adjourn the meeting at 8:45 p.m. Seconded by Mr. Cunningham. Unanimous vote.

Approved: _____
John L. Saball, Clerk

_____ respectfully submitted,
Kathleen Newell
Office Assistant

Date Approved: May 16, 2005