

**BOARD OF SELECTMEN  
MINUTES  
JUNE 5, 2006  
“APPROVED”**

**Present:** Peter S. Cunningham, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball, Clerk; Mihran Keoseian, Member; Jean E. Kitchen, Administrative Assistant; and Kathleen Newell, Office Assistant

*The meeting was called to order at 7:00 p.m.*

**Rocky Hill/MSPCA Land Conservation Restriction on Half Moon Road**

Ms. Kathy Sferra of Massachusetts Audubon Society and Ms. Michelle Collette were present for this portion of the meeting.

Ms. Sferra stated that the land had been purchased by Mass Audubon because it was adjacent to the Rocky Hill Wildlife refuge and is also a rare species habitat and an Area of Critical Environmental Concern.

Mr. Cunningham asked if the Conservation Restriction had been vetted through Town Council. Ms. Sferra stated that it had been reviewed. Mr. Cunningham inquired if there was a trail system on the property. Ms. Sferra stated that there is a management plan which is planning trails through the adjacent parcel and addressing access to the parcels. Mr. Dillon asked if Mass Audubon would own the 387 acres. Ms. Sferra stated it would and a conservation restriction would be held by the Town of Groton.

*Mr. Dillon moved to accept the Deed of Conservation Restriction for premises owned by Massachusetts Audubon Society, Inc. of Lincoln, MA located in the Town of Groton, Massachusetts, situated on Half Moon Road, comprised of approximately 16 acres, bounded and described as set forth in Exhibit A of the Conservation Restriction (dated June 5, 2006) which are described in a deed to the Grantor recorded in Book 46991, Page 317, to the Town of Groton, to be administered by the Groton Conservation Commission. Seconded by Mr. Saball. Unanimous vote.*

**Personnel Manager Search Committee Formation**

Ms. Kitchen stated that she had created a committee profile and reviewed the profile.

Mr. Cunningham asked if anyone had questions regarding the composition of the Committee. The members concurred on the composition. Mr. Dillon stated that he had suggestions for members if it were appropriate. Mr. Dillon recommended Mr. Keoseian as he had been instrumental in preparing the information for Town meeting. Mr. Keoseian stated that he would like to be involved. Mr. Dillon further recommended that Ms. Jenkins, Town Accountant be on the Committee. Ms. Jenkins agreed. Mr. Keoseian suggested that the Police Chief be involved.

Ms. Collette recommended that the Union should have a representative on the committee. Mr. Cunningham stated that was a good recommendation. Mr. Keoseian stated that he would not be in favor of expanding the number of the committee but would agree to Union representation. Mr. Keoseian stated that a letter could be sent to the bargaining units asking for a representative. Ms. Jenkins recommended an uneven number on the committee and suggested that she could be the Selectmen's designee and that would make available the other position. Mr. Cunningham stated that he would not want to go beyond 6 committee members. Mr. Keoseian and Mr. Dillon concurred with six members. Mr. Cunningham asked that Ms. Kitchen draft a letter to be sent to the Unions requesting a representative.

**Earth Removal Exemption – Lawrence Academy – 17 Powder House Road**

Ms. Linda Deasy, Lawrence Academy and Ms. Michelle Collette, Earth Removal Inspector were present for this portion of the meeting.

Ms. Deasy stated that they were constructing an addition to the Ferguson Building. Ms. Collette stated that the plan had been reviewed and approved by the Planning Board, Historic Districts Commission and Conservation Commission. Ms. Collette stated that the Earth Removal Advisory Committee had reviewed the application and was unanimously recommending that the Board of Selectmen approve the application. Ms. Collette stated that the Committee had requested the applicant to not stockpile the excess materials, but remove them immediately from the site.

Mr. Saball asked that the applicant communicate with the Chief of Police to see if a detail would be needed traffic control during the removal of the materials. Ms. Deasy stated that she would have the contractor contact the Chief.

Ms. Casey noted that the Chief had suggested increasing the hours that materials may be removed to 8:30 a.m. to 4:00 p.m. Mr. Webber asked that the hours be amended to 3:30 p.m. because of traffic to the restaurant on Route 40. The Board members concurred.

*Mr. Dillon moved to approve a Certificate of Exemption to the Earth Removal By-Law, Chapter 134, Section 10, for Lawrence Academy for the removal of up to 3,360 cubic yards of sand located at Lawrence Academy on Powderhouse Road, to include the following conditions:*

1. *No operating on site before 8:00 AM or after 4:00 PM.*

2. *Material taken off site limited to 8:30 AM to 3:30 PM.*
3. *The roadway must be cleaned at the end of the workday.*
4. *No operating on weekends or holidays.*
5. *Applicant shall notify the Earth Removal Inspector prior to commencement of activity.*
6. *Slope of stockpiles not to exceed 2:1*
7. *Appropriate dust control measures to be undertaken.*

*Seconded by Mr. Saball. Unanimous vote.*

**Tim Dumont and John MacMillian of Groton School RE: Application of Pesticides**

Mr. Dumont stated that this was an annual request for treatment of broadleaf and to treat the elm trees.

*Mr. Dillon moved to authorize the Groton School to use and apply pesticide for purely aesthetic purposes on the campus. Seconded by Mr. Saball. Unanimous vote.*

**Tim Higgins, Town Administrator, Town of Lincoln (Former Ayer Town Administrator) and John Petrin, Town Manager, Town of Ashland RE: Form of Governance**

Mr. Tim Higgins, Town Administrator from the Town of Lincoln, Mr. John Petrin, Town Manager from the Town of Ashland and other interested parties (attendance enclosed) were present for this portion of the meeting.

Mr. Cunningham stated that the Board was in the process of looking at different forms of governance and they would like to hear an overview of each Administrator's town.

Mr. Higgins stated that when he worked in Ayer, he had started as an Executive Secretary and then changed to a Town Administrator. The change was subtle and resulted in better coordination of town services and operations. Mr. Higgins stated that each town is unique and has its own character which must be taken into consideration with any considered change. Going towards a form of governance which clearly delineates the duties of the Administrator benefits the department heads with communication channeled through one source and also encourages clear communication of the Board.

Mr. Cunningham asked how the change was enacted in Ayer. Mr. Higgins stated that the change was informal; a change in what the Board expected which resulted in a change in the job description.

Mr. Higgins stated that in Lincoln the Board of Selectmen had expressed a desire for more communication and changed the job description. The appointments and boards are still the same. And for the policy level a peer-to-peer approach was used with the expectation that coordination would come from the Town Administrator.

Mr. Petrin stated that he had started as an Executive Secretary in the town of Pepperell then as an Executive Secretary in Harvard and then as Town Manager in Ashland. Mr. Petrin gave a copy of Ashland's town charter to Ms. Kitchen. Mr. Petrin gave an overview of how the Town Manager operates in Ashland. The Town Administrator does the appointments over citizen type committees and the Board had the right to reject an appointment. Mr. Petrin asked about the political activity in the town and if people were competing for positions.

Mr. Cunningham asked what mechanism was used for Town Manager. Mr. Petrin stated it could be from a charter to a town election. A charter clearly states the duties of the Board of Selectmen and the Manager and is a compilation of what the community wants. Mr. Petrin stated that the town of Ashland has a charter review committee and the charter is reviewed every five years.

Mr. Petrin stated that the process can be complicated in the beginning, but there needs to be a discussion on what does the Town want and to develop what the capacity and role of the Board of Selectmen.

Mr. Higgins noted that holding one person responsible for the day to day running of the town, frees the Board of Selectmen up to deal with policy coordination issues.

Mr. Petrin noted that administration and leadership was a matter of trust, but a trust of giving the administrator the power to act to do the tasks required to run the day to day operations of the town.

Mr. Higgins noted that if after discussions the analysis was a gradual progression in changing the form of governance, MGL Chapter 41, Section 23a under the Town Administrator statute gives the Board of Selectmen the authority to empower the Administrator.

A question and answer period followed.

Ms. Sylvia Sangiolo (Board of Assessors) stated that she had seen towns that have adopted the town manager form of government, some worked and others didn't because people did not want to give up their fiefdoms. Ms. Sangiolo also stated that the Board of Assessors were not a policy making board and she did not see a problem in the position being changed from elected to an appointment. Ms. Sangiolo added that an advantage of a Town Manager would be having resources to bring

forward i.e. statistically derived information from the Assessors.

Mr. Gary Hogle (Water Commissioner) asked how the town managers interacted with the departments with enterprise funds. Mr. Higgins stated that the Water Commissioners were an elected board which develops its own budget and is independent of the town. The interaction occurs at the staff level.

Mr. Petrin asked the question of "When are you a Selectman?" and answered that a selectman is only a selectman when the Board is in session, otherwise there is no individual authority.

Ms. Edna White stated that the leadership role of the Board of Selectmen is limited by Town Meeting. Ms. White stated that the Board needed to decide if it wanted to take baby steps in the process, and what type of leadership the board wants. Ms. White also stated a need to have the citizens comfortable at Town Meeting as well as the department heads.

Mr. Cunningham stated that would be critical to have in put from all town boards and committees.

Mr. Higgins noted that there are many options to choose from. Mr. Petrin recommended using a search firm.

The Board thanked Mr. Higgins and Mr. Petrin for coming and sharing their experiences.

### **Library Trustees RE: Permission to Fill Vacancy for Head of Children's Services**

Ms. Owen Smith-Shuman, Library Director was present for this portion of the meeting.

Ms. Shuman stated that Ardis Francoeur had submitted her resignation as Children's Librarian and she would like to fill the position temporarily with Ms. Gerri Perry until she could advertise and interview for the position. Ms. Shuman stated that she hoped to have the position filled by the beginning of September.

*Mr. Dillon moved to allow the Library Trustees to advertise the up-coming vacant position of Head of Children's Services. Seconded by Mr. Saball. Unanimous vote.*

*Mr. Dillon moved to allow the Library Trustees to hire Geri Perry to temporarily fill the position of Head of Children's Services at a Grade 8, Step 1. Seconded by Mr. Saball. Unanimous vote.*

### **OTHER BUSINESS**

#### **Motion for Special Election, November 7, 2006**

*Mr. Dillon moved to call a special town election to be conducted simultaneously with the November 7, 2006 State Election for the purpose of filling a vacancy on the Board of Selectmen with the term to expire May 22, 2007. Seconded by Mr. Saball. Unanimous vote.*

### **BOS Office Transition**

Mr. Cunningham noted the need for some form of office coverage during the summer months while a search for an interim Administrative Officer was conducted. Mr. Dillon acknowledged the need and stated that the salary would be a consideration.

Mr. Saball stated that continuity was important however it was important to have someone in the position with the skill set necessary to aid the Board in making decisions and changes, preferably someone who had been through the process.

Mr. Keoseian stated that there was an immediate need for the on-going office operation as Ms. Kitchen was leaving June 30, 2006; and suggested not to rush to bring in an interim Administrative Officer. Mr. Keoseian stated that he was in favor of trying to work out a solution for the summer months until September or October.

Mr. Cunningham stated that the Board was fortunate to have Ms. Casey, as she is qualified to cover for the office needs until an Interim Administrative Office was hired. Mr. Dillon stated that the process needed to be started as soon as possible to find in the Interim.

Mr. Cunningham asked for a straw pole opinion of what the Board had heard thus far. Mr. Dillon stated that he has certain ideas, however he would keep an open mind. Mr. Dillon further noted that the Board had significant responsibilities.

Mr. Keoseian stated that he had not made up his mind, but he was a strong supporter of town government with strong leadership. Mr. Keoseian suggested seeking input from Ms. Collins and Ms. Jenkins.

Mr. Cunningham stated that there were details to work on, such as providing adequate office support and Ms. Casey would become the acting Administrative Officer and concurrently start a search for an interim Administrative Officer.

### **Appointments and Extension of Expiration Date (August 1, 2006) – Community Center/Land Research Committee – Connie Sartini; Chris Beneke; Julie Marion**

*Mr. Dillon moved to extend the expiration date of the Community Center/Land Research Committee to August 1, 2006. Seconded by Mr. Saball. Unanimous vote.*

Mr. Dillon moved to appoint the following to the Community Center/Land Research Committee and appoint the following members: Connie Sartini as Groton Community Foundation Representative; Chris Beneke as Member-at-Large; Julie Marion as Member-at-Large, Terms to expire August 1, 2006. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to reappoint the following to the Community Center/Land Research Committee: Karen Riggert as Groton Community Foundation Representative; Julie Alnwick as Member-at-Large; Robin Kane as Member-at-Large; Karen Tuomi as Member-at-Large; George Moore as Member-at-Large; Chris Wood as Member-at-Large. Terms to expire August 1, 2006. Seconded by Mr. Saball. Unanimous vote.

**Reappointments – Special Police Officers – Pepperell, Ayer, Townsend, Shirley**

Mr. Saball moved to appoint the following Special Police Officers from Pepperell for the one-year term, term to expire June 30, 2007: Officers Kenneth Beers, Steven Bezanson, Todd Blain, Steven Burke, Edmund Bussiere, Gordon Candow, Jared Carrubba, Chief Alan S. Davis, William Greathead, Bruce Haskins, Armando Herrera, Alan Lessieur, Stephen Mulkerin, Paul Nelson, Nick Parker, James Peters, David Querze, David Scott, Richard Smith, Fabrizio Vestri. Seconded by Mr. Dillon. Unanimous vote.

Mr. Saball moved to appoint the following Special Police Officers from Ayer for the one-year term, term to expire June 30, 2007: Officers Matthew Callahan, Austin Cote, Todd Crumpton, Brian Cunningham, Brian Gill, Jesse Goguen, Ryan Griffin, Andrew Kularski, John MacDonald, Terence McSweeney, William Murray, Edward Nelson, Christopher Newbould, Jolene Ramalho, Chief Richard Rizzo, Robert Soutanian, James Wilson, Ryan Griffin, Robert Finn, Matthew J. Harty and John Windhol. Seconded by Mr. Dillon. Unanimous vote.

Mr. Saball moved to appoint the following Special Police Officers from Townsend for the one-year term, term to expire June 30, 2007: Officers Robert L. Breault, Tony Brennan, James D. Capsalis, Austin Cote, Mark Francis, Mark Giancotti, Randy Girard, Andrew Gomes, John W. Johnson, Mary Ann Kinirey, James P. Marchand, Chief Erving M. Marshall, Jr., Cheryl Mattson, Thomas Pearson, David A. Profit, Robert J. Rebovich, Kimberly J. Rebovich, George D. Reidy, Thaddeus G. Rochette, Jeffrey Thibodeau, Omar Connor, Joseph Quinn, and Christopher Van Voorhis. Seconded by Mr. Dillon. Unanimous vote.

Mr. Saball moved to appoint the following Special Police Officers from Shirley for the one-year term, term to expire June 30, 2007: Officers Steven Clark, George Fichter, James Gerakines, Gregory Gushlaw, Craig LaPrade, J. Gregory Massak, Everett Moody, Jr., Kevin Nickerson, Timothy Schaeffer, Chief Paul G. Thibodeau, Peter Violette and Samuel Santiago. Seconded by Mr. Dillon. Unanimous vote.

**ADMINISTRATIVE OFFICERS REPORT**

Ms. Kitchen stated that she had attended a meeting with the finance departments and they were working towards getting revenue projections cemented. Ms. Swezey is working on getting new growth figures and Ms. Jenkins is working on free cash. Also there were meetings with the SEIU Local 888 Union last week and another scheduled this week.

**SELECTMEN LIAISON REPORT**

Mr. Dillon congratulated the American Legion, especially Mr. Bob Johnson for organizing the Memorial Day Parade.

**Minutes**

Mr. Dillon moved to approve the Regular Session Minutes of May 15, 2006, as amended. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to approve the Regular Session Minutes of May 22, 2006. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to approve and not release the Executive Session Minutes of May 22, 2006. Seconded by Mr. Saball. Unanimous vote.

Mr. Dillon moved to enter into Executive Session at 9:44 p.m. in accordance with MGL Chapter 39, Section 23B, for the purpose of discussing strategy with respect to contract negotiations for Personal Contracts for the Police Chief and will not reconvene in Open Session. Seconded by Mr. Saball. Roll Call Vote: Cunningham – yes; Dillon – yes; Saball – yes; Keoseian – yes.

Approved: \_\_\_\_\_  
Peter S. Cunningham, Chair

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respectfully submitted,  
Kathleen Newell  
Office Assistant

Date Approved: August 7, 2006