

**BOARD OF SELECTMEN
MINUTES JULY 30, 2007
APPROVED**

Present: George Dillon, Jr., Chairman; Joshua A. Degen, Vice Chairman; Stuart Schulman, Clerk; Peter Cunningham

Absent: Mihran Keoseian

Also Present: Jeff Ritter, Interim Administrative Officer; April Iannacone, Office Assistant

Mr. Dillon called the regular meeting of the Board to order at 7:00 and announced that the cable assistant was running a little late. He began with some of the other business appointments off air. At 7:12 p.m. Mr. Dillon apologized to the public for the delay in airing the meeting and reviewed the previous happenings and the remaining agenda items.

Two (2) Appointments to the Earth Removal/Stormwater Advisory Committee

Mr. Degen moved to appoint Holly Estes to the Earth Removal/Stormwater Advisory Committee for the one-year term, term to expire June 30, 2008. Mr. Schulman seconded. Unanimous vote.

Mr. Degen moved to Appoint John Giger to the Earth Removal/Stormwater Advisory Committee effective August 2, 2007 for the one-year term, term to expire June 30, 2008. Mr. Schulman seconded. Unanimous vote.

Appointment to the Local Emergency Planning Committee

Mr. Degen moved to appoint Paula Lantz to the Local Emergency Planning Committee for the one-year term, term to expire June 30, 2008. Mr. Schulman seconded. Unanimous vote.

Appointment to the Information Technology (I/T) Committee

Mr. Schulman gave some background information about the I/T Committee's meeting with Patrick a few months ago and stated that he felt that Patrick would be helpful and should be appointed. Mr. Cunningham asked how many remaining positions needed to be filled on the Committee. Mr. Ritter informed the Board that there were 2 openings. Mr. Dillon announced to the public that if anyone with computer experience was interested in being on the I/T Committee they were welcome to stop in and fill out a Committee Interest Form to become involved.

Mr. Degen moved to appoint Patrick Parker-Roach to the Information Technology Committee for the one-year term, term to expire June 30, 2008. Mr. Schulman seconded. Unanimous vote.

Director of the Groton Public Library Owen Shuman RE: Request to fill two (2) Library Shelver Positions

Owen addressed the Board regarding the two positions that she needs to fill at the Library. These two positions work a combined 18 hours a week, 9 hours each. The current individuals who are leaving are at Grade 1 Step 2 at \$8.47 per hour. The new individuals will be hired at Grade 1 Step 1 at \$8.22 per hour.

Mr. Degen moved to approve the request to fill the two Library Shelver positions at Grade 1 Step 1. Mr. Schulman seconded. Unanimous vote.

Melissa Robbins & Brian Butler RE: Jenkins Road Affordable Housing Project

Melissa reviewed the revised design of the project. The original plan for the project included 24 duplex units and the one existing home where the revised plan will now include only 14 duplex units and the one existing home. The existing home will consist of multiple Department of Mental Retardation (DMR) units. The reason for the decrease is due to the Natural Heritage request that there be only 45% disturbance of the land. This plan is still slightly above this 45% request, however it is only at about 50% disturbance so they are hoping that it will be approved. Brian addressed the Board to add additional information. The request from National Heritage is to respect the buffer zone of the area where there is wildlife protected by the Mass. Endangered Species Act. The current plan uses approximately 48.5% disturbance. The reviewer has not made any commitment to this plan but they hope to get approval to keep the project going. Anything less for land and the feasibility of the project decreases. Mr. Schulman asked how many units within the project are planned to be affordable. Melissa answered that of the 15 units, 2 of the duplex units and 3 units within the DMR house would all be affordable housing units. Mr. Dillon asked about the wording that stated that the sale of the existing home would be to the Town of Groton. Melissa responded that the initial sale was going to be to the DMR not to the Town. The Town of Groton would then apply for grant money though the State for affordable housing. The Town would then buy the unit through the DMR and put a deed restriction on the unit and lease the unit back to the DMR. Mr. Schulman asked what would happen if the Town did not get the previous

mentioned grant money. Melissa stated that there was definitely financing available. The State budgets include this funding each year and because not many affordable housing units are developed much of the funding goes un-used every year. After much discussion over sewer usage and the amount of affordable housing units, Melissa suggested a work session to discuss and resolve issues. She felt that since a lot of work had gone into the project and it would be a shame to let it go. The Board consented that a work session was necessary. Mr. Ritter was to set up the date and time and get the word out to the public. Mr. Cunningham asked if the project would have to go back to Town Meeting for approval due to all the changes that are being created. Mr. Dillon responded that it would not because flexibility was left in the agreement for changes to take place.

Water Superintendent Tom Orcutt RE: Community Preservation Committee (CPC) Application

Tom addressed the Board to inform them that the Water Department is submitting an application to the CPC for funds to purchase a parcel of land next to Conservation land on Chicopee Row. The Water Department was not looking for a letter of support from the Board of Selectmen (BOS), but to inform them of why this application was being submitted. The land that they are looking to purchase for the Unkety Brook Well Site is to help protect and ensure future drinking water resources for the inhabitants of the Town of Groton. The site is a privately owned 1 acre site which the owner is not willing to sell, but is willing to have a conservation restriction on the land which directly connects to 14 acres of additional restrictions that the Town holds. The site has been tested and has the potential to pump 280 gallons per minute or four hundred thousand gallons per day with no degradation to the existing resources in the immediate area. The purchase of this site for this well, in addition to the Shattuck Well and Town Forrest Well, will allow the Town access to 1.2 million extra gallons a day and will map out the future for the next 20 years. Mr. Dillon asked why the Water Department was looking for financing through the CPC instead of their own Enterprise Funds. Tom stated that the current users of the water supply are funding the current use. The site that they are looking to purchase is to supply future use, for future users who are not paying into the Water Department yet, therefore the funding is not available. Mr. Dillon replied that he believed the Enterprise Funds should look forward to the projects they anticipate coming up, in order to prepare funds to cover projects like these, rather than use CPC funds. Mr. Degen suggested that the Water Department should look to see if other grants are available through state as matching funds so that they can then submit a lower number to the CPC. Mr. Cunningham referred to the comment that Tom made about the High School having difficulty with their water use. He believed that the cause of the difficulty in water supply was due to plumbing structures within the High School and not with the supply. Tom stated that the problem was actually a combination of interior and source problems. He did not know if this new well site would resolve the problem but he believes that our municipal supply would have better guidelines.

Blue Ribbon Governance Committee Update

Mr. Cunningham began by announcing the members on the Committee who were present; Jane Allen, Berta Erickson, Jay Prager, Sylvia Sangiolo, Ed Strachan and himself. After meeting with multiple, different interest groups, the Committee feels that they have created a Charter draft document that is relatively complete. Their next step is to present this document to Department Heads, Town Employees and hold Public Hearings before it goes to Town Meeting. The proposed charter will change the form of governing in the Town of Groton to that of a Town Manager form. Some Boards and Committees that were previously Elected may now be come Appointed. There will be budget process changes as well. Mr. Cunningham felt it was important to make people aware that the BOS only run the Town during meetings. This means that there is no unified management, or Chief Operating Officer, operating the day to day functions and administrative operations of the Town, therefore these changes are necessary in order to make our Town Government more efficient. The roll of the BOS will then become similar to a Board of Directors. The Selectmen will review appointments that will be made by the Town Manager. Mr. Cunningham thanked the Committee for all of their hard work and also Jay Prager who kept everyone focused and on top of document changes and publicity. Mr. Dillon informed the public that the Open Town Meetings will continue even with the Town Manager position which is not always the case in other towns. Mr. Degen also thanked the Committee for their efforts. He felt that the document that they have created truly conveys how a successful business is run and it makes a lot of sense to review and move forward with it. Mr. Cunningham stated that the next steps would be an outreach program which will meet with Department Heads and then Town Employees in order to give them more understanding of what's being proposed and changed. Public hearings will then be held. Once the Town Meeting Article has been proposed and accepted the document will be forwarded to legislature in order to be put on the ballot for town election in May of 2008. If the document is voted on an approved it would then become functional.

Great Pond Advisory Committee RE: MGL Chapter 91

Dr. Bill Eger addressed the Board to inform them of the major issues that the Committee has been discussing and working on. There will be a meeting at the Middle School on August 22, 2007 that will be open to all residents of Groton, Dunstable, Tyngsboro, Pepperell and Townsend that are lakefront property owners on any of the Great Ponds. The meeting is to inform

residents as to whether or not they need to go through the process of applying for a permit for their existing Dock or Float structures. If they are required to apply for a permit due to the MGL Chapter 91 and Areas of Critical Environmental Concerns (ACEC) regulations and they fail to do so, then after December 12th it will be considered a new structure and no new structures will be permitted within ACEC which includes all of Groton's ponds. The Law permits towns to appoint a Harbormaster whose duty is to issue permits and annually register all floats and docks on the ponds. In most towns the Police Chief usually holds the position of Harbormaster which our Chief has been reluctant to carry out because it is time consuming, however sooner or later it will become a necessity. Mr. Cunningham stated that residents have been unaware of these regulations for a long time. He also stated that he was unaware that there would be any consequence that would reduce or restrict activities and usage when the Town became part of the ACEC. Mr. Eger replied that if the dock or float was above the mean low water mark then the residents will not be required to have a permit. It is all determined by the water level. Mr. Degen asked how many people with existing docks on these lakes would be affected. Mr. Eger replied that there are approximately 300 mailings to abutters on the lakes, however he believed that the 100 abutters to Lost Lake would probably not have to worry. The Selectmen requested that Representative Hargraves and Senator Panagiotakos attend the meeting.

Conservation Commission RE: Application to the CPC for "Conservation Fund"

Barbara Ganem addressed the Board to inform them that the Conservation Commission would be submitting an application to the CPC for \$200,000 which they have applied for every year in the past. These funds are for purchase of land or conservation restrictions within the Town. The Commission was requesting a letter of support from the BOS for this application. Mr. Cunningham felt that this application is consistent with what the CPC funds are intended for which is to protect open space and he supports the application. Mr. Dillon agrees that there is money in the CPC for open space and by transferring money to the Conservation Fund the Conservation Commission will then control the fund. He asked Barbara what sum of money the Commission looked at in the fund that would give her a degree of confidence that they could cover until town meeting. Barbara replied that right now the Commission does not have enough money to purchase any property at current value. With the money in the Fund the Commission can actively search out and solicit property that they feel is desirable and reasonably priced and sized, rather than wait for property to become available. The fund gives the Commission flexibility for smaller scale projects and if any larger projects do come up they will then go before Town Meeting. Mr. Degen believed that without this funding the Town loses the ability to go to auctions on short notice and act in a quick fashion to obtain land and supports the application. He asked how the money was being invested and if it was receiving a good yield. Valerie Jenkins the Town Accountant responded that the funds were receiving an excellent return and high yield. Mr. Cunningham felt that the Commission should try to figure out what the limit of the Conservation Funds should grow to and at what point above and beyond that should have to go to Town Meeting. The Board consented to sign a letter of support for the Commissions application.

Attorney Ray Lyons RE: 21 Moose Trail

Attorney Ray Lyons addressed the Board to represent a proposal from his client Tom Wilson. After Mr. Wilson purchased his home he came to realize that his well and other structures of his home were on a piece of property that he didn't own or have a deed to. The property belonged to an unknown owner. After the property went through a tax foreclosure process, Mr. Wilson asked the Town if they had any interest in this property. He would like to own the property where all of his fixtures are. The property has an old boat path that is used by turtles and other wildlife as a crossing path from the lake across the street to other conservation land. Mr. Wilson has agreed, as part of his purchasing the foreclosed property, that he will grant a Conservation Restriction back to the Conservation Commission to restrict activity allowed in this portion of the property. Mr. Lyons stated that he was addressing the Board in order to get advice as to how to place a warrant on the Fall Town Meeting, drafting the warrant and any other steps that would be necessary to complete this transfer of the land. The Conservation Commission stated that they had sent a letter in support of the principle of this transfer, however there were a few outstanding issues. The issues that concerned the Commission were that the Town was not to incur any costs in this transfer as well as whether or not the State would grant a restriction on such a small parcel. Mr. Lyons stated that he received a call from a member of Conservation Services and her answer to him was that if the Conservation Commission and the BOS find that the warrant will get approved they would approve it. She said that there have been approvals on the smallest slivers of land between residences as long as they touch a key point. Mt. Wilson has agreed to pay all back taxes on the land, all legal fees for the transfer and \$3,000 to the Land Fund. Mr. Dillon felt that the Town should not have to incur any costs and all costs should be paid by Mr. Wilson for other things including Survey Costs. Mr. Lyons stated that there were already surveyed markers on the land and two more were added to make clear where the Conservation Restriction boundary will be. Mr. Degen agreed that all expenses were to be paid by Mr. Wilson. He also asked who the owner of property 4731, on the other side of the land that Mr. Wilson was looking to purchase, and if they were aware of this proposal and agreed to it. Mr. Lyons will send them a letter to inform them of what's going on to receive feedback from them as well. Mr. Cunningham agreed that a letter should go to the abutter on the other side of the property, Mr. Wilson should cover all costs, and he would prefer a letter from the State showing that they would agree to accept the restriction on the small parcel of land. Mr. Lyons will get back to

the Selectmen with confirmation of all things asked in order to obtain approval to place the item on the Fall Town Meeting Warrant. The possible date for the Fall Town Meeting is Monday October 22, 2007 or within 1-2 weeks after then, which means that the proposed warrant would be opened in September and would close 2-3 weeks before the meeting

OTHER BUSINESS

Application to the CPC from the Williams Barn Committee

Mr. Degen gave an overview of the Williams Barn Committee application to the CPC. The Committee is seeking funding for a survey of land under ownership of the Cemetery Commission in order to transfer ownership of the land to the Williams Barn Committee and the Town. The survey needs to be complete before the Town can do any acceptance of land and there are not enough funds to do so right now. The Selectmen all consented to support the application and will sign a letter of support to the CPC on behalf of the Williams Barn Committee.

Application to the CPC for “Groton’s Affordable Housing Implementation Plan”

Mr. Ritter reviewed the application for the Board. The request is for \$25,000.00 in funds which is down from the original \$35,000.00 proposal. After much research it was determined that the project could be done for this lowered amount of money. The purpose of the Implementation Plan is to take inventory on all Town parcels of land that might be suitable for building affordable housing and prioritize them as preferred, possible and unsuitable. Once this has been done, feasibility studies will be completed on preferred sites. Then a work plan would be created to address the feasibility of creating a Community Development Corporation (CDC) which would act as the lead agency for building and managing affordable housing and economic development. Mr. Cunningham supported the application and getting focused on Affordable Housing issues. Mr. Degen also supported moving forward with the application, but suggested that the permitting amount of time may not be feasible due to such short amount of time to receive approval and that date might be best pushed out some.

Application to the Community CPC from the Groton Housing Authority for the “Community Housing Feasibility Study – Nashua Road”

Brooks Lyman addressed the Board to inform them of an application to the CPC requesting \$25,000 for feasibility studies and an updated perk test. The Housing Authority is looking to address what can reasonably be done with the 14 acres of land. There is now the possibility to access the back portion of land through another property which could help things to move forward. The Housing Authority has several possibilities that need to be professionally evaluated in order to determine what can actually be done. Mr. Degen stated that the idea and concept has been around for a long time and it would be nice if we can get access to the back land from the abutting owner. However, he questioned the funding for a site survey because the perimeter survey and the topography have been done before. Ms. Ellen Todd answered that the wetlands have changed since things took place 10 years ago, if they had not changed then the Authority would not be looking to spend the money. The costs that they are re-estimating are only part of the costs and the majority of the costs are to create a plan on how to use the land. The Housing Authority is not trying to recreate the wheel, they are looking to spot check the work that has already been done and then see what can really be done given the current conditions and regulations. Mr. Dillon stated that if there was no access to the site then he would not spend money on a site plan he believed it would be more important to spend the money on how to get in. Mr. Lyman stated that that was what part of the plan included. Mr. Cunningham stated that the Housing Authority has struggled to figure out what to do with the land for a long time. He supports the application but he believes that the plan needs to be clear once it goes out to be bid on.

Pay As You Throw Retailer Agreement

Mr. Ritter informed the Board that no one from the Board of Health was expected to attend this evenings meeting. He reviewed information from the handouts in the Selectmen’s books. Mr. Dillon confirmed that the change had been made to the contracts that stated that the retailer pays upon receipt of the bags and not upon each sale anymore. He also asked if the cost of the bags had gone up or had they been at this rate. Brooks Lyman answered that the costs had been at those rates for a while. Mr. Dillon also stated that the retailers make no money on these sales. Mr. Cunningham felt that the next time the Board of Health looked at these contracts they may want to consider the option of allowing the retailer to earn a nominal profit on this rather than nothing. Mr. Degen suggested possibly creating some kind of incentive for the supermarkets to make it more worthwhile to take part in selling the bags.

Squannacook Hall Utilization

Brooks Lyman addressed the Board requesting to open Squannacook Hall for general use by Town Committees, organizations, and other private groups. The Building Committee is applying to the CPC for funds to do a feasibility study of upgrading the hall. The Committee feels that with minor cleanup and checking of the plumbing the Town should let other people make use of it. Mr. Lyman stated that he spoke with the Town Clerk and she states that there is a shortage in meeting

space so it would be useful to have the hall open. Mr. Lyman believes that the hall should be opened during the warmer months and that there was time to determine the questions about heating through the winter. Mr. Dillon suggested that someone investigate previous use to help determine the costs. Mr. Lyman replied that it would be difficult to use past use to determine costs, because before it was closed, the recreation department took over and ran activities day and night. Before the recreation department, the senior center was there and it was also heavily used then. Mr. Cunningham stated that he would like to hear more on a future meeting agenda before making a decision. He requested that Onorina address the Board to tell them about what the real need for meeting space is. There needs to be a more global look at the building and what its use is really going to be. He felt that the Board should not commit this as an open building for open use by the general public at this time. Mr. Dillon suggested speaking with John Estabrook to get some kind of idea as to what the cost was during times of limited use. Mr. Degen stated that when the Board was offered some kind of statement in writing, or if Onorina attended a meeting to inform the Board of the need for meeting space, then he would absolutely support opening the building for this use. However, if the meeting space that we are currently using is adequate, then the Building Committee and the BOS should take a look at what other needs for use might be. The Board consented that Jeff would follow up by asking Onorina to attend a meeting and possibly request that John come in or sit with Jeff to go over what costs would change. The Board also agreed to send Maintenance over to the hall to remove the Recreation Department sign.

REPORT OF THE INTERIM ADMINISTRATIVE OFFICER

Mr. Ritter addressed the Board to update them on the Police Chief Search. There were 3 interviews on Friday July 27th, there are 4 more scheduled for Tuesday the 31st and 4 Wednesday August 1st. The Assessment Center will be conducted sometime during the middle of August. The Committee then hopes to have the final candidates attend the September 4th meeting for interviews with the BOS. This time frame is a little behind schedule, but if the candidates were to attend the BOS meeting the end of August, all members of the Board will not be present for interviewing. Mr. Ritter also informed the Board that he was requesting October 22nd as a possible date for the Special Town Meeting. Mr. Degen requested that the date possibly be pushed back a week or two to October 29th or the November 5th. There is not a full agenda for the meeting on August 6th so Mr. Ritter requested to postpone the meeting until the 13th. The Board consented to the date change. The first meeting of the Long Range Financial Planning Team will be held this Wednesday August 1st. They will be meeting once a month until the April Town Meeting in order to better forecast the budget for FY-09. The Office Assistant to the CPC has been hired and will start with Bob DeGroot on August 7th. The last item he informed the Board of was the interviewing for the Administrative Assistant. Elizabeth conducted the first round of interviews for the top 8 candidates. The 2nd round of interviews of the top 6 candidates will take place August 8th with Fran, Josh and Jeff.

SELECTMEN LIAISON REPORTS

Mr. Degen announced that he had attended a Facilities Task Force Meeting which meets once a month. They are working on evaluating current facilities for use and how it might be improved. He also stated that tomorrow on Tuesday the 31st there would be a meeting of the Municipal Coalition for Affordable Housing, a group of elected and appointed officials throughout Mass., where they would be discussing bringing the negative affects of Mass General Law (MGL) 40B affordable housing to the House of Representatives.

Mr. Cunningham did not have any liaison reports due to the fact that the Blue Ribbon Governance Committee gave their update earlier in the evening and Mr. Ritter updated the Board on the Police Chief Search Committee.

Mr. Dillon announced that he and Josh had attended a meeting and presentation on MGL chapter 43D. He felt it was an excellent presentation and there was a good exchange of information. Mr. Degen quickly reviewed some of the process regarding MGL 43D. There is the possibility of up to \$150,000 in Grant money for feasibility studies as well as an expedited permitting process. The area under consideration must already be resolved, so if the item were on the Town Meeting Warrant then it could be immediately followed with the adoption of 43D. As long as the applicant meets all criteria then they will be given a 180 day guarantee that it will be approved.

Mr. Dillon also announced that he had received a letter from John Greenhalgh as a notice to resign from his position of Animal Officer for the Town. Mr. Dillon thanked him for his service. The Board has received one interest in the position and Mr. Dillon encouraged anyone else who may be interested to please come forward. The BOS will make a recommendation to the State to appoint the person.

OTHER BUSINESS CONTINUED

Mr. Degen moved to approve the minutes of July 10, 2007. Mr. Schulman seconded. Unanimous vote.

Mr. Degen moved to approve the minutes of July 16, 2007. Mr. Schulman seconded. Unanimous vote.

ADJOURNMENT

Mr. Degen moved to adjourn at 9:42 p.m. Mr. Schulman seconded. Unanimous vote.

Approved: _____
Stuart Schulman, Clerk
Office Assistant

_____ respectfully submitted,
April Iannacone

Date Approved: *August 13, 2007*