

**BOARD OF SELECTMEN  
MINUTES SEPTEMBER 24, 2007  
APPROVED**

**Present:** George Dillon, Jr., Chairman; Joshua A. Degen, Vice Chairman; Stuart Schulman, Clerk; Peter Cunningham; 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 p.m. and reviewed the agenda for the public.*

He then reminded the public about the Public Hearing on October 1<sup>st</sup> and gave thanks to all who had submitted articles to the warrant for providing as much information as possible.

**Board of Library Trustees RE: Special Town Meeting (STM) Warrant Article for Elevator Repairs**

Ms. Owen Shuman and Mr. Mark Gerath were present to update the Board of Selectmen (BOS) on the STM warrant article for the Library elevator repairs. Since 1999 when the building was refurbished the elevator has had a long history of problems related around electrical signals. They have been trying to diagnose the problem to get it repaired however the symptoms keep changing. People have been trapped and someone fell on the stairs while the elevator was out of service. The options they have are to install a new controller, replace the emergency function battery luring device and rewire the power supply. One last diagnostic test is set to be done by Groton Electric Light (GELD) to look at the level of noise coming in from the street. Experts think that the controller is necessary if there is a high level of noise coming in from the line. Mr. Gerath stated that any warranties are well past, there are no documents that state what problems usually happen, and they were advised that it would be a litigation situation to try to get any reimbursement from the manufacturer. He also stated that they were not planning on getting the new controller from the same place because they do not have a low cost system available and technology has advanced so there are controllers that have more ability to record natures of faults. They want a system that is known for its reliability. Mr. Gerath was asked if the consultant that was hired was part of an independent firm or an elevator company and he responded that she was an independent architectural engineer who designs and specifies elevators for businesses. After the test on Thursday by GELD she will make her final recommendation. By Monday they will have some form of statement and they will ask for it in writing. Mr. Gerath stated that the figure of \$35,000 represented the consultant's \$25,000 planning estimate and some of the cost of the repair and is a worst case planning figure. Mr. Gerath was asked if there were any concerns that the interfaces between old and new will all work ok where the elevator will be 8 years old with a new controller. He stated that he has been assured by all involved that this repair could be done. However this repair would have a warrantee and compatibility would be covered. He was then asked what guarantee they had that if they replace the controller and it was not the controller that it could be removed, returned and the old one replaced. He responded that there are 3 repairs recommended not just the controller but the input power. If they were to get a 1 year warrantee it would put them well beyond the frequency of issues. He stated that every time the repair firm comes out to diagnose the problem and reset the controller it is costing \$390, so they are balancing the risk of this repair against the continued risk of \$390 per visit and the elevator out of service. He was then asked if there was any money left in the library funds that could be used to help offset this figure. Owen responded that the State aid account had funds in it and that the Trustees would have to discuss and vote on using them.

**Planning Board RE: STM Warrant Articles for Station Ave Overlay District and 43D Permitting**

Michelle Collette and Scott Wilson addressed the Board to update them about the actions and processes for Station Ave. and Chapter 43D. Scott informed the public that overlay zoning or a zoning overlay district is just a new type of zoning over the existing zoning which enables a mixed use district with potential to build out while allowing current property owners their rights under current zoning. Michelle stated that the public hearing last Thursday was well attended, there were many good questions and has been continued to October 4<sup>th</sup>. The hearing focused on traffic and they are taking a careful look at all traffic options. The other area of concern is of vested rights. Because this will be an optional district any land owner can use either zoning. There are 4 properties that are non-conforming that would be protected under Chapter 40A and their vested grandfathered rights will remain in place. They can continue with

those operations, but if they wish to alter or expand they would need to go through the ZBA. Michelle then spoke of Chapter 43D Expedited Local Permitting. If the Town were to designate Station Ave. as a priority site they would be eligible for \$150,000 technical assistance for planning studies and streamline permitting. Also as far as State grant applications there would be a number of programs in town that would receive priority. Any planning board application would be considered 43D. Before the application is deemed complete the different permitting entities would have the ability to review all information thoroughly and then once deemed complete the Town would have 180 days to review and take action on the item. Michelle was asked if any of the other permitting boards have given any input or opinions regarding 43D. She stated that all responses that she has received have been positive and favorable. She also stated that the other 14 communities who would be accepting the 43D process will be creating a super permitting board with a representative from all permitting boards. We have the option and will continue to have each board have their own jurisdiction and all would have a simultaneous 180 day deadline period. If that 180 day time limit is exceeded and a decision is not rendered the project is deemed approved which is the same statute that all boards are working under currently. Michelle was then asked if any other parcel owners have indicated that they would accept and go through with it and she responded that there have been. The BOS would be responsible to sign for the four properties that the Town owns. If a land owner does not want their parcel included in the overlay district it does not have to be. Only properties listed in the warrant article will be designated priority development. In order to go through the 43D process the land has to be zoned Commercial, Industrial, or Mixed Use and 2<sup>nd</sup> the designated priority site has to have the potential of a total of 50,000 square feet. Michelle was asked if the process was similar to 40R or S. She responded that this process was nothing like 40B, R, or S. In exchange it allows access to studies that we would not normally have access to. There still needs to be a gate keeper who will control and decide when the application is complete, when to count day one, watch the clock and be a contact person. Michelle would be willing to volunteer to be this contact person. The Selectmen gave thanks to both Michelle and Scott for coming in and for their information.

**Community Preservation Committee (CPC) Chair Robert DeGroot RE: STM Warrant Articles**

Mr. Dillon stated that Bob DeGroot, this year's chair of CPC was here to review the 9 articles that they have recommended to STM. Mr. DeGroot gave a brief review of the articles, votes and manor in which they reviewed and took questions. There were 9 articles that met the criteria that was laid out and have been given approval by the CPC however the 9<sup>th</sup> was pulled and would not appear on the warrant. The 8 articles that would be included on the warrant were as follows: Historic Documents Preservation, Squannacook Hall Renovations, Survey of a Cemetery Parcel for Williams Barn, Conservation Fund, Segment 3 of the Community Wide Preservation Project, Squannacook River Rail Trail Environmental and Engineering Assessment, Affordable Housing Implementation Plan, and a Community Housing Feasibility Study for Nashua Road. The 9<sup>th</sup> article for the Florence Roach School playground was a great application and he hated to deny schools any funding, however given criteria by the DOR he felt that by pushing this through it would send up a red flag to Town Counsel. They had to draw the line now and make decision not to approve. The land is owned by the Regional School District and not by the Town. Also CPC Fund money cannot be used to replace equipment and rehabilitate an existing playground, only to create a new playground where one did not previously exist. Since this playground already existed and was not funded in part or in whole by CPC funds they felt it was best to hold it back and not include it on the warrant. Mr. Cunningham asked if Bob could give any direction on what the Parks Commissioners might need to do in future to make the application regarding Cow Pond Road complete. Bob responded that the Selectmen could work with Mr. Black to complete a proper application. The application that was received was incomplete and they had no choice but to deny it. The Selectmen thanked Bob for his time and thorough efforts in reviewing these applications.

**Board of Water Commissioners RE: STM Warrant Articles for Torrey Woods Conservation Area**

Larry Swezey and Tom Orcutt addressed the Board to give them information about the 3 warrant articles that the Water Commissioners submitted regarding Torrey Woods Conservation Area. The vote of Town Meeting would allow the transfer of a portion of Torrey Woods to the Water Commissioners to allow the Water Department to develop the Unkety Brook Well site. This site will produce 400,000 gallons a day without impacting the environment and is part of the Nashua Basin so they would not be taking additional water sources from the Merrimack. This article has received unanimous vote of the Conservation Commission and now needs majority 2/3 vote of Town Meeting and then Mass Legislature to act on the transfer. The other 2 articles are money articles associated with the transfer to purchase the easement and the Enterprise Funds to fund the utility and access process. Mr. Degen noted that the land under the care of the Water Department has the same characteristics as that of the Conservation

Commission so this action would still protect conservation interests. The Selectmen thanked both for coming in and for their information.

### **Conservation Commission RE: STM Warrant Article for Long-Term Lease**

Barbara Ganem stated that part of the Surrenden Farm project agreement was that a portion of the property remains in agriculture. Lot 8 North and South include approximately 36 acres in fields but not all are suitable for hay. The proposed article is to allow for a tenure lease/license agreement. Farmers who bid on a year's contract this past summer wanted it to be a longer term. Due to a lot of up front costs it is a couple of years down road before they recognize any profit. These leases are not big money maker but at least town would not have to spend money to maintain these fields. There would be a yearly rate of \$20-\$25 an acre. This year 36 acres and the Town received \$750 for the 1 year agreement. Mr. Dillon suggested that Barbara have Town Counsel double check that we are able to enter into a lease. Mr. Dillon asked if Barbara had insight into the Conservation Trust agreement on their 6-7 acres. Barbara responded that she does not and she is not sure what the term of their lease is or if they have to go into bid like the town does. Mr. Degen asked if they had created an RFP for bid yet and she responded that they had not yet but they would.

### **Finance Committee (FINCOM) Interview for Appointment – Joseph Crowley**

Mr. Dillon stated that FINCOM had recommended Mr. Crowley and then asked him why he was interested in the committee. Mr. Crowley responded that he has lived in Groton since 1996 and feels that he should take part in some form of community service. He attended the last meeting and met all members who gave him full disclosure of the requirements. He is willing to try to put in the time necessary and attend meetings. The Selectmen thanked Mr. Crowley for volunteering for such an important committee.

*Mr. Degen moved to appoint Joseph Crowley to the Finance Committee for the three year term, term to expire June 30, 2010. Mr. Schulman seconded. Unanimous vote.*

### **OTHER BUSINESS**

#### **Selectmen Position on articles and their Order for Special Town Meeting**

The Selectmen decided not to take positions until after all public hearings and any other meetings necessary have taken place. They reviewed the order of the articles and, other than 2 articles that needed to be removed, all was in line as discussed at the previous meeting. Jeff was waiting for confirmation from the School as to whether or not the 29<sup>th</sup> was an open date for the continuation of the meeting to a second night. He asked the Selectmen about selecting assignees for reading and Mr. Dillon responded that they could discuss this next week and finalize later, but if any of the Selectmen had preferences to let Jeff know. Mr. Dillon also noted that due to the CPA items there would be money articles on both the first and second night so they would need to have a quorum for both nights.

#### **43D Permitting Approval for Groton Electric Light Department (GELD) Property**

The Selectmen discussed that the 43D Permitting Approval was for all of the Town owned property on Station Ave not just the GELD Property, which included the Town Hall, the Fire Station, the McGregor Property and GELD. The Board consented to sign a letter of approval.

### **REPORT OF THE INTERIM ADMINISTRATIVE OFFICER**

Jeff informed the Board that the Council on Aging was continuing to pursue their Accreditation, they had passed the preliminary review and the National level was next. The Selectmen had received a request to make Orchard Lane a one-way street. Jeff recommended waiting for the new Police Chief to come aboard and then the Selectmen along with the new Chief could conduct a site walk on a Saturday morning. Jeff then stated that the Selectmen should consider selecting a date to walk the bounds. Mr. Cunningham suggested that while they were out and about for Orchard Lane they might want to consider coordinating with Dunstable and Pepperell to do it then. Jeff suggested that there might be a better chance of seeing things when leaves of trees and mid to late October or early November might work best. He then informed the Board that he had received a memo from Elizabeth regarding the analysis of the Building Inspector position. After reviewing similar towns the Selectmen need to take a look at the position to determine if there is a need to fill the position for 40 hours per week. The Advertisement had been placed for a full time replacement and 6 resumes had been received. The Board consented that Mr. Degen would meet with Don Kinney next week to discuss and determine what the needs of the department are. They also agreed that Elizabeth

should check with the 6 applicants to see if any of them would be willing to accept a non full time position before re-advertising. Jeff then informed the Board that MMA will have their fall meeting for Selectmen on 10/13 and a Legislative Breakfast on 10/19 and to let him know if any of them were interested in attending either of the two. He also informed them that the Municipal Coalition for Affordable Housing would have a meeting on Friday 10/26. He will be preparing Insurance Bid Specifications for Property, Casualty and Workers Comp. to make sure that we are getting the best rates possible. The plans for the \$19,000 tree plantings at Shaw's have been created and have been sent out so Jeff is hoping to hear back from them soon. Mr. Cunningham asked if the plantings would take place this year or next year. Jeff replied that they were hoping this year by November 1<sup>st</sup>. Mr. Degen stated that from now until Thanksgiving was the best time to plant. Lastly, the reception for Chief Mulhern would take place on Friday at 4:00 p.m. and the new Chief would be sworn in on Monday at 9:00 a.m. and a reception would follow. The orientation schedule for Chief Palma has been confirmed.

**SELECTMEN LIAISON REPORTS**

Mr. Degen stated that the Planning Board public hearing and the Blue Ribbon Governance continuation would both be held on October 4<sup>th</sup>. The public hearing for the warrant articles would be held on October 1<sup>st</sup>. The Selectmen would wait until after the Planning Board hearing to take positions on the articles. Arrangements have been made to plant 23 new trees along the right of way at the Shaw's intersection to mitigate the loss of trees that took place at the beginning of the project.

Mr. Schulman stated that he would be attending the meeting of the Country Club Board on Tuesday to talk about financial suggestions on how to improve practices. He also announced that he had passed and gotten his certificate for the NIMS 100 course so he was now more prepared for an emergency.

Mr. Cunningham stated that the first public hearing for the Charter went well and there was good discussion over the document. There was one minor change created as a result. There will be an additional meeting of the Blue Ribbon Governance Committee on October 2<sup>nd</sup> at 7:00 in the upstairs meeting room. The Committee would be at the Senior Center for discussions on Wed. Oct. 17<sup>th</sup> at 10:00 a.m. There would be a public hearing on Oct. 18<sup>th</sup> at 7:30 p.m. at the Town Hall. The hearing would be taped by Groton Cable and is being shown if anyone is interested in watching. Also Grotoncharter.com is up and running and has a copy of the Charter and frequently asked questions. The current version has just been sent out.

Mr. Dillon stated that he had also attended various meetings. He also stated that Tom Delaney had finished up on some landscaping at the building on West Main Street and that it all looked good.

**ADJOURN**

*Mr. Degen moved to adjourn at 8:48 p.m. Mr. Schulman seconded. Unanimous vote.*

Approved: \_\_\_\_\_  
Stuart Schulman, Clerk

\_\_\_\_\_ respectfully submitted,  
April Iannacone  
Office Assistant

Date Approved: *November 19, 2007*