

**BOARD OF SELECTMEN  
MINUTES OCTOBER 15, 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 gave congratulations to the Treasurer/Tax Collector Christine Collins for meeting the testing requirements and receiving her CMT Certificate. He also read a letter of resignation from Bruce Clements and he thanked Bruce for all of the work he has done over the past few years.

**Bentley R. Herget, RE: Interview for Appointment, Building Commissioner/Zoning Enforcement Officer**

The Selectmen each asked Bentley 2 questions in order for them and the public to get familiar with him. Mr. Keoseian noted that Bentley was already familiar with Groton and its policies. He informed the public that Bentley has worked for Groton in a part time capacity in the past and he feels that there would be a smooth transition. Bentley stated that he was Mike Tusino's Assistant Inspector or Local Inspector and did almost everything. He has since taken the Certification Test for Building Commissioner. Bentley was asked if he was offered the position how quickly could he start and he replied that he would have to give 2 weeks notice. Mr. Degen asked if his intent was to work for the Town of Groton only and he replied that it was.

*Mr. Degen moved to authorize the Interim Administrative Officer and the Personnel Director to negotiate an Employment Agreement or Memorandum of Understanding with Bentley R. Herget as new Building Inspector/Zoning Enforcement Officer. Mr. Schulman seconded. Unanimous vote.*

**Onorina Maloney, Town Clerk, RE: Request to Fill the Position of Assistant Town Clerk**

Onorina informed the Board that after 10 years of service to the Town Nancy Bogar, the Assistant Town Clerk, will be retiring on December 7<sup>th</sup>. Her position is 20 hours per week and will start at a step 1 or 2 from \$18.21 to \$18.76 per hour and will save approximately \$2,400 - \$3,000 per year. She noted that the Assistant Town Clerk has to act as Town Clerk in their absence. Also the Clerical Assistant has resigned and her last day will be November 2. The step difference in pay for this position will save approximately \$600 per year. Mr. Degen asked Onorina if she thought that she could combine the 2 positions to make them one. She responded that she would consider it but she would need to make sure that there was enough coverage in the office. Elizabeth Currier, Personnel Manager, informed the Board that the needs assessment that she would be working on would take a closer look at the needs of the department on a day to day basis for operations as well as any budget hardship. This needs assessment had been done for the Custodian and the Building Inspector positions. She understands that this is a busy office and she does not want to hold up any day to day operations while doing this assessment. Her goal is to have a recommendation to the Selectmen at their meeting on November 5<sup>th</sup>.

*Mr. Degen moved to authorize the Interim Administrative Officer and the Personnel Director to conduct an employment audit and needs assessment of the Assistant Town Clerk and the Clerical Assistant and report back to the Board of Selectmen by November 5, 2007. Mr. Schulman seconded. Unanimous vote.*

**William Eger, Great Pond Advisory Committee, RE: Docks**

Dr. Eger addressed the Board to inform them of issues that are arising and that he is concerned with a misapplication of Chapter 91 since the development of the Areas of Critical Environmental Concern (ACEC). According to a letter received in 1993 from Representative Hornblower any water that is enlarged by impoundment is not covered. The current dam did not enlarge Knops Pond it met the level of the pond and did not exceed Ch. 91. Springy Pond became contiguous of Lost Lake. The other issue is the jurisdiction of water in Lost Lake which was under commercial enterprise at time of this law and was exempt from States permitting process. The natural high and low water mark are the historic water marks for any Great Pond however, Lost Lake was a brook and was much smaller. The States Senior Planner told him that they could not rule with this information only. There are two options which are that each of the approximately 100 residents can file determinations of applicability or the Town could file one on behalf of all of those residents to request that Rep. Hargraves create special legislation to exempt Lost Lake from this. Mr. Dillon asked if the letter presented was the position of the appropriate people. Dr. Eger responded that he

did not know but the resident had not filed for a permit at that time and after 200 years of ignoring this regulation they are now required to file. Most towns are not ready to file the resource mgmt plan. If the Town is approved for the 2 year extension request then they can request jurisdiction and set rules for permitting and fees. Mr. Cunningham agreed that there were difficulties in applying a law that is in anachronism to modern day situations and suggested the possibility of a .working group to explore and report back options. Dr. Eger stated that Attorney Collins is interested and has thoughts on this process. This has become a hardship for many on the lake and a burden on the Town due to issues also and this was not highlighted when the ACEC was accepted. Mr. Dillon noted that the Conservation Commission had also been burdened and that Peter's point was well taken that the Town should get a group together and also ask Rep. Hargraves to come up with any information behind the letter written by his predecessor. Mr. Degen stated that in taking a look at the information from 1886 when law enacted and the 1875 Town map the small pond Spring Pond is small in comparison and the brook through the area. Underneath that lake people would own all the way through to the brook if the dam was not in place. He agreed that the Board of Selectmen (BOS) should take this issue upon themselves on behalf of all of the residents. There should be deeds to show that they own the land under the water and this legislation is requiring people to pay to put a dock on their own property. Mr. Keoseian stated that it appeared that they were all heading towards consensus on creating the working group and asking Rep. Hargraves to help with navigating and wording. He also thanked Dr. Eger for his phenomenal work putting together all of this information to help all of the BOS understand it.

#### **Board of Assessors, RE: Legal Representation**

Hugh McLaughlin noted this was a posted meeting of the Assessors also. He gave the Selectmen a copy of the Abatement Application that gets filed with the Assessors and noted that underneath the address it states that this document is not open to public inspection and is a confidential process. Mr. Dillon stated that based on the memo from the Chair Sylvia the request was for the approval of the Selectmen to use Special Counsel Ellen Hutchinson. Hugh stated that when the Town goes to the Appellate Tax Board (ATB) the case is John Doe vs. the Tax Payers of Groton. When someone questions their tax, the budget is fixed and it has to be paid for, if one person does not pay the rest have to. They are looking for legal representation to speak for the tax payers and ask the Board to approve this representation. Mr. Dillon then stated that there were some times in which they have to use legal counsel and some times when they do not and asked Hugh to explain the difference. Hugh responded formal hearings need legal counsel and informal hearings do not. Mr. Degen agreed that the taxpayer needs representation however the \$4,000 that was approved by the BOS for one case at the time has been authorized by the Assessors for 2 other cases which is contrary to what this board approved. Hugh responded that after the first filing was made they were subsequently notified that there were more. They asked the counsel and she agreed to handle the docket of cases that appeared in court that day. He stated that there was one resolved formal, an additional formal was postponed and there are 2 or 3 other formal hearings that may or may not be held. He felt that the Town is best served by having counsel available for this process. Mr. Cunningham believed that the reason for the request in April was because they had a past experience with Town Counsel that they were not happy with and were looking to get approval to use another counsel representation that was more knowledgeable in these cases. Mr. Schulman asked if there was a reason for more formal hearings being filed at this time than informal. Hugh responded that the fees used to be \$25 for informal and \$100 for formal and now both are \$100. People are able to have a formal hearing without retaining lawyer and added expense therefore they could be entering a cycle where more come about. Mr. Dillon stated that they needed to settle on utilization first. When this was voted before it was for a specific case. The new request is up to the amount authorized regardless of who and how many. Mr. Keoseian stated that when they approved the \$4,000 it was case specific, but there was not a limit or parameter that it could only be for this case. He did not recall saying that if the case was settled she could not be used again. After some more discussion about the process and the possibility of looking into other representatives from Kopelman & Paige, Mr. Dillon stated that the intentions were not vague on the initial request but they needed to look forward and move onto the request before them. He also noted that though they were altering the motion that was made in April the amount is the same \$4,000 not an additional \$4,000.

*Mr. Degen moved to allow the Board of Assessors to utilize Special Legal Counsel for the purpose of Appellate Tax Board cases, not to exceed \$4,000. Mr. Schulman seconded. The vote was 4 in favor (F.D, S.S., P.C., M.K.) and 1 not in favor (J.D.).*

#### **Conservation Commission, RE: Accept a Donation of Land**

Barbara Ganem informed the Board that this is a small parcel of land that owners have offered to gift to the town. The parcel is about 4300 sq ft or 17 acres on Boathouse Road. The Conservation Commission has voted to accept the

land. Mr. Dillon asked Barbara if the taxes were all up to date and she said that they were. He gave thanks to Barbara and the Bedigian family.

*Mr. Degen moved to approve the acceptance of land on Boathouse Road, Assessors' Map 129-224, as recommended by the Conservation Commission, donated by the Bedigian Family. Mr. Schulman seconded. Unanimous vote.*

**Squannacook River Dam Project**

Tom Delaney informed the Board that he received notification that the funding has been pushed through to begin the repairs to the dam. Tomorrow at 9:30 he will have a meeting with Healy and Aldrich to formulate a game plan to get the recommended maintenance work done over there. This was the firm that had come up with the initial cost of \$250,000 and the biggest expense item is the concrete slab at the bottom. Mr. Cunningham informed Tom that when the Office of Dam Safety came out they noted that on the Shirley side where the water is going down back side there was moisture seeping through edges. Tom replied that he was not aware of this and would remember to mention it to Healy & Aldrich. He then asked Tom if the intent was to repair or close the gate and he replied that they would close it with a low water outlet. The DCR who administers the funding states that the money has to be used by June 30<sup>th</sup>. If that cannot be done then an application has to be submitted 2 weeks prior to the deadline and as long as the process is moving forward they will not shut down the funding. On Friday they informed us that we have 2 weeks to get something submitted to them. Mr. Dillon asked if we had to have matching funds and Tom stated that matching funds had not been indicated as a condition. The funds are Chapter 90 money so we will spend in anticipation of grant returns. At the end of year he will work with Val and Christine to make sure that the submittal to the DCR for payment is completed so the transition will come back faster. The Selectmen gave thanks to Tom for all of his efforts.

**OTHER BUSINESS**

**Special Town Meeting (STM)**

Mr. Dillon reminded the public that the STM takes place next week. The first night will discuss the charter and the second night will discuss Station Ave. Rezoning. Mr. Ritter informed the Board that the motions that were sent to Town Counsel last week had been returned this morning. The changes recommended were sent out to all that needed them so a working set of motions are in place. The book that each member will receive with detailed information, background information, and all motions is being put together. He will be posting for the Board to meet at 6:00 in the cafeteria. Mr. Dillon asked Jeff who would be representing Town Counsel for the meetings. Jeff responded that David Doneski should be here and able to attend both nights.

**REPORT OF THE INTERIM ADMINISTRATIVE OFFICER**

Mr. Ritter informed the Board that they needed to set a date to walk the bounds and formally notify the other towns of when this will take place. The Board consented to set a date for mid to late November and they would walk the Town lines of Pepperell and Townsend and then complete Shirley, Ayer and Littleton next year. Mr. Ritter then reminded the Board of the Orchard Lane site walk set for October 27<sup>th</sup> at 9:00 a.m. Groton has been selected by the MMA to be one of 70 communities across the Commonwealth to participate in the 6<sup>th</sup> Grade Essay Contest; "What I would do if elected...?" Lastly, he had attended a Municipal Law Update seminar last Friday in Randolph and will be attending a Legislative Update this Friday in Shrewsbury.

**SELECTMEN LIAISON REPORTS**

Mr. Cunningham reminded the public of the Blue Ribbon Governance Committee meeting on Wednesday at the Senior Center at 10:30 a.m. and the public hearing on Thursday at 7:30 p.m. at Town Hall.

Mr. Dillon stated that the Planning Board meeting on the 18<sup>th</sup> would be discussing the 797 Boston Road rezoning.

**ADJOURN**

*Mr. Degen moved to adjourn at 8:43 p.m. Mr. Schulman seconded. Unanimous vote.*

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

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respectfully submitted,  
April Iannacone  
Office Assistant

Date Approved: *November 26, 2007*