

**BOARD OF SELECTMEN
MINUTES TUESDAY, JANUARY 22, 2008
APPROVED**

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

Absent: Stuart Schulman, Clerk; 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.

Annual Town Meeting, RE: Setting Meeting Date for Monday, April 28, 2008

Mr. Ritter informed the Board that he had spoken with the Temporary Town Clerk to confirm that this was the date forecasted for the Town Meeting. He also confirmed that the performing arts center was available that evening.

Mr. Degen moved to hold the Annual Town Meeting on Monday, April 28, 2008. Mr. Cunningham seconded. Unanimous vote.

Mr. Degen moved to open the Annual Town Meeting Warrant on Wednesday, January 23, 2008 and to close the Warrant on Thursday, February 28, 2008 at noon. Mr. Cunningham seconded. Unanimous vote.

OTHER BUSINESS

Capital Planning Committee Appointment, Jeff Gordon

Mr. Ritter stated that no one was expected to attend this evenings meeting. The Committee met last week and they strongly endorse his candidacy. Mr. Dillon stated that there were 3 people on the Committee with 2 vacancies, and after this appointment there will be only one vacancy left. He also stated that Jeff was previously on it the Committee.

Mr. Degen moved to appoint Jeff Gordon to the Capital Planning Committee for a term to expire on June 30, 2008. Mr. Cunningham seconded. Unanimous vote.

Letter, RE: Charter and Ballot Question

Mr. Dillon stated that this was a draft letter to be sent to Representative Hargraves and Senator Pangiotakos indicating that the charter request had been reviewed and approved by house counsel. The Selectmen were requesting that the ballot question be ready and able to be posted to the Town election ballot by Tuesday April 15th at 5pm. He then read the letter. He made one suggestion to add thanks, and sincerely the Board of Selectmen (BOS).

Mr. Ritter stated that he had just received a message from Jeff Wilson from Representative Hargraves office. The legislation has been filed and given an official tracking number, and is moving its way through the process.

Mr. Cunningham stated that the Charter was House Bill 4490. At some point they will be holding public hearing for the BOS to attend.

Mr. Degen moved to approve and send a letter to Groton's State Representative Robert Hargraves and Groton's State Senator Steven Panagiotakos urging them to expedite the legislation for the ballot question and Charter. Mr. Cunningham seconded. Unanimous vote.

Harbor Master Appointment, Chief of Police Donald Palma

Mr. Dillon stated that the Town needs to appoint a harbormaster, and if they do not the responsibility falls upon the BOS.

Mr. Cunningham stated that this need came up due to the Great Lakes designation. The big thing is the designation of moorings and structures that go in the water.

Chief Palma stated that his job would be to monitor temporary or permanent structures in the water that become a public safety hazard.

The Selectmen thanked Chief Palma for taking on this job.

Mr. Degen moved to appoint Donald Palma, Chief of Police to the position of Harbor Master for a term to expire on June 30, 2008. Mr. Cunningham seconded. Unanimous vote.

Review Insurance Bids

Mr. Ritter stated that a month and a half ago he had solicited Requests for Proposals (RFP's) for the Town's liability and property insurances. The Town has been doing business with MIIA for 10+ years. He believes that it is a good due diligence to look into things to see if there is any opportunity for savings. The proposals will take some time to sort through, and they might need to tighten up and resend out the RFP's. He has had a meeting with Val and they have discovered some missing information and inconsistencies. At this time he would not recommend staying with the current carrier. He is providing this information as an update, and more information will be coming over the next week or two.

Mr. Dillon stated that proposal number 2 is incomplete, and the 3rd is complete but highly questionable because they did not have all of our information to work with. They need to do a thorough review, using a spreadsheet comparison with all of them, to make sure that what was sent to us for bidding is what we need. If there is any qualified resident that might have any experience in this area to help go through these bids, please contact the Selectmen's Office. Some things that need to look at include the Employee Assistance, HR management, rewards credit programs due to programs the Town employees take part in, and the scrub payroll listing that goes through the risk. They need to make sure that MIIA has submitted all the information required for the bidding. They have been dragging their feet, and need to be more cooperative. He also stated that they need to question why the Workman's Comp. came in higher than what was anticipated. It doesn't appear to be based upon the experience rate that should have been used.

Mr. Degen stated that the payroll services and class codes should be easy to group together in order for them to bid on our numbers.

Mr. Dillon replied that they need to make sure that these providers are well aware of the function of each payroll classification. The tree warden has the highest risk factor, by 3 to 4 times, but in this town he does not cut down trees, or a lot of the duties that the classification uses in the risk calculation.

Mr. Cunningham agreed that there were abnormalities amongst the 3 bids, and a declaration page to compare them category by category would be best.

Mr. Dillon then stated that they should start out with the current policy. They submitted the fee as level funded for the budget, and hopefully it will be less than that. The current provider did not bid on the Workman's Comp., and if they took their information they would probably come in about \$1,000 less than last year.

Mr. Degen stated that they should also ask everyone to bid on coverage for first responders that may be reporting to duty in their own vehicle, and what happens if there is damage to their vehicle. Also what the Town's liability would be if residents shovel, or do not shovel, their sidewalks in the right of way?

Mr. Dillon stated that they would be going ahead with the level funded, and the expiration date for their policy is the 1st of July. They need to expedite their research so that they know if they need to cutback any budgets further.

*** Before discussing the Mill Street Letter, Mr. Dillon stated that he recently had a discussion with a member of the Board of Assessors. He is suggesting that a letter be sent out from the BOS to the Department of Revenue (DOR) requesting a review of the assessing policies and procedures. This should not be interpreted that there is a local assessment problem, they are just looking to have the local policies and procedures reinforced. The DOR sets most of these policies, and this is just a way of getting further input on a situation to see what happens. The Board of Assessors felt that it might have more weight coming from the BOS, because they work too closely with the DOR. There was an article in the Lowell Sun on Sunday that mirrors what's happening with the significant change in the property values.

Mr. Cunningham stated that it was a well written letter. At an afternoon meeting he heard that to a large extent the Board of Assessors go by the DOR regulations. It would be good for the DOR to provide some form of validation of that. It may not make people happy, but they need to get the information out and let people know that it was done by policy and procedure.

Mr. Dillon then read the letter. He requested that anyone that's been hard hit with what happened approach the Assessors with a certain degree of respect, and be as civil as possible. They are volunteers, and they work hard at what they do. The Board of Assessors is having a meeting Thursday the 24th at 7:00 p.m. at the Town Hall in the first floor room and will try and televise to all interested.

The Board consented to send out this letter.

Letter, RE: Mill Street

Mr. Dillon stated that they were looking to exclude truck traffic on Mill Street. The Town has been working on this for 4 or 5 years. The Mass Highway Department has been out 4 or 5 times looking at Mill Street and other areas, and has indicated things that needed to be done. There seems to be inaction on the part of Mass Highway. This letter

would be to the acting district highway director. He then read the letter that the BOS would be approving to send. The Selectmen have documentation of letters written to the same individual that go back to 2005.

Chief Palma stated that he had received a couple of concerns from residents on Mill Street. He and Tom have been discussing the options, and what has happened in the past. Tom has had some conversations with the district. They do know that a letter is coming. He feels that a letter from the BOS would expedite things and that they would probably be in favor of the truck exclusion.

Mr. Dillon stated that when the Town first requested that they come out, they tried to divert the attention to other issues. Tom did a lot of work to go through the files to make sure that all had been done. They have been delaying the process.

Mr. Ritter stated that they don't favor truck exclusions, and they make things as difficult as possible for communities to do this.

Mr. Degen stated that they have been trying to do this since 2005. In their documentation this same gentleman has been familiar with this for 20 years since 1987. He does not understand what is going on.

Chief Palma replied that Jeff's statement is pretty accurate about them not favoring the exclusions. He will check with Tom as to where the progress is and get back to them.

Mr. Dillon asked if Representative Hargraves had met with them.

Ms. Connie Sartini replied that Representative Hargraves had met with the head of Mass Highway and district 3, and had refreshed their memory about the long issue. Hopefully we will finally get some resolution. She requested that the BOS send a copy of their letter to Representative Hargraves.

Mr. Degen moved to approve and send a letter to Charles Mistretta, Acting Director of Mass Highway District 3, regarding a request to exclude truck traffic on Mill Street. Mr. Cunningham seconded. Unanimous vote.

Recycling Committee Appointment, Edward Wirtanen

Mr. Dillon stated that the appointment would be through the end of this fiscal year. The Selectmen received an endorsement request by Tessa David of the Recycling Committee stating that Mr. Wirtanen was highly recommended. Mr. Degen asked Mr. Wirtanen if he had ever worked in any recycling.

Mr. Wirtanen replied that he had worked for 26 years in public health, most recently in the Pepperell Board of Health. He has dealt with household hazardous waste and his background blends well. He has been in Groton for 3 years now.

Mr. Dillon stated that the BOS appreciated his stepping up and volunteering for this committee.

Mr. Degen moved to appoint Edward Wirtanen to the Recycling Committee for a term to expire on June 30, 2008. Mr. Cunningham seconded. Unanimous vote.

Reverse E-911 Contract with Worcester County Sheriff's Office

Chief Palma stated that Jeff has filled in some of the blanks in the standard contract. Bill Shute has had a concern that the Town be able to maintain some control over some of the database. This would include being able to divide the Fire Department by companies, and the Police and Highway by crews. It would not require a lot of personnel time to make these changes.

Mr. Dillon asked about the 5th whereas statement about being NIMS compliant as of September 30, 2006. Chief Palma stated that the whole Town needs to become compliant in order to continue to receive grant money for programs like these. The Board of Health and the BOS are the only Boards not certified. Mr. Ritter stated that the Chief is a certified instructor.

Mr. Degen asked Chief Palma if he would come by after a Selectmen's meeting with a light agenda to work with them. Chief Palma replied that it would be best to pick a different evening, or a Saturday morning for this.

Mr. Cunningham asked who needed to be NIMS compliant in the Town of Groton. Chief Palma replied that all entities of Public Safety, Health, Fire and the Selectmen needed to complete the courses to be compliant.

Mr. Degen asked about the third sentence on bottom being for the first 3 years now. Chief Palma replied that yes it would be paid for by grant for 3 years. Mr. Degen then stated that they needed to amend the original contract before signing.

The Selectmen then thanked Chief Palma for his information and for coming in.

Mr. Degen moved to approve and authorize the Chairman of the Board to sign the Memorandum of Agreement between the Worcester County Sheriff's Office and the Town of Groton regarding the Reverse E-911 System. Mr. Cunningham seconded. Unanimous vote.

Review Current Policy, RE: Road Acceptance

Mr. Dillon stated that one of the reasons that he wanted to review this was that the last road acceptance that took place on Route 40 might have fallen under the old cash deposit bond. The Acceptance was more than our legal limits and closer to \$3,000 than the \$2,500 because there were 3 roads rather than 1. He requested that Jeff take a look at what the cost experience has been in paying for the roads over past 2 to 3 years to see about a possible increase. A few years back there was no charge. Due to the high legal bills they started charging \$1,500. They found out that it still wasn't covering everything and they had to increase it again.

He then read the section regarding the cash bond of \$2,500.

Mr. Degen stated that there were issues with Deerhaven that increased the costs. There were other issues that needed to be lined up that might have escalated the costs even further. He believes it makes sense to increase this by \$500.

Mr. Dillon also thought it would be good if the Planning Board could review the whole policy.

Mr. Degen replied that it makes sense to put this on their agenda to review and make suggestions to the BOS.

Mr. Dillon asked about the bond being held by the Planning Board, so the cost of the road layout and the road taking could be held together.

Mr. Cunningham replied that he did not know if they can keep these funds in the same revolving account as the other funds.

The Board consented to follow up, and possibly change this policy.

Review Draft Annual Town Meeting (ATM) Warrant Schedule

Mr. Ritter stated that this was a marked up version of what was done last year.

Mr. Dillon stated that they were opening the warrant on Wednesday January 23rd and not tomorrow. He requested that Mr. Ritter make that change to the schedule. He then read through schedule.

Mr. Cunningham asked when the newsprint mailer goes out.

Mr. Ritter replied that the mailing of the warrant was required by the Bylaw to be sent out 2 weeks prior to the ATM.

Mr. Dillon stated that there has been an occasion when the budget has not gone out, and has been a separate handout at town meeting.

The Board consented that the schedule was ok to finalize and send out.

Mr. Hugh McLaughlin commented about the budget, and having it go out with the mailing. If the budget does not go out with the warrant it is difficult to be able to simulate and process the night of the ATM. However, if it is solidified and sent out with the warrant, then people can go through and begin to scrutinize it at home before the meeting.

Mr. Dillon replied that there would likely be an inability to get it done for different reasons.

Mr. Cunningham stated that the public hearings would be held on February 2nd and 9th, and that once this is done they will have a set of preliminary figures which will be available on the website for people to go through.

Mr. Dillon stated that at that point it would still be a living document because of the difficulties with the budget.

Mr. Degen stated that Hugh's point is good that people get the opportunity to look at this at home. They should just note the draft date.

Mr. Dillon stated that once it has gone out, there are only minor changes that will have taken place.

Review and Draft Language, RE: Sidewalk Clearing By-law

Mr. Dillon stated that this agenda item should be skipped in order to have a working group look into this.

Mr. Cunningham stated that while he was in Florida they had some discussion about the sidewalk clearing. While it was being talked about it almost seemed like a common sense type of thing, and in a lot of communities this is something that they do require. When Tom was in and met with them, part of the discussion was what the defined areas he clears. The Town cannot do everything, but if they come up with a bylaw there were some concerns about it, but something that occurs in other communities. There would have to be some indemnification clause to not hold the homeowner liable for and issues.

Mr. Dillon stated that he thinks it is good to have a working group. This is the first year where there has been any significant concern over this issue.

Mr. Cunningham stated that they were looking at the outlying areas where they do not currently clear like the back roads and cul-de-sacs. It is safer to have children on the sidewalk and not on the road.

Mr. Degen stated that there was some concern of the subdivisions built in the 80's, where there are about 225 feet of sidewalks.

The Board reached a consensus to create the working group.

REPORT OF THE INTERIM ADMINISTRATIVE OFFICER

Mr. Ritter stated that the Department Heads meeting would take place tomorrow morning at 9:00 a.m. in the Library. They were taking these meetings on the road to allow people to become more familiar with all of the Town's facilities. The bi-monthly support staff meeting would take place on Thursday morning at 10:00 in the Town Hall. The Capital Planning Committee will have a meeting on Thursday at 6:30 p.m. They met last week also and they will have a report coming up soon. He received a call from Mike Bruno at Keyspan last Friday. He has received the letter from the Town and will get back to us in about 2 weeks. The Affordable Housing Review Group will meet next Thursday Morning the 31st. Peter, Josh and Carolyn Perkins will participate in this group. He is in the process of creating a Town Counsel RFP Review Group. There will be a Regional Group meeting at the household Hazardous Waste Facility on Devens tomorrow. Lastly, there will be an Information Technology Committee meeting on Thursday morning at 8:00 a.m.

SELECTMAN LIAISON REPORTS

Mr. Cunningham stated that he had requested a discussion on next week's agenda with the Trails Committee and the Conservation Commission. The discussion is regarding the resource management plan for Surrenden Farm due to a Trails issue on the property.

Mr. Cunningham then stated that he had met with Martha Campbell regarding a presentation on transportation for seniors, and a program that they have been working on to help people remember things. This presentation will be on an agenda in February. It sounds like a good program, and a member of the I/T Committee has been reviewing it to see how it works.

Mr. Degen stated that he had been meeting with all departments as liaison to work with them to trim their budgets. The facilities task force 3 will have a final report completed before Town Meeting. They have been reviewing every facility owned by the district. One of the big things is producing very accurate enrollment data for the next 5 years. The information gathered is encouraging because it proves that there is no need for a new school to be built in town. Mr. Cunningham asked if they would have a proposal for actions for next year. Mr. Degen replied that they will make recommendations, but it is up to the School Committee to make the decision.

Mr. Dillon stated that on Thursday there would be a Station Ave. and Planning Board meeting with the Infrastructure Committee.

Mr. Dillon asked Mr. Ritter about the evaluation of the legal representation bids. Mr. Ritter replied that he will get back to them next week as to who the team will be. There will be at least 5 interviews, and is going to be a couple of hours before the Board. It will be a couple of months before this gets complete. Mr. Dillon stated that Mr. Schulman had indicated an interest in helping with this. Mr. Ritter replied that he would be pulling together the team, and then putting together a spreadsheet comparison.

ADJOURN

Mr. Degen moved to adjourn at 8:10 p.m. Mr. Cunningham seconded. Unanimous vote.

Approved: _____
Stuart Schulman, Clerk

_____ respectfully submitted,
April Iannacone
Office Assistant

Date Approved: *March 17, 2008*