

**BOARD OF SELECTMEN  
MINUTES JULY 12, 2010  
APPROVED**

**Present:** Anna Eliot, Vice Chairman; George Dillon, Jr., Clerk; Peter Cunningham; Joshua A. Degen

**Absent:** Stuart M. Schulman, Chairman

**Also Present:** Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant

*Ms. Eliot called the meeting of the Board to Order at 7:00 p.m. and reviewed the agenda for the public. Ms. Jane Bouvier informed the Board about GrotonFest, which is being held on September 11, 2010.*

**TOWN MANAGER'S REPORT**

1. Mr. Haddad distributed [Document #1-Project Description for Grant New England Forestry/Baddacook Pond] to the Board requesting that the Board authorize Ms. Eliot to sign the grant application. Mr. Haddad informed the Board that he spoke to the Water Department and they currently do not have the funds to purchase the land. Mr. Haddad also stated that the grant was 65% reimbursable and the rest would be taken from the Conservation fund. Mr. Degen asked what percentage of the land were wetlands. Mr. Eason, Conservation Commission member stated that 95% of the land was wetlands. Mr. Eason added that this land was a unique habitat and that this issue would have to go to Town Meeting. Mr. Cunningham expressed concern regarding public access to the land. Mr. Degen stated that with such a large portion of it being wetlands that he could not support the grant.

*Mr. Cunningham moved to authorize Ms. Eliot to sign the grant application for the Division Conservation Services for land on Baddacook Pond. Ms. Eliot seconded the motion. Motion carried (2-yes, Eliot Schulman; 1- no Mr. Degen; 1-abstention Mr. Dillon)*

2. Mr. Haddad distributed [Document #2-Trail Committee report on Jenkins Road] and told the Board that this issue will be discussed at the July 12, 2010 selectmen's meeting.
3. Mr. Haddad distributed [Document #3-Memo from M. Collette regarding E.Exmp. AL Prime, 619 Boston Road] as follow-up from the last Board meeting.  
*Mr. Degen moved to accept the recommendation from David Ross Assoc., letter dated 7/9/10 for the seed mixture used at AL Prime. 619 Boston Road. Mr. Cunningham seconded the motion. Motion unanimously carried.*
4. Mr. Haddad updated the Board on the questions brought up at the prior meeting regarding what qualified a quorum. Mr. Haddad explained that a majority of the sitting members of a multiple member body did not include vacancies. Mr. Haddad also recommended that the Great Pond Advisory committee with a charge of 11 members be reduced to five. The Great Pond Advisory Committee has been having quorum problems. The Board asked to have an opinion from a seated member of the Great Ponds Committee at prior to reducing the membership to 5 members. Mr. Haddad stated that he would bring this issue back to the July 26<sup>th</sup> meeting. Mr. Haddad is also awaiting word back from the Attorney General's office on the quorum requirements for elected officials once a vacancy occurs.
5. Mr. Haddad distributed [Document #4-Memo from TM to CPC Re: Housing Coord. Request for Additional Hours] stating that the CPC approved this increase at their most recent meeting. Mr. Haddad distributed [Document #5-Memo from TM to Water & Sewer Commissioners Re: Consolidation of Services] a proposal that still needs to be worked on. Mr. had dad stated that he wanted to get the Board's opinion prior to meeting with Pepperell. Pepperell currently performs the

routine maintenance for the Sewer Department. The Board agreed that Mr. Haddad should approach the Town of Pepperell and the Unions to begin discussions.

Mr. Dillon asked about the rates that Pepperell charges and what impact that would have on Groton if consolidation moved forward. Mr. Dillon was concerned with the rates and the number of hours needed to keep up with maintenance of the sewer and whether or not additional help was needed. Mr. Dillon also suggested speaking with Woodward and Curran and see what they believe the cost should be for maintenance. Mr. had dad thanked Mr. Dillon for his questions and stated that all of his questions would be answered through the process. Mr. Haddad noted that he was meeting with the Water Department the following evening and would report back to the Board.

### **EARTH REMOVAL CERTIFICATE OF EXEMPTION, 160 TOWNSEND ROAD**

Mr. Haddad distributed [Document #6-Earth Exemption Application & Back-Up Recommendations/Conditions] to the Board. Ms. Collette stated that the applicant was not present. A site visit was conducted and the Earth Removal Committee unanimously approved the application with conditions. Mr. Degen was concerned with the steepness of the hill for trucks and the possible damage to Townsend Road. Mr. Degen suggested a bond in case of any damage. Mr. Haddad suggested a condition be that the applicants speak to the DPW Director on a performance bond. All working hours will be reviewed with the Police Chief and the DPW Director.

*Mr. Degen moved to approve the Earth Removal Exemption to remove 5500 cubic yards of material to Groton West LLC for 160 Townsend Road with the following conditions:*

1. *Retain sufficient material on the site to reclaim the site after construction of the road, drainage system, and townhouses are completed.*
2. *Dust control precautions must be taken to prevent wind-blown erosion and dust at all times. There will be a watering truck on the premises or make arrangements with the West Groton Water Supply District to place a meter on the hydrant at the intersection of Townsend Road and the access road to the site.*
3. *The material should be removed from the site within sixty (60) days.*
4. *Earth material will be trucked to nearby locations, such as Cutler Field, to minimize trucking throughout the Town.*
5. *The hours of trucking off site and operation on site should be determined by the Police Chief. No earth removal operations shall be conducted on weekends or holidays. The roadway must be cleaned at the end of the workday. The applicant shall notify the Earth Removal Inspector prior to removing any excess material from the site.*
6. *The DPW Director should be consulted as to a performance bond for Townsend Road to protect the Town from any and all damage.*
7. *The DPW Director and Police Chief will determine the best routes for trucks to travel.*

*Mr. Cunningham seconded the motion. Motion unanimously carried.*

### **TOWN MANAGER'S REPORT CONTINUED**

6. Mr. Haddad informed the Board that Mr. Hughson has resigned from the CPC and there is currently one vacancy on the Committee. Mr. Haddad noted that two members of the Finance Committee have also resigned and the Board needed to reappoint new members to the committee. Mr. Haddad noted three candidates present at the meeting. Steve Webber, Robert Hargraves and Gary Green. All three submitted interest form into the office and the Chairman of the Finance Committee supports Mr. Webber nomination but no additional direct recommendation to the committee. All three candidates stated their reasons as to why they should be appointed to the Finance Committee.

Mr. Degen thanked all three candidates and supported appointing Mr. Webber and Mr. Hargraves to the Finance Committee due to experience in the town. The rest of the Board cited the same support for Mr. Webber and Mr. Hargraves.

*Mr. Cunningham moved to appoint Steve Webber to the Finance Committee to fill an unexpired term to expire June 30, 2012. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to appoint Bob Hargraves to the Finance Committee to fill an unexpired term to expire June 30, 2011. Mr. Cunningham seconded the motion. Motion unanimously carried.*

7. Mr. Haddad distributed [**Document #7-Updated FY 2011 Revenue Projections & Tax Recap Sheet**] to begin the discussion of whether or not to continue the Country Club lease payment. Mr. Haddad stated that the review committee recommended that the lease payment be laminated based on the fact that the debt service has been paid and not paying the lease payment would make the club more viable. Mr. had dad requested that the Board approve the waiving of the lease payment. Mr. Haddad commented on the impact this would be on the town since the lease payment was budgeted in FY 10 and FY11. Due to an increase in permit fees and recycling revenue there will be little impact from the waiving of the lease payment and would not put the budget out of balance.

Mr. Haddad commented that the FY 11 budget was in line with the 4 cut from the state and reiterated that there would be no revenue deficit with a forgoing of the lease payment and that it would mean a \$16 on the average tax bill. Mr. Degen stated that if the Board accepts this can the club supports itself in 2012. Mr. Degen also was concerned with the idea to sell off some land after speaking with the General Manager of the club. Mr. Haddad stated that the purpose of looking into selling land was to kick start capital improvements to the club and added that the club looks to be viable. Me. Dillon stressed the need for a financial plan for the club moving forward. Mr. Cunningham stated he would like to see a viable plan prior to selling any land. Mr. Dillon wanted to look at all possibilities for the club, including the selling of land. Mr. Haddad stated that a perc test was being conducted to see if the land is buildable and would report back to the Board. Mr. Degen expressed ignorance on the testing.

*Mr. Cunningham moved to forgo the lease payment for the Country Club for FY10 & FY11 while continuing to look at all alternative operations for the club and to not endorse any sale of property of the Country Club. Mr. Degen seconded the motion. Motion unanimously carried.*

8. Mr. Haddad requested that Laura Pollard and another member of the Board be appointed to the Country Club Authority in order to get through to the end of the year.  
*Mr. Cunningham moved to reappoint Laura Pollard to the Country Club Authority to expire June 30, 2013. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Cunningham moved to appoint Joshua Degen to the Country Club Authority to expire June 30, 2013. Mr. Dillon seconded the motion. Motion carried 3-yes, 1 abstention.*

9. Mr. Haddad distributed [**Document #8-Proposed MOU between Town and GELD**] indicating that the Light Commission has agreed to utilize funds from the Planning Board budget to hire John Mullen to assist the Town moving forward with developing Station Ave. Mr. Haddad and others have met with Mr. Mullen and he suggested that the Board of Selectmen and GELD enter into a MOU to start the process. Mr. Dillon stated that how the proposed size of the project could affect the future development and needed to be addressed in the RFP.  
*Mr. Cunningham moved to authorize the Chairman and the Town Manager to sign a Memorandum of Understanding between the Town of Groton and the Groton Eclectic Light Department. Mr. Dillon seconded the motion. Motion unanimously carried.*

10. Mr. Haddad distributed [Document #9-Spreadsheet including the Amount of Bld Permit Hours] the Board had requested at a prior meeting. Mr. Haddad stated that it takes approximately 7 hours from start to finish to inspect a new single family dwelling and 5.5 hours on a multi-family dwelling. Mr. Haddad has spoken to the Finance Committee and they support the increase in building department hours for the Building Commissioner. Mr. Haddad informed the Board that the current Building Commissioner has resigned and requested that Don Kinney be ratified as the Interim Building Inspector and Michelle Collette be ratified as the Interim Zoning Enforcement Officer. Mr. Haddad requested that the Board authorize the posting for a new Building Inspector/Zoning Enforcement Officer. Mr. Degen expressed some concern over the Zoning Enforcement piece of the position reporting to the Land Use Director/Town Planner position. Mr. Haddad stated that the employee review will be done by the Town Manager.

*Mr. Degen moved to ratify the Town Manager's appointment of Don Kinney as the Interim Building Inspector and Michelle Collette as the Interim Zoning Enforcement Officer. Mr. Cunningham seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to authorize the Town Manager to advertise the Building Inspector/ Zoning Enforcement Officer up to 40 hours. Mr. Cunningham seconded the motion. Motion unanimously carried.*

11. Mr. Haddad distributed [Document #10-Military Covenant Mission Statement for the Task Force] tailored after the Chelmsford Task Force. Mr. Haddad informed the Board that the Groton Herald and the Groton Landmark wrote stories on the issue. Mr. Haddad requested that the Board appoint the Task Force. Mr. Dillon wanted to thank Mr. Frank Beltisky for his hard work and make him an ex officio member.

*Mr. Degen moved to approve the Military Community Covenant Mission Statement and ten member Task Force. Mr. Cunningham seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to appoint the following members to the Military Covenant Task Force to expire June 30, 2010: Anna Eliot, Karen Riggert, Patricia Hewitt, Fran Dillon, Margaret Perres, Jane Bouvier, Peter Cunningham, John Giger, Steve Webber, Bert Tompkins and Frank Beltisky ex officio member. Mr. Cunningham seconded the motion. Motion unanimously carried.*

12. Mr. Haddad requested that John Giger be appointed to the Lost Lake Sewer Committee.

*Mr. Degen moved to ratify the Town manager's appointment of John Giger to the Lost Lake Sewer Committee to expire June 30, 2011. Mr. Cunningham seconded the motion. Motion unanimously carried.*

13. Mr. Haddad distributed [Document 11-Letter from G. Wheatley Re: Squannacook Hall] who is requesting time on the selectmen agenda to discuss the use of Squannacook Hall. Mr. Cunningham thought that Mr. Wheatley should be brought in to discuss the usage. Ms. Eliot suggested that a member of the boy scouts be invited to that discussion because they utilize the hall.

14. Mr. Haddad distributed [Document #12-Memo from Exec. Assist. To TM Re: remaining 2011 Appointments] for approval.

*Mr. Cunningham moved to reappoint Hester Newbury to the Council on Aging to expire June 30, 2013. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Cunningham moved to ratify the Town Manager's appointment of Jason Parent to the West Groton Sewer Committee to expire June 30, 2011. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to appoint Sgt. John MacDonald from Ayer as a Groton Special Police Officer, to expire June 30, 2011. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to appoint the following Littleton Officer as Groton Special Police Officers to expire June 30, 2011. Chief John M. Kelly, Lt. Matthew J. King, Sgt. Robert R. Romilly, Sgt. David P. Leslie, Sgt. Lisa A. Bonney, Sgt. Robert A. Raffaello, Det. Jeffrey M. Patterson, Det. Matthew J. Pinard, John M. Jankos, Robert J. Bielecki, Pablo S. Fernandez, Edmond D. Bussiere, Timothy M.W. Schaeffer, Patrick L. O'Donoghue, Brian M, Casey, Michael L. Crory, RO John M. Murphy, PO Michael J. Stander and RO John P. Corbert. Mr. Cunningham seconded the motion. Motion unanimously carried.*

*Mr. Haddad requested that he and Patrice Garvin be appointed to the Sign Committee due to their only being one member to appoint. Once the new bylaw is in place the appointments will need to be reappointed. Mr. Degen moved to ratify the appointment of Mark W. Haddad, Patrice Garvin and Jason Kauppi to the Sign Committee to expire June 30, 2011; contingent on Mr. Kauppi's approval of new appointments. Mr. Dillon seconded the motion. Motion unanimously carried.*

15. Mr. Haddad requested that Mr. Alan King, Stuart Schulman and Josh Degen be appointed to the Affordable Housing trust. Only one application to be on the committee has been received and Mr. Haddad wanted to get the committee moving.

*Mr. Cunningham moved to appoint Mr. Alan King to the Affordable Housing Trust to expire June 30, 2013. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Cunningham moved to appoint Stuart Schulman to the Affordable Housing Trust to expire June 30, 2012. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Cunningham moved to appoint Josh Degen to the Affordable Housing Trust, to expire June 30, 2011. Mr. Dillon seconded the motion. Motion unanimously carried.*

16. Mr. Haddad reported that he approached K&P with the \$165 per hour rate. K&P indicated they would be looking for an increase in 2012.

*Mr. Cunningham moved to appoint K&P as Town Counsel with a litigation rate of \$165 to expire June 30, 2011. Mr. Dillon seconded the motion. Motion unanimously carried.*

#### **OPEN FALL TOWN MEETING WARRANT**

Mr. Haddad distributed [Document #13-2010 Fall Town Meeting Schedule] requesting the warrant be open.

*Mr. Degen moved to call the 2010 Fall Town meeting on October 18, 2010. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to open the 2010 Fall Town Meeting Warrant effective July 12, 2010 and closing Thursday, August 26, 2010 at the end of the business day. Mr. Cunningham seconded the motion. Motion unanimously carried.*

#### **DISCUSSION ON SHARED SERVICES**

Mr. Degen suggested the Town of Groton begin to have discussion with bordering towns on sharing town services. Mr. Dillon stated that shared services are already occurring in areas in Town such as the dispatchers. Mr. Haddad stated that he would set up a meeting with selectmen, town administrators to discuss the issue.

#### **OTHER BUSINESS, ONE DAY LIQUOR LICENSE** [Document #14-One Day Application Goyea]

*Mr. Degen moved to approve a one day liquor license to Denise Goyea for July 31, 2010 at Scarlet Hill, 245 Lowell Road from 4pm-8:30pm. Mr. Dillon seconded the motion. Motion unanimously carried.*

**OTHER BUSINESS, TOWN MANAGER CONTRACT DISCUSSION**

Mr. Dillon explained the changes to the Town Manager’s contract one being an extension from October 2011 to June 30, 2013; elimination of COLA language; increases being determined by performance and an increase of 3% for FY11.

*Mr. Cunningham moved to approve the agreement between the Town and the Town Manager to expire June 30, 2013. Mr. Dillon seconded the motion. Motion unanimously carried.*

**MINUTES**[Document #15-June 7, 2010 & June 21, 2010 Meeting Minutes]

*Mr. Cunningham moved to approve the June 7, 2010 regular meeting minutes as amended. Mr. Dillon seconded the motion. Motion carried 3-yes, 1 abstention Mr. Degen.*

*Mr. Cunningham moved to approve the June 21, 2010 regular meeting minutes. Mr. Dillon seconded the motion. Motion unanimously carried.*

**EXECUTIVE SESSION**

*Mr. Degen moved to enter Executive Session at 9:25P.M. in accordance with M.G.L Chapter 39 S. 23B (3) to discuss litigation Groton Residential Gardens case No. 05-26, and not to return to open session. Ms. Eliot seconded the motion. Roll Call- Dillon-yes, Cunningham-yes, Eliot-yes, Degen-yes.*

Approved: \_\_\_\_\_  
George F. Dillon, Jr., Clerk

\_\_\_\_\_ respectfully submitted,  
Patrice Garvin  
Executive Assistant to the Town Manager

Date Approved: 7-26-10