

**BOARD OF SELECTMEN
MINUTES SEPTEMBER 20, 2010
APPROVED**

Present: Stuart M. Schulman, Chairman; Anna Eliot, Vice Chairman; Peter Cunningham; Joshua A. Degen

Absent: George Dillon, Jr., Clerk

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

Mr. Schulman called the meeting to order at 7:00pm and reviewed the agenda for the public. Mr. Schulman also announced many local activities and local businesses in town.

TOWN MANAGER'S REPORT

1. Mr. Haddad [**Document #1-Shooting Range petition**] stated that the Shooting Range Item has been scheduled for the October 4, 2010 Board of Selectmen meeting.
2. Mr. Haddad stated that he has invited the Planning Board to the October 4, 2010 meeting to provide an update on the Master Plan.

JENKINS ROAD ISSUE

Mr. Haddad stated that he has discussed the Jenkins Road issue with Town Counsel. Mr. Haddad noted that the Board voted to seek a summary judgment, as requested by the Trails Committee, to resolve this matter. Town Counsel provided an estimate of 25k to litigate the Summary Judgment. The Conservation Commission voted to expend 10k to assist the litigation, contingent on future Board of Selectmen support for additional funding to the Conservation Fund. After further research other issues regarding this matter have surfaced and are under review by counsel. Counsel is asking the Board to reconsider pursuing the Summary Judgment. Mr. Haddad stated that he concurred with Town Counsel's recommendation.

Mr. Easom prepared a packet for the Board urging them to pursue litigation. Mr. Easom distributed [**Document #2-Mr. Easom's Packet**] and stated that this was his personal opinion. Mr. Easom stated that through his analysis Jenkins Road still existed on dry land. Mr. Degen was concerned that this road was discontinued back in the 1800s. Mr. Easom stated that whether the road was discontinued is not the issue and that the public has a right to pass. Mr. Cunningham suggested the land be surveyed to get answers. Mr. Cunningham also noted an alternate path to Fitch's bridge. Mr. Easom stated that the Board needed to send a message. Mr. Schulman stated that there is an assumption that the Town will win the case.

PUBLIC HEARING TOWN MEETING WARRANT [**Document #3-Revised Draft of Fall Town Meeting Warrant**]

Mr. Cunningham moved to open the Public Hearing on the Fall Town Meeting Warrant at 7:30pm and to continue the public hearing until conclusion of the Jenkins's Road discussion. Ms. Eliot seconded the motion. Hearing opened and continued.

Mr. Schulman read the legal notice. [**Document #4-Legal Notice**]

JENKINS ROAD

Fran Stanley of the Groton Greenway Committee urged the Board to seek summary judgment and would support the ruling of the court. Mr. Degen suggested a survey be done at the access points accessible to the town. Mr. Haddad stated that the survey is important to the case according to town counsel. Mr. Degen was hesitant to support seeking summary judgment without a survey. Mr. Cunningham suggested having Ross Associates come out and see what

can be done from the accessible corners of the lot. Mr. Haddad suggested having a separate motion under Article 2 in the warrant to appropriate money for the survey. It was suggested that it should be a separate article in the warrant.

PUBLIC HEARING FALL TOWN MEETING WARRANT

Mr. Degen moved to reconvene the Public Hearing on the Fall Town Meeting Warrant, in joint session with the Finance Committee. Mr. Cunningham seconded the motion. Hearing continued.

Article 1: Mr. Haddad reviewed the three prior year bills that will be presented at Town meeting totaling \$1,425. Mr. Prager asked about the damage to the sprinkler system and whether the Town could recoup those expenses. Mr. Haddad stated that the town was responsible to pay the bill. The Board unanimously supported Article 1.

Article 2: Mr. Haddad commented on the needed transfers as follows: Building Inspector of 11k; Unemployment of 15k due to the extension of benefits and past employees being placed back on; Refinance Debt of 23k including Library ADA renovations, Sewer betterments and Town Hall ADA renovations; Finally a transfer for Sewer of 53k. Mr. Cunningham stated that Jenkins Road should be a separate article and not fall under article 2. The Board unanimously supported Article 2.

Article 3: Mr. Haddad stated that approximately 345k would be transfers from free cash into the Capital Stabilization Fund. The Board unanimously supported Article 3.

Article 4: Mr. Haddad stated that approximately 50k would be transferred to the Stabilization Fund since money needed to be taken out for fuel tanks, which 75% will be reimbursed by FEMA. Once the FEMA money is reimbursed, 60k will also be placed back into the Stabilization Fund. After transfers Mr. Haddad stated that there would be 400k left in free cash. The Board deferred action on Article 4.

Article 5: Mr. Haddad asked the Board to defer this discussion until Town Meeting, that addresses offsetting the tax rate.

Article 6: Mr. Haddad stated that Christine Collins the Tax Collector/Treasurer was present to discuss the Local Tax Amnesty Program. Ms. Collins stated that the amount of interest on the books with balances for the years 1994 through 2003 have accumulated an amount of interest that now exceeds the original principal. This gives those people a way to get out from under their situation and a potential 53k could be received. The Board unanimously supported Article 6.

Article 7: Mr. Haddad stated that Carol Quinn of the Lost Lake Sewer Committee was present to discuss the application to WPAT. Ms. Quinn stated that the application for Article 7 was 5k. Mr. Degen asked if this could be rolled into Woodward & Currants W. Groton and Lost Lake study approved at a past Town Meeting. Ms. Quinn stated that Woodward & Curran did not account for this in their original budget. The Board unanimously approved Article 7.

Article 8: Mr. Haddad stated that the Town is still awaiting word if it qualifies for grants and loans. If the town does not qualify Mr. Haddad would not support applying and spending the 12k to do the work. Ms. Quinn disagreed and stated that if the town does not qualify to look at the options then. Three of the Board members supported Article 8, and one deferred to Town Meeting.

Article 9: Mr. Haddad stated that 10% of the cost would be 1.2 million and a lot needs to be done therefore this article is a place holder because the town needs all the information prior to moving forward on this article. The Board deferred Article 9 to Town Meeting.

Article 10: Mr. Haddad explained that this article allocated monies into the CPC sub-accounts. The government reimbursement is 32% this year down from last year. The Board unanimously supported Article 10.

Article 11: Mr. Haddad was unable to speak to this article and that Mr. Black, Parks Commissioner was meeting with the Finance Committee on Thursday, September 23rd to discuss the article.

Article 12: Mr. Haddad stated that history of the Country Club and the need to find a way for it to operate once the authority sunsets. This article establishes an eight month budget based on past revenues of the club. Mr. Haddad added that this would work like any other department. Mr. Haddad noted that the RFP is out and due on 10-7-10. Three of the Board members decided to defer this to Town Meeting, while Mr. Degen was opposed. Mr. Prager, FinCom Chair stated concern over saddling the tax payers with debt. Mr. Haddad replied that the budget is based on passed revenue and the tax payers would not be paying. The Board did not take a position at this time.

Article 13: Mr. Haddad referred to Ms. Jenkins the Town Accountant to review this article, which would add money to the Town Forest Account. Ms. Jenkins stated that this committee goes through money very slowly and is requesting another 5k to operate over the next several years. Ms. Jenkins is unsure of their plan and added that there is only \$400 left in the account. The Board unanimously supported this article.

Article 14: Mr. Haddad requested that the Board defer this article because the Planning Board's hearing is not until after the warrant goes to print.

Article 15: Mr. Haddad stated that the Sign Bylaw will now be included in the warrant as Appendix A. Mr. Haddad noted two significant changes to the bylaws one being that the ZBA would not be the appellate board and two to not have restrictions on political signs. Mr. Haddad explained that the Sign Committee would be the appellate Board and the Board of Selectmen would be the next grievance Board. Mr. Haddad noted that the Board could put through the political signs as worded and see what passes. Jason Kauppi of the Sign Committee stated that the bylaw builds off of what is already written. The Board unanimously supported Article 15 as amended by counsel.

Article 16: Ms. Barbara Ganem Conservation Agent stated that the site is 52 acres near Baddacook Pond. This article is to apply for a grant so the Conservation Commission can acquire the parcel. Mr. Degen asked why the conservation commission wants the land due to the 49 of the 52 acres being wetlands. Ms. Ganem stated that it would save the parcel from being developed and that the commission would not purchase if there is no grant. Two of the selectmen did not support and two deferred to town meeting.

Article 17&18: Mr. Haddad did not have verification that the Light Commission had finalized the deal for this parcel and asked for the Board to wait until the next meeting.

Article 19: Mr. Haddad noted that the building of a new garage and GELD building was rate payer neutral. Mr. Degen asked what happened if Article 17 & 18 did not pass. Mr. Haddad replied that GELD planned on building on Station Ave regardless.

Article 20: Mr. Haddad noted that this article was a land swap between the Town and GELD. The Board unanimously supported this article.

Article 21: Mr. Haddad stated that this article was to put pressure on the state legislature to address the concern to make changes in the health insurance without being subject to collective bargaining. Three members supported this article and one opposed

Article 22: Mr. Haddad asked the Board to defer this article because RFPs are due September 30th.

Article 23 &24: Ms. LeBlanc, HR Director asked the Town to adopt 9D of Chapter 32B of the General Laws. This would mean the town would contribute 50% of health coverage to surviving spouses. Additionally Article 24 would accept 9D1/2 of Chapter 32B which would make the surviving spouse 65% consistent with the town's current practices. Mr. Haddad stated that 9 people would be affected by these articles and at 65% it would cost the Town 32k annually. Mr. Haddad added that counsel recommends passing both articles to come in line with 40 years of past practice, because they were never adopted by the town.

Article 25: Mr. Haddad requested that the Board vote to place on the warrant Article 25, which is the Acquisition and Acceptance of Trail Easement running over Hill Road and Fitch's Bridge Road. Acquisition of this easement will take place in connection with settlement of the litigation.

Mr. Degen moved to open the Fall Town Meeting Warrant and to immediately close after the conclusion to this meeting. Mr. Cunningham seconded the motion. Motion unanimously carried.

Mr. Degen moved to place Article 25 Acquisition and Acceptance of Trail Easement on the Fall Town Meeting Warrant. Mr. Cunningham seconded the motion. Motion unanimously carried.

The Board deferred support for Article 25 to Town Meeting.

Article 26: Jenkins Road

Mr. Degen moved to place a article regarding a survey for Jenkins Road on the Fall Town Meeting Warrant, final wording to be determined by the Town Manager. Ms. Eliot seconded the motion. Motion unanimously carried.

Mr. Degen moved to continue the public hearing until September 27, 2010 at 7:05pm. Mr. Cunningham seconded the motion. Hearing continued.

OTHER BUSINESS

Mr. Degen made a statement, regarding the recent newspaper articles regarding Groton Exchange.

MINUTES

Mr. Cunningham moved to approve the regular session minutes of September 7, 2010. Ms. Eliot seconded the motion. Motion unanimously carried. [Document #5-9-7-10 Draft Minutes]

ADJOURNMENT

Ms. Eliot moved to adjourn the meeting at 9:22 p.m. Mr. Dillon seconded the motion. Meeting adjourned.

Approved: _____

Anna Eliot Vice Chairman

respectfully *submitted*,
Patrice Garvin
Executive Assistant to the Town Manager

Date Approved: 10-4-10