

MINUTES
OCTOBER 16, 2000
SPECIAL TOWN MEETING

The Special Town meeting was called to order at 7:37pm. At 7:35pm there were 152 voters in attendance. The quorum requirement was 118 voters. The chair entertained a motion to waive the reading of the warrant. It was moved and seconded and the motion carried unanimously.

There was a moment of silence observed for the fallen sailors of the ship "Cole" which recently came under attack off the coast of Yemen.

ARTICLE 1: Moved and seconded that the Town vote to hear the report of the Landfill Capping Committee and the Groton-Dunstable Regional District School Committee.

Dr. Jennings spoke regarding the status of the schools. Groton-Dunstable Regional Schools ranked 21 out of 351 in the MCAS. Karen Riggert spoke about the status of the school building program. She informed the meeting that the District was pursuing the Casella land located near the Groton-Dunstable line on Chicopee Row. MEPA deems this a favorable site, but cannot give approval or disapproval until a Purchase and Sale is drawn up. Planned opening is September 2003.

Virginia Wood advised the meeting of the drawbacks of the Landfill capping. New England Waste Services spoke regarding the process and their proposal to cap the landfill. Jamie Greacen on behalf of the Landfill Capping Committee, spoke in support of having the landfill capped.

David Hill spoke on behalf of the neighborhood, sharing their concerns about utilizing NE Waste Services.

Article 1 carried by unanimous vote.

ARTICLE 2: Moved and seconded that the Town vote to amend line item 3000, of the Fiscal Year 2001 Budget, Nashoba Valley Regional Technical High School operating expenses from \$394,534 to \$359,954.

Article 2 carried by unanimous vote.

ARTICLE 3: Moved and seconded that the Town vote to raise and appropriate the following sums of money to pay FY00 bills:

Groton Herald \$ 28.00
Deaconess-Nashoba Hospital 255.00
National Telecom 350.00
Foley, Hoag & Eliot LLP 6526.63
Kopelman & Paige 4980.27

Fincom support, Selectman support.

Article 3 carried by unanimous vote.

ARTICLE 4: Moved and seconded that the Town vote to accept Massachusetts General Laws Chapter 59 Section 5K, to allow the Town to adopt a Senior Citizen Property Tax Work-Off Abatement Program, abatements to begin in Fiscal Year 2002.

Selectman and Fincom support.

Article 4 carried by majority vote.

ARTICLE 5: Moved and seconded that the Town vote to raise and appropriate \$1,790, to be added to line item 1141 Tax Collector Wages, to administer the Senior Citizen Property Tax Work-Off Abatement Program.

Selectmen and Fincom support. Rod Hersh made a motion to amend as follows:

To see if the Town will vote to raise by a voluntary assessment, an amount to be added to line item 1141 Tax Collector Wages, and to the General fund, to administer and fund the Senior Citizen Property Tax Work-off Abatement Program, or take any action thereon. This voluntary assessment shall be an additional amount that taxpayers may add onto their property tax bills

solely earmarked to support this program. The expenses incurred by the abatement program shall not exceed the amount raised.

Town Counsel made a challenge to the motion to amend. Because the motion had not been submitted prior and because you cannot appropriate money theoretically, Town Counsel recommended that the motion be disallowed. The Moderator agreed and the motion was not allowed.

Article 5 carried by majority vote.

ARTICLE 6: Moved and seconded that the Town vote to raise and appropriate \$10,100 to add Brownfields Insurance to line item 1400, Insurance and Bonds, of the Fiscal Year 2001 Budget. Fincom and Selectmen support.

Article 6 carried unanimously.

ARTICLE 7: Moved and seconded that the Town vote to raise and appropriate \$240,000 to purchase a parcel of land and building located at 217 West Main Street (West Groton Service Station) and shown on the old Assessors' Map M, Parcel 127-A, and the new Assessors' Map 106, Parcel 45, containing approximately 1.3 acres.

Andrew Searle stepped in to act as Moderator, as Robert Gosselin recused himself for this article. Mr. Searle affirmed his role as Moderator.

The following individuals were sworn as tellers:

Paul Martel, Diana Keaney, Karl Johnson, Frank Belitsky, Christopher Mills, Paul Fitzgerald.

Fincom voted 4:1 to support.

Bill Miller called the question.

The motion to call the question failed.

Discussion resumed with Mr. McLaughlin questioning if the cost of environmental clean-up would be borne by the Town. Tom Delaney stated that the Town would not bear the cost. Michelle Collette spoke in favor. Richard Lodge was concerned that the building would come off the tax roles and about liability. Tom Delaney stated that it cost the town \$500,000 to build the current highway building which is only 1/3 larger than this building. Several residents wanted to know who would bear the cost of the cleanup and what assurances are there. Tom Delaney said that the P&S has a hold harmless agreement on the property. Town Counsel stated that we were indemnified by the P&S.

Bob Pine made a motion, which was seconded, to amend as follows at the end of the main motion: **A response action outcome for site remediation shall be completed and certified by a Licensed Site Professional prior to purchase of the property.**

The amendment carried by majority.

The amended article reads as follows:

ARTICLE 7: Moved and seconded that the Town vote to raise and appropriate \$240,000 to purchase a parcel of land and building located at 217 West Main Street (West Groton Service Station) and shown on the old Assessors' Map M, Parcel 127-A, and the new Assessors' Map 106, Parcel 45, containing approximately 1.3 acres. A response action outcome for site remediation shall be completed and certified by a Licensed Site Professional prior to purchase of the property.

Article 7, as amended, carried by a 2/3 majority: 180 in favor, 38 opposed.

At this time, Moderator Robert Gosselin returned.

ARTICLE 8: Moved and seconded that the Town vote to amend the Personnel Bylaw Wage and Salary Classification Schedule, effective July 1, 2000, by adding the following new positions:

Personnel Board Clerical Assistant Grade 4

Historic District Commission Clerical Assistant Grade 3

Emergency Medical Technician/Administrative Assistant to Fire Chief and EMS Director
Grade 7

Technology Services Librarian Grade 7

And by deleting the following positions:

Under Grade 5 "Fire Department Office Assistant"

Under Grade 7 "Adult Services Librarian"

Moved and seconded to amend this article by indefinitely postponing consideration of the new position of the Emergency Medical Technician/Administrative Assistant to Fire Chief and EMS Director Grade 7 and postponing consideration of deleting under Grade 5 "Fire Department Office Assistant".

Fincom and Selectmen support.

The motion to amend carried unanimously.

Article 8, as amended, carried unanimously.

ARTICLE 9: Moved and seconded that the Town vote to raise and appropriate \$1882 for Historic District Commission wages.

Fincom and Selectmen support.

Article 9 carried unanimously.

ARTICLE 10: Moved and seconded that the Town vote to raise and appropriate \$10,745 to increase line item 2061, EMS Wages, in the Fiscal Year 2001 Budget.

Moved and seconded to indefinitely postpone this article.

Article 10 indefinitely postponed.

ARTICLE 11: Moved and seconded that the Town vote to raise and appropriate \$13,696 to be added to the amount in line item 7000, of the Fiscal Year 2001 Budget, County Retirement.

Article 11 carried unanimously.

ARTICLE 12: Moved and seconded that the Town vote to transfer \$75,000.00 from Water Department Surplus Funds for the purposes of paying Water Department expenses at Whitney Well and miscellaneous engineering.

Article 12 carried unanimously.

ARTICLE 13: Moved and seconded that the Town vote to expend the proceeds, in accordance with M.G.L. Ch. 44, §53, in excess of \$20,000 of insurance funds received or to be received for repair of the West Groton Mill.

Article 13 carried unanimously.

ARTICLE 14 Moved and seconded that the Town vote to amend the Code of the Town of Groton Chapter 48, Personnel, Section 12, Administrative Order No. 6: Classification and Wage/Salary Schedule, by adding subsection A. (7) as printed in the Warrant.

Moved and seconded to amend Article 14 as shown in the handout distributed to this Town Meeting as follows:

(7) Overtime – Highway Department non-exempt employees.

(a) Definition. Hours worked is defined as hours actually worked in the performance of duties and shall ~~not~~ include *only* authorized ~~or unauthorized~~ absences from work ~~except in the case of granted~~ e.g. holidays, vacation, sick time, personal days or bereavement days.

Full-time permanent non-exempt Highway Department employees shall be paid time and one-half for all authorized hours worked over eight (8) hours in one (1) day ~~and~~ *or* over forty (40) hours in any one (1) week. The appropriate pay rate is time and one-half the employee's regular hourly rate for call-outs from 4:00pm to 7:30am Monday through Friday.

- (b) **Unscheduled.** Pay for unscheduled overtime is the same as for scheduled overtime except that non-exempt Highway Department employees will be paid a minimum of three (3) hours or accumulated time to the half-hour whichever is greater. Overtime pay for unscheduled overtime and emergency coverage begins at the time the employee arrives at the employer's facilities.
- (c) **Emergency Coverage.** Pay for overtime hours for non-exempt Highway Department employees while working "Emergency Coverage" which is defined as storms, acts of God and unforeseen circumstances excluding short-term overtime, scheduled overtime, and normal call-outs, will be the same pay rate as scheduled overtime. A non-exempt Highway Department employee who has worked from 12:00 midnight to start of regular work day will remain on time and one-half until he/she gets an eight (8) hour break.

If a non-exempt Highway Department employee is sent home during normal working hours after working a prolonged period through the night, while on "Emergency Coverage", he/she shall be paid his/her straight time hourly wage until the end of the work day.

The Fincom voted not to support 1:4. Selectmen voted to support.

Bill Miller called the question, which was seconded.

The question was moved unanimously.

The motion to amend carried unanimously.

The main motion, as amended carried unanimously.

ARTICLE 15: Moved and seconded that the Town vote pursuant to the authority granted under General Home Rule Powers Expressed in M.G.L. Ch. 40, §21, to amend the Wetlands Bylaw by substituting a new non-zoning Wetlands Administration Bylaw, in its entirety, on file with the Town Clerk on September 27, 2000, for the existing non-zoning Wetlands Bylaw designated as Chapter 215, "Wetlands" in the Code of the Town of Groton.

Motion was made and seconded to indefinitely postpone article 15.

Article 15 postponed indefinitely.

ARTICLE 16: Moved and seconded that the Town vote to petition the Massachusetts Legislature to allow the Town of Groton Conservation Commission to create a fund for consultant fees in accordance with M.G.L. Ch. 44 §53G.

A motion was made and seconded to indefinitely postpone article 16.

Selectman Cunningham spoke against postponing this article indefinitely.

After a considerable amount of discussion,

Article 16 carried by majority, 102 in favor, 44 opposed.

ARTICLE 17: Moved and seconded that the Town vote to raise and appropriate \$94.58 to pay a FY 99 bill to Shattuck Oil.

Article 17 carried unanimously.

ARTICLE 18: Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, § 218-28 Development Rate Limitation, by presenting the Planning Board's "Report on Growth" as required in § 218-28D Periodic Review recommending that § 218-28 be retained and amended as printed in the Warrant.

Moved and seconded that this article be postponed indefinitely.

This article was approved at the April 24, 2000 ATM and approved by the Attorney General's office recently, hence the motion to postpone.

Article 18 indefinitely postponed.

ARTICLE 19: Moved and seconded that the Town vote to amend Section 196-8 Temporary Signs, of the Code of the Town of Groton, as printed in the Warrant, as follows: To those persons engaged in agriculture, farming or farmstand operations the Town of Groton will allow seasonal off-premise directional signs at intersections to be determined by the Groton Sign Committee.

These signs will be uniform in design and constructed to the following specifications: 20" circular sign with produce graphic above 24" x 6" directional sign bars with arrow, name and mileage lettering on a 4"x 4"x 6' square post.

These signs will be designed, erected and maintained by the Town of Groton or its agent. Signs will be purchased from a Town approved sign fabricator by the applicant. The signs will become the property of the Town of Groton. They will be offered to qualified persons at an annual permit fee of \$30 per sign. The Groton Sign Committee will issue annual permits for the signs.

A motion was made and seconded to amend article 19 to read: *To those persons engaged in agriculture, farming or farmstand operations the Town of Groton will allow seasonal off-premise directional signs at intersections to be determined by the Groton Sign Committee.*

These signs will be uniform in design and constructed to the following specifications: 20" circular sign with produce graphic above 24" x 6" directional sign bars with arrow, name and mileage lettering on a 4"x 4"x 6' square post. The produce graphic signs and posts will become the property of the Town of Groton.

These signs will be designed, erected and maintained by the Town of Groton or its agent. Signs will be purchased from a Town approved sign fabricator by the applicant. They will be offered to qualified persons at an annual permit fee of \$30 per sign. The Groton Sign Committee will issue annual permits for the signs. Qualified persons will pay the initial cost of the directional sign bar, plus the future additional cost of replacement should the sign need repair."

Two new tellers were called and sworn:

Jane Allen and William Eger.

Motion to amend carried by majority.

Article 19, as amended, carried by majority: 65 in favor, 53 opposed.

ARTICLE 20: Moved and seconded that the Town vote to amend Section 196-14 Non-commercial, Informational Signs, of the Code of the Town of Groton, as printed in the Warrant. As follows:

G. Waterway identification signs will be allowed where waterways intersect with public roads. These signs may not exceed two (2) square feet in size or four (4) feet in height and will be uniform in design with white lettering on a green field. These signs will be erected and maintained by the Town of Groton or its agent.

Article 20 carried by majority vote: 84 in favor, 36 opposed.

ARTICLE 21: Moved and seconded that the Town vote to amend Chapter 196, Signs, of the Code of the Town of Groton, Section 196-2, General guidelines; definitions, as printed in the Warrant, as follows:

AGRICULTURE OR FARMING – includes farming in all its branches. The cultivation and tillage of the soil, dairying, growing and harvesting of any agricultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock and/or fur-bearing animals, beekeeping, and any operations performed by anyone engaged in agriculture or farming as herein defined or on a farm as a part of farming operations.

FARMSTAND OPERATIONS – includes wholesale and retail sale including packing, shipping and preparation for sale of products 75% of which are grown or produced in Groton.

WATERWAYS – includes any rivers, brooks, streams, wetlands and marshes located in Groton.

Motion made and seconded to amend Article 21 as follows: to delete the words “*wetlands and marshes*”

Motion made and seconded to further amend Article 21 as follows: that the word “*equestrian activity*” be inserted after the words “dairying”.

Motion to move the question.

Motion to move the question carried by majority.

The motion to amend in the second rank was defeated.

The motion to amend in the first rank was defeated.

The main motion was defeated.

ARTICLE 22: Moved and seconded that the Town vote to grant a conservation restriction to the Groton Conservation Trust on the Town of Groton parcel shown on the Groton Assessors’ Map 232 Parcel 56, known as the Shattuck property on Martins Pond Road.

The chair entertained a motion to dissolve the Special Town Meeting. The Special Town Meeting was dissolved at 11:37pm