

**SPECIAL TOWN MEETING MINUTES
SEPTEMBER 12, 2005**

The first session of the September 12, 2005 Special Town Meeting was called to order at 7:02 pm by Moderator Robert Gosselin. There were 175 voters present which satisfied the quorum requirement of 136 registered voters. There was an announcement about Grotonfest which will be held at the Legion Common on Saturday Sept. 17th, rain date will be Sept. 18. Chair declared that the warrant was duly posted and entertained a motion to waive the reading the warrant. The motion was carried by unanimous vote.

ARTICLE 1:

Moved and seconded that the Town vote to authorize the Board of Selectmen and the Town Forest Committee to enter into an agreement with the West Groton Water Supply District, by lease or otherwise, for use of a portion of the Town Forest for purposes of a public water supply system, including the well designated as No. 18-02 and the area within a 400 foot radius of a well so used, and to grant to the West Groton Water Supply District an approximately 20 foot wide easement in, under and through a portion of the Town Forest for the purpose of installing and maintaining utility service lines and appurtenances necessary in connection with the use of a well for public water supply purposes, said portion and easement area being shown on a plan on file in the office of the Town Clerk, to transfer the custody and control of such portions of the Town Forest to the Board of Selectmen and the Town Forest Committee for such purposes; and to authorize the Board of Selectmen to petition the General Court for any legislation necessary therefor.

Commissioner Douglas DeNatale spoke for this article. He said that this article summarized five years of hard work on the part of the Water District and other officials in the town. The district is one of two water supplies and both are non-profit entities. West Groton District serves 1/3 of all public water takers in Groton. The West Groton District has been working with the Board of Selectmen, the Town Forest Committee and the Groton Water Department since June. West Groton District has been in existence for 100 years and all that time has relied on one well. The well has produced safe water, however now many complaints have been received about rusty water due to minerals. Roughly 100 complaints per year have been received from customers. No backup supply is available should the well become contaminated. Hundreds of thousands of dollars have been spent during the past fifteen years while drilling nearly 75 test wells. Twenty test wells were drilled in the forest. Site 18 is deep in the forest and extensive testing has shown that it will produce a million gallons per day. The natural soil conditions in site 18 will produce high quality water. In spring 2005 the State notified that the district is eligible for a low interest loan to build the well in the Town Forest. The project will cost 1.5 million dollars. Town Meeting must authorize the Board of Selectmen to enter into an agreement with the district before October 15, 2005 otherwise the district will lose the low interest loan. There was an applause following this presentation.

Finance Committee voted unanimously to support Article 1

Selectman Peter Cunningham commented that he was the one member of the Board of Selectmen who would make a decision at the Town Meeting since he needed more information on easement and access issues. He is in support of the article. **The Board of Selectmen was therefore, in unanimous support of this article.** Michelle Collette had a procedural question.

She said that Article 97 requires a 2/3 vote at Town Meeting and State Legislature. It's a very high hurdle. She said that the 2/3 vote is to take open land use and to be used for the water supply. The annual cost of the loan is 60K per year. Upon completion of this well, the land will be granted for access to public/conservation commission. William Miller made a motion to move the question. Motion to move the question suppresses debate. The question was moved.

Article 1 carried by unanimous vote.

ARTICLE 2:

Moved and seconded that the Town vote to authorize the Board of Selectmen and the Board of Water Commissioners to enter into an agreement with the West Groton Water Supply District, pursuant to General Laws Chapter 40, Section 4A, Section 39H or other enabling authority, for the purposes of providing public water supply system operation services to the District, including the installation of valves, pumps and other necessary equipment, and purchasing excess water from the District in connection with the use of a well or wells within the Town Forest as a public water supply source.

Christopher Kelley, Chairman for the Water Commissioners asked for the voters' support.

Finance Committee voted by majority vote to support Article 2.

Marion Stoddart commented that great care needs to be taken when transferring water from one basin to another, in this case from the Nashua River Basin to the Merrimack River Basin. Mr. DeNatale commented that Groton Water would pay a portion of the project and a portion of the operating cost.

Article 2 carried by unanimous vote

ARTICLE 3:

Moved and seconded that the Town vote to appropriate by transfer from Free Cash the sum of \$10,000. to fund the first year of the Contract agreement with the Groton Communications Officers and Relief Radio Dispatchers, I.B.P.O. Local 522 for the period of FY06 through FY09.

This agreement would cover four full time, one part time and two relief personnel. In addition to direct wages, it would cover overtime, vacation and shift differential.

The Finance Committee voted unanimously to support.

Article 3 carried by unanimous vote.

ARTICLE 4:

Moved and seconded that the Town vote to authorize the Board of Selectmen to take by eminent domain, or otherwise acquire, for the purposes of Electric Light Department, the land located adjacent to the existing Electric Light Department substation on Lowell Road and described as follows:

A certain parcel of land located on Lowell Road, Groton, Massachusetts, containing 15 acres, more or less, record title standing in the name of Gloria Fuccillo, Trustee, 114 Realty Trust, being shown on Groton Assessors' Map 233 as Parcel 98, and further described in a deed recorded in the Middlesex South District Registry of Deeds, in Book 14597, Page 368,

Provided that this authority shall not be exercised unless the Electric Light Department makes a request for such exercise to the Board of Selectmen,

Doris Chojnowski, Manager for the Groton Electric Light Department, spoke regarding this article. GELD has explored many options. There is a need to minimize exposure to fatal and life altering accidents and lawsuits. The need to relocate initiated in 1988. The original expansion plans became complicated. The Board of Selectmen and Light Department, have proposed re-development of the Station Avenue site. About five years ago an offer was made to purchase the Lowell Road parcel. There is a substation on Lowell Rd. away from densely populated areas. This lot would yield only three house lots. The proximity of development near the substation could prove to be very dangerous or fatal. The landowner will receive the exact amount that she would have received from developers.

The Finance Committee voted 6 in favor, 0 opposed with 1 abstention. Peter Cunningham added that the BOS voted unanimously to support this article.

Joshua Degen commented that this process is faulty and encouraged the voters to turn this down and protect the landowner's rights. Doris Chojnowski commented that the landowner is not objecting to this proposal. Richard Muehlke asked what is going to become of the parcel at four corners. The parcel is a town asset and the Board has not discussed what's to become of that parcel. Theresa Ragot commented that the Housing Partnership reviewed this land and it doesn't have merit and it's not suitable for a 40B. Edna White commented that the landowner will be reimbursed for the taking of this land. Kimberley Cowie expressed her opinion that Groton Electric Light Department is taking the land to stop a 40B. *There was a motion to move the question and the question was moved by 2/3 vote.*

Article 4 carried by majority vote.

ARTICLE 5:

Moved and seconded that the Town vote to use such sum, or sums, of money as may be appropriated by the Electric Light Department from the proceeds of the sale of the land and buildings at Station Avenue, Groton, Massachusetts, which property is presently occupied by the Electric Light Department, or such other sum, or sums, as may be appropriated by the Light Department from Light Department funds, for the payment of damages and expenses in connection with the eminent domain taking, or other acquisition, of the land adjacent to the existing Light Department substation on Lowell Road and described in Article 4 of this Warrant.

Finance Committee voted 6 in favor, 0 opposed with 1 abstention.

Article 5 declared a 2/3 vote as declared by the Chair

Motion was made and seconded to dissolve the meeting. The September 12, 2005 Special Town Meeting was dissolved at 8:29 pm.

Respectfully submitted,

**Onorina Z. Maloney
Town Clerk**