

**SPECIAL TOWN MEETING MINUTES  
OCTOBER 24, 2005**

The October 24, 2005 Special Town Meeting was called to order at 7:25 pm by Moderator Robert Gosselin. There were 137 voters present which satisfied the quorum of 136 voters. We will attempt to complete the meeting this evening, however, if not the meeting will adjourn to November 7. The Chair determined that the warrant was duly posted. Motion was made and seconded to waive the reading of the warrant. Steven Webber spoke on behalf of the Finance Committee and stated that most articles on the warrant this evening, except for the Community Preservation Act articles, are housekeeping items.

**ARTICLE 1**

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) the following sums of money for the following unpaid bills of a prior fiscal year:

\$ 62.50	Computer Committee expense
\$344.00	Municipal Building expense
\$ 30.00	To refund recreation program fees

**Finance Committed voted unanimously to support.  
Article 1 carried by unanimous vote**

**ARTICLE 2:**

Moved and seconded that the Town vote to transfer the following sums within the Fiscal Year 2006 budget to fund the first year of the SEIU Local 888, Highway, Water, Transfer Station Contract for Fiscal Years 2006 through 2008.

\$10,600 from Line Item 9020 Health Insurance to Line item 5001 Highway Wages  
\$ 1,650 from Line Item 9020 Health Insurance to Line item 5060 Solid Waste Wages  
\$ 3,200 from Water Dept. Excess and Deficiency to Water Department Wages

**Finance Committee voted unanimously to support.**

Thomas Orcutt, Water Superintendent on behalf of Bruce Dubey and Robert "Tom" Delaney, expressed their thanks to Jean Kitchen, Administrative Officer, George "Fran" Dillon and Valerie Jenkins who worked so hard to get the contract ratified and thanked the union employees as well.

**Article 2 carried by unanimous vote**

**ARTICLE 3:**

Moved and seconded that the Town vote to amend the Town of Groton Wage and Classification schedule as shown in the schedule distributed at this Town Meeting and transfer from Nashoba Regional Technical High School Line Item 3000 Operating Expenses \$17,386, transfer from Free Cash \$4,624.16 and transfer from the Water Department Excess and Deficiency \$1614.35 for a total of \$23,624.15 to fund to the department line items also shown in a handout distributed at this Town Meeting.

This will provide a 2 ½ COLA for those non-union employees.

**Finance Committee voted unanimously to support.  
Article 3 carried by unanimous vote.**

**ARTICLE 4:**

Moved and seconded that the Town vote to amend the vote taken under Article 3 of the April 25, 2005 Annual Town Meeting and allow the following revised compensation for the following elected officials for Fiscal Year 2006.

Town Clerk	\$54,244
Highway Surveyor	\$63,110
Tree Warden	\$ 1,344

and transfer from the Excess and Deficiency Fund (free cash) \$2895.09 as shown in the handout distributed at this Town Meeting to fund the Highway Surveyor Salary, Town Clerk Salary, and Tree Warden Salary line items.

**Finance Committee voted unanimously to support.  
Article 4 carried by unanimous vote.**

**ARTICLE 5:**

Moved and seconded that the Town vote to allow the Board of Selectmen to enter into a lease, for a municipal parking lot, of the property shown on Assessors' Map 113, Parcel 60, located at 14 Station Avenue, and transfer from the Excess and Deficiency Fund (Free Cash), \$1600 to fund the Town's lease payments

This is the piece property that's adjacent to Town Hall. There was a building that was taken down and is not able to be redeveloped. This will be used as is and will be used as a parking lot for the Town.

**Finance Committee voted unanimously to support.  
Article 5 carried by unanimous vote.**

**ARTICLE 6**

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash), \$75,000 to add to the Snow and Ice Budget for FY 2006.

**Finance Committee voted unanimously to support  
Article 6 carried by unanimous vote**

**ARTICLE 7:**

Moved and seconded that the Town vote to raise and appropriate or transfer from available funds a sum of money to be added to the sum already on deposit in the Town Stabilization Fund.

**Moved and seconded to indefinitely postpone this article  
Article 7 carried by unanimous vote to indefinitely postpone**

**ARTICLE 8:**

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$279,000 to be added to the sum already on deposit in the Capital Stabilization Fund.

**Finance Committee voted unanimously to support  
Article 8 carried by unanimous vote.**

**ARTICLE 9:**

Moved and seconded that the Town vote to transfer \$281,762.25 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2005, and ending June 30, 2006.

**Finance Committee voted to unanimously to support  
Article 9 carried by majority vote.**

*At this time the Town Meeting acknowledged the passing of Dr. Carlton Paul and Mr. Harlan P. Fitch. Dr. Paul was not visible to the average citizen. He was a gifted scientist in biotechnology. He served the town in many capacities such as the 2000 Master Plan Committee, Computer Committee, Town Government Committee and the Geographic Information Steering Committee.*

*Harlan P. Fitch was born in 1916. For fifty-six years, Mr. Fitch served in numerous capacities such as Town Diarist, Planning Board, Sewer Commission, Town Treasurer, Keeper of the Town Clock, 1963 Master Plan Committee, Assistant Assessor, Fence Viewer, Surveyor of Wood and Lumber, Waste Water Committee, Town Forest Committee and Election Warden. An unparalleled outpouring of affection occurred when friends learned of Harlan's death. Harlan Pratt Fitch and Carlton Hutton Paul III were two of those grassroots Americans that have made this Nation great. Late in the afternoon former Selectwoman Edna White's husband Joseph "Clem" White passed away on Sept. 11. The Chair was not able to prepare formal remarks regarding Mr. White. The citizens of Groton wished to extend their condolences to the White family. There was a moment of silence.*

**ARTICLE 10:**

Moved and seconded that the Town vote to approve the \$2,500,000 (Two Million Five Hundred Thousand) borrowing authorized by the Groton Dunstable Regional School District on October 6, 2005, to pay additional costs of acquiring land for the purpose of locating the new District High School, including the payment of all other costs incidental and related thereto.

Charles McKinney spoke on behalf of the School Committee. The School Committee spent five years to find an appropriate site. In September 2005, the School Committee hired additional legal council for the appeal. On September 30, the Committee met with the Department of Revenue. Dunstable and Groton officials along with School officials, all attended the meeting in Boston to resolve any unanswered questions about potential monies that may be due to the Casella family. It was the Department of Revenue's opinion that to insure appropriate financial stability, was to obtain the funds to pay the settlement. It is the School Committee's opinion that there are aspects of the trial that deserve attention by the appeals court. The appeals court may agree with the School Committee and would order a new trial. What the School Committee will appeal are things that may have occurred during the trial. It may take 12 to 16 months to appeal. This article authorizes the borrowing but the School Committee does not

intend to borrow the money immediately and many not borrow the full amount. There are funds left over from the building project that can be carried over. This article stands on its own to maintain the Town's Stability of Finances and adhering to the Department of Revenue's mandate.

**Finance Committee voted to unanimously support.  
Article 10 carried by majority vote.**

**ARTICLE 11:**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$40,000 from the Community Preservation Open Space Reserve and \$145,000 from the Community Preservation FY06 Budget Reserve to fund Community Preservation Application 2005-02, "Conservation Commission".

As of 8 pm there were 172 voters.

**Finance Committee voted unanimously to support.  
Planning Board voted to support.**

Peter Morrison on behalf of the Conservation Commission spoke on the merits of the article. Frank Belitsky commented that this is not an appropriate way to use Community Preservation Act funds. Peter Morrison responded that the funds are matched by the state. Brooks Lyman commented that the Conservation Commission will be using these funds to purchase open space when it becomes available and urged the voters to support this article. Carolyn Perkins commented that the funds will be matched next October. Hugh McLaughlin wanted to hear a rationalization for rushing to spend the money now. Steven Webber commented that we need to spend the money now before we get anything replenished and that using CPA funds for land makes a lot of sense. Rebecca Pine commented that the town does spend money before it gets it and this is the way that we have always operated. We do operate on the prediction of spending.

**Article 11 carried by majority vote.**

**ARTICLE 12:**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$18,000 from the Community Preservation Historic Resource Reserve and/or the Community Preservation FY06 Budget Reserve to fund Community Preservation Application 2005-03, "Historic Documents Preservation Project".

**Moved and seconded that this article be indefinitely postponed.  
*Article 11 is indefinitely postponed***

**ARTICLE 13:**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$40,000 from the Community Preservation Community Housing Reserve and \$41,000 from the Community Preservation FY06 Budget Reserve to fund Community Preservation Application 2005-04, "Nine Affordable Units at Rocky Ridge."

This would reduce the mortgage on the affordable units.

**Finance Committee voted unanimously NOT to support.**

Ellen Todd from Housing Authority, commented that this is not a welfare project. We are getting state funds; therefore we need to have two low income units. We will attempt to give a preferential treatment to local residents. Norma Millett, Housing Authority, commented that this is an important article and needs to be supported and that it's an important and sensible request. Joshua Degen made a motion to amend the article by changing the wording to "Rocky Hill" **Striking the words 'Rocky Ridge' and inserting 'Rocky Hill'**. Michelle Collette commented that the Rocky Hill development has 83 units and that 10% of the units need to be set aside to be affordable units. The Chair placed the motion to amend on the floor. Ellen Todd agreed with the amendment. Town Counsel advised to leave article language as is and do not need motion to amend. The Chair called for Mr. Degen to withdraw amendment. Mr. Degen declined to withdraw and said to insert "a.k.a. Rocky Hill" and that the Planning Board spent four years on the project and it's called Rocky Hill. Original motion to amend was withdrawn. The meeting gave a unanimous consent to withdraw the motion. Mr. Degen made an amendment as follows. **"I move to insert after Rocky Ridge properly known as Rocky Hill"**. **Motion was seconded. Town Counsel concurred.**

**Motion to amend carried by majority vote.**

**Motion was made to move the question as amended. Question was moved.**

**Main motion under Article 13 as amended was defeated.**

#### **ARTICLE: 14**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B,

Section 5, to appropriate \$23,190 from the Community Preservation FY06 Budget Reserve to fund Community Preservation Application 2005-06, "Sargisson Beach Docks".

**Finance Committee voted unanimously to support.**

**Article 14 carried by unanimous vote.**

#### **ARTICLE: 15**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$22,000 from the Community Preservation Historic Resource Reserve and \$500 from the Community Preservation FY06 Budget Reserve to fund Community Preservation Application 2005-07, "Groton Community Wide Preservation Project".

Alvin Collins spoke on behalf of the Historical Commission. The Historical Commission is proposing a Community Wide Preservation project by paying a preservation consultant and identifying properties that need to be documented. Up to one-hundred-fifty properties would be covered and the project will take three years to complete. This \$22,500 will identify a lot of work that needs to be done and it will pay for the first year. Anything that we do today is a step forward.

**Planning Board voted to support**

**Article 15 carried by majority vote.**

#### **ARTICLE 16:**

Moved and seconded that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate \$50,000 from the Community Preservation FY06 Budget Reserve

and \$10,000 from the Community Preservation FY06 Community Preservation Historic Resource Reserve to fund Community Preservation Application 2005-09, "Fitch's Bridge Restoration Design."

**Board of Selectmen voted to support.**

David Manugian, from the Greenway Committee and Friends of Fitch's Bridge urged voters to support this article since CPA funds are appropriate to spend on this project. It will turn an historical asset into a recreational asset. The goal is to renovate the bridge for pedestrian, bicycling and equestrian use.

**Planning Board voted unanimously to support.**

**Article 16 carried by unanimous vote.**

**ARTICLE 17:**

Moved and seconded that the Town vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption for Fiscal Year 2006 for certain persons who qualify for a property tax exemption under Massachusetts General Laws Chapter 59, Section 5.

**Finance Committee voted unanimously to support**

**Article 17 carried by unanimous vote**

**ARTICLE 18:**

Moved and seconded that the Town vote to accept as a public way Wharton Row as laid out by the Board of Selectmen on September 6, 2005, and as shown on a Plan entitled "Street Acceptance Plan, Wharton Row, Ames Meadow in Groton, Mass." dated January 29, 2004 by Doucet Survey Inc., a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire such lands and easements as are necessary in connection therewith.

Bruce Clements Planning Board Chair stated that the **Planning Board recommended to support Article 18.**

**Article 18 carried by unanimous vote.**

**ARTICLE 19:**

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 27, Section 1. Appointment Inspector of Wires by removing the words "and raises and appropriates the sum of seven hundred fifty dollars (\$750) for said purpose".

**Article 19 carried by unanimous vote.**

**ARTICLE 20:**

Moved and seconded that the Town vote to amend the Code of the Town of Groton by deleting Chapter 157, Junk Collectors, in its entirety.

**Article 20 carried by unanimous vote.**

**ARTICLE 21:**

Moved and seconded that the Town vote to amend the Code of the Town of Groton by deleting Chapter 168, Peddler and Solicitors, in its entirety.

**Article 21 carried by unanimous vote.**

**ARTICLE 22:**

Moved and seconded that the Town vote to extend the "Groton Center Sewer System," as established by vote of the Special Town Meeting February 6, 1989, under Article 7, to a portion of Old Ayer Road to include specifically Assessors' Lots 114-11, 114-10, 114-9, 114-8, 114-1, 114-2, 114-3, 114-4, and 222-24, as more definitively set forth on a map entitled "Proposed Old Ayer Road Extension," dated September 19, 2005, a copy of which is on file in the Town Clerk's office, provided all costs of designing, laying, and construction of the additional sewer system and the cost of additional capacity, if any, are paid by the assessment of betterments upon the properties benefited thereby.

**Board of Selectmen voted four to support and one after discussion at Town Meeting  
Finance Committee voted to support the main motion under article 22**

Thomas Hartnett commented that this would solve a huge problem at no cost to the town.

**Article 22 carried by majority vote.**

**ARTICLE 23:**

Moved and seconded that the sum of \$300,000 be hereby appropriated to pay the costs of the design, construction, and laying of a sewer extension beginning at Old Ayer Road and extending approximately 1,075 feet to Assessor's Lot 222-24 and any other costs incidental and related thereto, all costs to be repaid by the assessment of betterments upon the properties benefiting thereby, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, be hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

**Board of Selectmen voted five in support  
Finance Committee voted in favor to support Article 23**

**Article 23 carried by unanimous vote.**

**ARTICLE 24:**

Moved and seconded that the Town vote to authorize the Sewer Commission to charge interest on the betterment assessments made in connection with the Old Ayer Road extension of the Groton Center Sewer System at a rate of equal to two percent (2%) above the rate of interest chargeable to the Town for the betterment project, in accordance with Section 13 of Chapter 80 of the General Laws.

**Finance Committee voted in favor of supporting Article 24  
Article 24 carried by unanimous vote.**

**ARTICLE 25:**

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 19, Growth Management Advisory Committee, by deleting Section 1, Membership terms of office; in its entirety and inserting in its place the following:

*There is hereby created a Growth Management Advisory Committee consisting of nine residents of the town to be appointed by the Moderator, one member to be appointed upon the recommendation of each of the following: the Board of Selectmen, Planning Board, Conservation Commission, Board of Health, Capital Planning Committee, Groton-Dunstable Regional School District School Committee, Finance Committee, and Board of Assessors respectively, and one at-large member for terms of three years; provided however, that of the members originally appointed, three shall be appointed for a term of one year; three for a term of two years; and three for a term of three years, as designated by the Moderator.*

Alan Hoch requested a count of voters to insure a quorum. The Chair called for two volunteers to serve as tellers. Tellers Charles McKinney and Alvin Collins were duly sworn. As of 9:51 pm there were 136 voters present which satisfied the quorum of 136.

Linda DeCiccio Fanning wanted to know why the increase the membership. Peter Cunningham responded that by having a member from Board of Assessors and the Finance Committee is to keep in the spirit of the charge of the Growth Management Advisory Committee. There is certain information that GMAC reports that the Board of Assessors and Finance Committee can make a strong contribution to. Mr. Hoch commented that the Board of Assessors should not be members of the Growth Management Advisory Committee and not be in a policy making role and that the Board of Assessors ought to be independent. Mr. Cunningham commented that it's important for the Board of Assessors to be represented and that this board is an advisory board and does not make policies.

**A motion was made to move question. Question was moved.  
Article 25 carried by majority vote.**

**A motion was made and seconded to dissolve the Special Town Meeting. The October 24, 2005 Special Town Meeting was dissolved at 9:58 pm.**

**Respectfully submitted,**

**Onorina Maloney  
Town Clerk**