

GROTON ANNUAL TOWN MEETING
APRIL 30, 2007
Minutes

The first session of the April 30, 2007 Annual Town Meeting was called to order at 7:05pm by Moderator Robert Gosselin. There is no quorum requirement for the Annual Town Meeting. As of 7:05 pm there were 157 voters in attendance. The plan is to adjourn the Annual Town Meeting to Monday, May 7. A motion was moved and seconded to waive the reading of the warrant. Frank Belitsky led the Pledge of Allegiance.

ARTICLE 1

Moved and seconded that the Town vote to hear and act on the reports of the Selectmen and other Town Officers.

Peter Cunningham made a presentation on behalf of the Blue Ribbon Governance Committee. Mr. Cunningham commented that for the past eight months the committee has seen the many complexities of Town Government. In 2004, the Department of Revenue made recommendations to the Board of Selectmen on Town Government and one component that was lacking was a formal structure of government. Mr. Cunningham asked for the public's involvement since the goal is to bring the Charter to the Fall Special Town Meeting.

Rick Muehlke spoke for Surrenden Farms and announced that there will be a celebration on Sunday, May 20 at Surrenden Farms and that the Third Town Wide Litter Clean up day will be Sunday May 5. Don Black for the Parks Commissioners announced that there will be fireworks on Friday, July 13.

ARTICLE 2

Moved and seconded that the Town vote to authorize the Board of Selectmen to apply for Federal and State Grants for which the Town is or may be eligible and to expend the funds received thereunder.

Article 2 carried by unanimous vote.

ARTICLE 3

(Comments on General Motion) This is a new article that we hope will become a routine article as part of the Annual Town Meeting Warrant where town meeting takes time to formally recognize and thank employees and citizen volunteers for their service to the Town; who have either retired since that last Annual Town Meeting or achieved 25 years of service to the town. A certificate of appreciation is to be presented and a picture is taken for the employee newsletter.)

MOTION ONE: Moved and seconded that the Town vote to recognize Barbara Gale who has retired from the service of the Town since the last Annual Town Meeting.

- Barbara Gale (1997-1998 Temporary on Call Tax Collector's Office; Became Full-Time in that same position in 1998. 2001 Assistant to the Tax Collector/Senior Work Program Administrator; 2003 Interim Assistant Tax Collector/Treasurer; 2003 Assistant Tax Collector/Treasurer until 2006)

Motion carried by unanimous vote

MOTION TWO: Moved and seconded that the Town vote to recognize the following citizen volunteers and or employees who have served the Town for at least 25 years.

- Eddie Kopec (Board of Assessors, 22 Years; Finance Committee 7 Years; and 30 Years with the Groton Fire Department)

- Lona Bassett, as a Ballot Counter, Tally Clerk, Checker, and for the last 11 Years as a Precinct Warden for a total of 28 years

Motion carried by unanimous vote

As of 7:30 pm there were 341 voters in attendance.

ARTICLE 4

Moved and seconded that the Town vote to allow the following compensation for the following elected officials:

Selectmen	\$ 950	Town Clerk	\$57,129
Board of Selectmen, Chrm.	\$1,100	Town Moderator	\$ 65
Assessors	\$ 850	Highway Surveyor	\$66,467
Board of Assessors, Chrm.	\$1,000	Tree Warden	\$ 1,415

For the ensuing year

Finance Committee voted in favor of Article 4

Article 4 carried by unanimous vote.

ARTICLE 5

Moved and seconded that the Town vote to amend the Personnel By-Law and Classification Schedules as set forth in the Schedule distributed at this Town Meeting.

Article 5 carried by unanimous vote

ARTICLE 6

Moved and seconded that the Town vote to make the following appropriations from the Community Preservation Fund:

Appropriate \$46,000 for the Community Preservation Committee Operating Expenses
 Appropriate \$92,000 for Open Space Reserve
 Appropriate \$92,000 for Historic Resource Reserve
 Appropriate \$92,000 for Community Housing Reserve
 Appropriate \$598,000 for FY 08 Budget Reserve
 Total Appropriation \$920,000

Finance Committee voted to support Article 6

Article 6 carried by unanimous vote.

ARTICLE 7

Moved and seconded that the Town vote pursuant to Massachusetts General Law, Chapter 44B, Section 5, to appropriate \$1,003,297 for debt service payments for the FY08 Surrenden Farm land acquisition, as authorized under Article 1 on the warrant for the April 24, 2006 Special Town Meeting, from the Community Preservation reserves:

\$165,000 from the Open Space Reserve
 \$838,297 from Budget Reserve

For the following payments: \$131,504 for short term interest on a short term note which will become a long term bond in July 2007, \$510,000 to reduce the overall amount of the long term bond; \$135,000 for FY08 long term dept principal payment; \$215,155 for long term debt interest payment, and \$11,638 for short term interest on a State Self-Help Grant Application Loan.

Finance Committee voted to support Article 7

Article 7 carried by unanimous vote

ARTICLE 8:

MOTION 1: Moved and seconded that the Town vote to raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the next fiscal year (2008) and act on the budget of the Finance Committee.

Mr. George "Fran" Dillon and Mr. Jay Prager spoke on the Budget. Following their statements, the Chair called for the the various sub motions under the 2008 budget.

As of 8 pm there were 407 voters in attendance.

MOTION 2: **GENERAL GOVERNMENT**

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,766,991 for General Government as represented by lines 1000 through 1600 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion 2 carried by unanimous vote.

MOTION 3: **PROTECTION OF PERSONS & PROPERTY**

Moved and seconded that the Town vote to appropriate from Emergency Medical Services Receipts Reserved the sum of \$90,000 to Fire & Emergency Medical Services and to raise and appropriate the sum of \$2,855,790 for a total of \$2,945,790 for Protection of Persons and Property as represented by lines 2000 through 2222 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion 3 carried by unanimous vote.

MOTION 4: **SCHOOLS**

a) Nashoba Valley Technical School

Moved and seconded that the Town vote to raise and appropriate the sum of \$357,512 for Nashoba Valley Regional Technical School as represented by line 3000 in the Budget.

Motion carried by unanimous vote.

b) Groton Dunstable Regional School District

A Moved and seconded that the Town vote to raise and appropriate the sum of \$15,548,572 for Groton Dunstable Regional School District as represented by Lines 3020 through 3022 in the budget;

There was a presentation by Charles McKinney, Groton-Dunstable Regional School Committee Chair and Superintendent Dr. Alan Genovese.

As of 9 pm there were 440 voters in attendance.

Motion was made to move the question. The question was moved.

Motion carried by majority vote.

B) Moved and seconded that, in addition to the amount appropriated under Lines 3020 through 3022 for Groton Dunstable Regional School District, the Town vote to raise and appropriate, contingent upon a favorable Proposition 2-1/2 override under Massachusetts General Laws Chapter 59, Section 21C, Clause (g), an additional \$937,570 to pay the assessment of the Groton Dunstable Regional School District for the ensuing year as shown on line 4000 in the budget, Groton Dunstable Regional School District Fiscal Year 2008 Override.

Motion was made to move the question. Chair declared a 2/3 vote and the question was moved.

There was a voice vote. The Chair called for tellers. The following voters were duly sworn:

**Karen Riggert Constance Sartini
Christopher Colton Doris Chojnowski
Stephen Boczenowski Ilene Hill**

In favor 277
Against 135

The motion passed

MOTION 5: HIGHWAY AND HEALTH

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,691,597 for Highway and Health as represented by lines 5000 through 5165 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried by majority vote

MOTION 6: SEWER ASSESSMENT

Moved and seconded that the Town vote to raise and appropriate the sum of \$27,447 for Sewer Assessment as represented by line 6000 in the Budget.

Motion carried by unanimous vote

MOTION 7: LIBRARY AND CITIZEN'S SERVICES

Moved and seconded that the Town vote to raise and appropriate the sum of \$929,111 for Library and Citizen's Services as represented by lines 7000 through 7162 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried by unanimous vote

MOTION 8: DEBT SERVICE

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,633,762 for Debt Service as represented by lines 8000 through 8060 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried unanimous vote

MOTION 9: EMPLOYEE BENEFITS

Moved and seconded that the Town vote to raise and appropriate the sum of \$2,267,540 for Employee Benefits as represented by lines 9000 through 9022; each line item to be considered as a separate appropriation for the purposes voted.

Motion carried unanimously

MOTION 10: WATER ENTERPRISE

Moved and seconded that the Town vote to transfer from Water Enterprise Excess and Deficiency the sum of \$100,000; and to appropriate from Water Rates and Fees the sum of \$1,228,744 for a total of \$1,328,744 to the Water Enterprise Fund for FY2008 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried unanimously

MOTION 11: SEWER ENTERPRISE

Moved and seconded that the Town vote to transfer from Sewer Enterprise Excess and Deficiency the sum of \$46,653 and to appropriate from Sewer Rates and Fees the sum of \$785,110 for a total of \$831,763 to the Sewer Enterprise Fund for FY2008 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried unanimously

Motion 12: ELECTRIC LIGHT

Moved and seconded that the Town vote to appropriate the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from the sale of jobbing during Fiscal 2008 for the Groton Electric Light Department; the whole to be expended by the Manager of that department under the direction and control of the Board of Electric Light Commissioners for the expenses of the ensuing fiscal year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth. The total fund to be appropriated is -0-.

Motion carried unanimously

ARTICLE 9: BUDGET AND REACCEPT AUTHORITY LEGISLATION

Moved and seconded that the Town vote in accordance with Section 8 of Chapter 533 of the Acts of 1991, as amended by Chapter 115 of the Acts of 1995, and Chapter 387 of the Acts of 1998, to approve the budget of the Groton Country Club & Recreation Authority as set forth in the handout distributed at Town Meeting, and to vote to reaccept the provisions of said Chapter 533 of the Acts of 1991 as amended, the Groton Country Club & Recreation Authority legislation, and to authorize the Board of Selectmen to petition the General Court for any legislation necessary therefore.

Finance Committee voted to support Article 9

Article 9 carried by majority vote.

ARTICLE 10: CAPITAL PLANNING FISCAL YEAR 2008 BUDGET

Moved and seconded that the Town vote to transfer from the Capital Asset Stabilization Fund the sum of \$274,475 for the purchase of the following:

Backhoe (Highway Department)	\$87,000
Refurbish Baler Shed (Board of Health)	\$60,000
Backhoe (Board of Health)	\$65,000
Plymovent (Fire Department)	\$35,000
<u>Emergency Generators</u>	<u>\$27,475</u>
	\$274,475

Article 10 carried unanimously

ARTICLE 11: FISCAL YEAR 2008 RESERVE FUND

Moved and seconded that the Town vote to raise and appropriate \$100,000 for the Reserve Fund.

Finance Committee voted to support

Article 11 carried by majority vote

ARTICLE 12: ACCEPT AND ACQUIRE LOT 2 “Surrenden Farm”

Moved and seconded that the Town vote to authorize the Board of Selectmen to accept a parcel of land from the Trust for Public Land, shown as “Lot 2” on a plan of land entitled “Plan of Land, The Marion Danielson Strachan Family Trusts, Shirley Road, Groton, Massachusetts, Tax Map 219, Lot 8, Tax Map 220, Lot 35,” dated November 6, 2006.

Article 12 carried by unanimous vote

ARTICLE 13: RIGHT TO FARM BYLAW

Moved and seconded that the Town vote to accept the Right to Farm By-Law as it is printed in the Warrant.

Board of Selectmen voted to unanimously support this article

Motion was made to move the question. Motion was moved.

Article 13 carried by majority vote.

ARTICLE 14: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

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 1998, to allow an additional property tax exemption for Fiscal Year 2008 for certain persons who qualify for a property tax exemption under Massachusetts General Law, Chapter 59, Section 5.

Article 14 carried by unanimous vote.

**Motion was moved and seconded to adjourn the Meeting until Monday May 7th at 7 pm.
The first session of the April 30, 2007 Annual Town Meeting adjourned at 10:40 pm.**

**Minutes
Adjourned Session of the
April 30, 2007 Annual Town Meeting
May 7, 2007**

The adjourned session of the April 30, 2007 Annual Town Meeting convened at the Performing Arts Center at 344 Main Street on May 7, 2007. The meeting was called to order at 7:02 pm by Moderator Robert Gosselin. There is no quorum requirement for the Annual Town Meeting.

ARTICLE 15

Moved and seconded that the Town vote to extend the "Groton Center Sewer System" to a portion of Jenkins Road, to include, specifically and only, Assessors' Lot 217-84 and Assessors Lot 217-80,81,82,83, subject to, and only upon compliance with, the provision of the provisions of the April 17, 2007 Memorandum of Agreement between the Board of Selectmen and Robert M. Hicks, Inc. for the development of the subject property pursuant to a Flexible Development Special Permit to be requested from the Planning Board under Section 218-26 of the Groton Zoning Bylaw and in accordance with the conditions set forth in said Memorandum of Agreement.

Article 15 is carried by majority vote.

ARTICLE 16

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 48, Section 7, Personnel By-Law - Vacation as it is printed in the Warrant.

Finance Committee voted to support Article 16

Article 16 is carried by unanimous vote

ARTICLE 17

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 48, Section 8, by deleting sub-section B in its entirety, and by deleting sub-sections A (4) and A (5) and replacing them with the text printed in the warrant.

Finance Committee voted to support

Article 17 is carried by unanimous vote.

ARTICLE 18

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 48, Section 12, by deleting sub-section A (7) in its entirety; by deleting Section A(4) (a) and replacing it with the text as printed in the warrant and by adding a new sub-section E as printed in the warrant.

Finance Committee voted by majority vote to support

Article 18 is carried by unanimous vote

ARTICLE 19: PERSONNEL BYLAW AMENDMENT – PERSONAL TIME

MOTION: Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 48, Section 14, by deleting the section, in its entirety, and replacing with the text as printed in the warrant.

Finance Committee voted unanimously to support

Article 19 is carried by unanimous vote.

ARTICLE 20

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 48, Section 1, Personnel By-Law - Membership as it is printed in the Warrant.

Finance Committee took no position on Article 20

Article 20 is carried by unanimous vote.

At 8 pm the Chair declared a recess in the Annual Town Meeting and called to order the Special Town Meeting.

SPECIAL TOWN MEETING
Minutes
May 7, 2007

The May 7, 2007 Special Town Meeting was called to order at 8 pm by Moderator Robert Gosselin. There were 157 voters in attendance which satisfied the quorum requirement of 134 voters. The Chair determined that the Warrant was duly posted and entertained a motion to waive the reading of the Warrant. The motion was seconded and the reading of the warrant was waived.

ARTICLE 1

Moved and seconded that the Town vote to transfer certain sums of money within the Fiscal Year 2007 budget, as shown in the handout distributed at this Town Meeting.

Finance Committed voted in favor of Article 1
Article 1 is carried by unanimous vote

ARTICLE 2

Moved and seconded that the Town vote to authorize the Groton Water Department to transfer \$100,000 from the Water Enterprise Fund Surplus to the FY 07 Water Department Budget.

Finance Committee voted in favor of Article 2
Article 2 is carried by unanimous vote.

ARTICLE 3

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 218, Zoning by establishing a new overlay district as described on a map with district boundary lines prepared by Applied Geographics, Inc. entitled "Station Avenue Overlay District, Town of Groton, Massachusetts dated March 10, 2007 and adopting new provisions entitled "Station Avenue Overlay District".

Moved to indefinitely postpone this article.

The motion to postpone indefinitely is carried by majority vote.

ARTICLE 4

Moved and seconded that the Town vote to transfer the care, custody, maintenance and control of the parcel of land located at Shirley Road, Groton and more particularly describe in a deed recorded with the Middlesex South District Registry of Deeds in Book 3061, Page 314, currently held by the Board of Water Commissioners for water supply purposes, to the Board of Water Commissioners for the purpose of granting or consenting to an eminent domain taking of a conservation restriction on said land to be held by the Commonwealth of Massachusetts, acting by and through the Division of Fish and Game; and to authorize the Board of Water Commissioners to grant or consent to said conservation restriction in accordance with the provisions of Massachusetts General Laws Chapter 184, Sections 31-34, upon such terms and conditions as the Board of Water Commissioners shall determine to appropriate, so that the land may be held jointly for water supply purposes consistent with said conservation restriction; and to authorize the Board of Selectmen and/or the Board of Water Commissioners to petition the Massachusetts General Court to approve the change in custody and change in use of said land for the purposes stated pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Article 4 is carried by unanimous vote

ARTICLE 5: DISCONTINUE POINT ROAD

Moved and seconded that the Town vote discontinue as a public way Point Road in its entirety as the same is shown on the Shay and Leary plan entitled, "Lost Lake" recorded with the Middlesex South District Registry of Deeds as File Plan 844 and 845, Point Road being shown on Assessors' Map 122 lying between Parcels 93 and 94, or take any action thereon.

Motion was moved and seconded that the Town vote to indefinitely postpone this article.

Article 5 is indefinitely postponed.

It was moved and seconded to dissolve the Special Town Meeting. The May 7, 2007 Special Town Meeting dissolved at 8:51 pm.

**Annual Town Meeting Minutes
Adjourned Session
May 7, 2007
Continued**

The Annual Town Meeting was called to order on May 7, 2007 at 8:52 pm.

ARTICLE 21

Moved and seconded that the town vote to accept as public ways Deerfield Drive, Fawn Terrace Lane and Allison Park as shown on a plan entitled "Deerfield Drive, Fawn Terrace Lane & Allison Park Road As-built for Deerhaven Subdivision in Groton, Massachusetts dated February 19, 2004, Revised June 28, 2004; September 6, 2005; and January 25, 2006 prepared for Fox Meadow Realty Corporation by R. Wilson and Associates," including drainage, water, and utility easements, and to authorize the Board of Selectmen to acquire such lands and easements as are necessary in connection therewith.

Planning Board voted unanimously to accept these as public ways

Article 21 is carried by unanimous vote.

ARTICLE 22

Moved and seconded that the Town vote to accept Bridge Street as a public way as shown on a plan recorded with the Middlesex South District Registry of Deeds as Plan 334 of 1987, or take any other action thereon.

Moved and seconded that the Town vote to indefinitely postpone this article.

Article 22 is indefinitely postponed.

ARTICLE 23

Moved and seconded that the Town vote to establish a revolving account under Massachusetts General Law, Chapter 44, Section 53E ½ for the purpose of utilizing receipts and fees received by the Conservation Commission for agricultural or silvicultural activities conducted on Town-owned conservation lands under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town, including administration, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2008.

Finance Committee voted in favor for Article 23.

Article 23 is carried by unanimous vote.

ARTICLE 24

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 134 Earth Removal, Chapter 198 Stormwater Management – Low Impact Development, and Chapter 239 Earth

Removal, by replacing the name “Earth Removal Advisory Committee” with the name “Earth Removal – Stormwater Advisory Committee, and the name “Earth Removal Inspector” with the name “Earth Removal – Stormwater Inspector” wherever they appear in the text.

Article 24 is carried by unanimous vote.

ARTICLE 25

Moved and seconded that the Town vote to renew the revolving account under Massachusetts General Laws, Chapter 44, Section 53E ½ for the purpose of utilizing receipts and fees received under Chapter 198 of the Code of the Town of Groton, Stormwater Management – Low Impact Development, said receipts and fees to be credited to said account and expended by the Earth Removal – Stormwater Advisory Committee for administration, oversight and review activities under Chapter 198, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2008.

Finance Committee voted to support article 25

Article 25 is carried by unanimous vote

ARTICLE 26

Moved and seconded that the Town vote to amend Chapter 218-26 of the Town Code, “Flexible Development,” subsection 218-26F Modification of Lot Requirements as it is printed in the Warrant.

Planning Board voted unanimously to support article 26

Article 26 is carried by unanimous vote.

ARTICLE 27

Moved and seconded that the Town vote to accept, for all boards, committees, or commissions holding adjudicatory hearings in the Town, the provisions of Massachusetts General Laws, Chapter 39, Section 23D, which provide that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in a matter solely due to the members’ absence from one session of a hearing, provided the individual complies with the requirements of said Section 23D.

Planning Board voted unanimously to support this article

Article 27 is carried by majority vote.

Article 28

Moved and seconded that the Town vote to authorize the Groton Water Department with the approval of the Board of Selectmen to enter into an intermunicipal agreement with the Town of Pepperell, pursuant to Massachusetts General Law, Chapter 40, Section 4A and 38, or any other enabling authority, to purchase drinking water from the Town of Pepperell for service at Reedy Meadow Estates, including House #473 on Nashua Road, House #465 on Nashua Road and one unit on Lot #229-2 Nashua Road.

Article 28 is carried by unanimous vote.

Jason Kauppi was sworn in as Moderator Pro Temp by the Town Clerk to serve on Article 29.

ARTICLE 29

Moved and seconded that the Town vote to authorize the Board of Selectmen to take by Eminent Domain, or otherwise acquire, the land on which the Lost Lake Dam is situated (which is comprised of portions of parcels 171, 172, 178, and 179 on Assessors Map 129) together with the land immediately adjacent thereto as may be necessary for the maintenance of the Dam, and the dam structure itself, for the purpose of general municipal purposes and to ensure that the safety of the public is not at risk as a result of the failure of the dam, or take any action thereon.

Article 29 passed unanimously.

ARTICLE 30

Moved and seconded that the Town vote to AMEND THE Town of Groton's Zoning Map to rezone from R-A (Residential/Agricultural) to R-B (Residential – Business) certain premises located at 368 Main Street owned by David W. Gilson, consisting of approximately 3.34 acres, which premises is described in a deed recorded with the Middlesex South Registry of Deeds in Book 30314, Page 342 being shown as Parcel 40 of Assessors' Map 110.

Planning Board voted unanimously to support this article.

The Chair declared a 2/3 vote on article 30. The Chair asked if there were seven voters who wished to contest the ruling of the Chair. Since there were no hands raised, the Chair declared a 2/3 vote on Article 30.

It was moved and seconded to dissolve the adjourned session of the April 30, 2007 Annual Town Meeting. The adjourned session of the April 30, 2007 was dissolved at 9:44 pm on May 7, 2007.

Respectfully Submitted,

Onorina Z. Maloney
Town Clerk