

**MINUTES**  
**OCTOBER 18, 1999**  
**ANNUAL TOWN MEETING**

The October 18, 1999 Annual Town Meeting was called to order by Moderator Robert Gosselin at 7:33 p.m.

The Board of Selectmen presented Proclamations to several individuals for their outstanding service to the community. Lt. Leon Avey who has been a member of the Groton Fire Department for 27 years was commended for his excellent service record and it was proclaimed that October 20, 1999 would be Leon J. Avey Day. A Proclamation was presented to John L. Hooper for his faithful and tireless service. For his 25 years of service, October 21, 1999 was proclaimed John L. Hooper Day.

Lt. Joe Bassett accepted the Proclamations on behalf of Mr. Avey and Mr. Hooper. Selectman Richard W. Powell was commended for his lifelong commitment to the Town of Groton, his many years of service and forthright approach to Town Government. October 22, 1999 was proclaimed as Richard W. Powell Day. A Fourth Proclamation was given to Robert S. Gosselin for 25 years of service as Town Moderator. October 25, 1999 was proclaimed as Robert S. Gosselin Day.

An appeal was made for financial help from the townspeople for ten yr. old Alexandria Richards who was seriously injured in a bicycle accident.

The Moderator declared that the warrant had been duly posted and a motion was made and seconded to waive the reading of the warrant.

**Motion passed by majority.**

**ARTICLE 1:** Moved and seconded that the Town vote to hear and act on the report of the Selectmen and other Town Officers and Committees.

**The motion carried by majority.**

Karen Riggert spoke regarding the status of the school building project, giving a chronology of the past year's events.

**ARTICLE 2:** Moved and seconded that the Town vote to **appropriate from the Stabilization Fund** the sum of \$134,000 to purchase a house and property located at 6 West Main Street and shown on Assessors' Map M, Parcel 128, and currently owned by Joseph Matissek.

**Article 2 required a 2/3 majority. Carried unanimously.**

**ARTICLE 3:** Moved and seconded that the Town vote to authorize the Board of Selectmen to sell the house and property shown on Assessors' Map M, Parcel 128, currently owned by Joseph Matissek following the Town's acquisition of the same pursuant to action taken under authority of the vote under Article 2 of this warrant, and to authorize the Selectmen to execute all contracts and take all actions necessary therefor.

**Article 3 required a 2/3 majority. Carried unanimously.**

**ARTICLE 4:** Moved and seconded that the Town vote to **raise and appropriate** the sum of \$11,000 to purchase the property located on Route 225 adjacent to the West Groton Mill and shown on Assessors' Map M, Parcel 155 currently owned by Groton Land Holdings.

**Article 4 postponed indefinitely.**

**ARTICLE 5:** Moved and seconded that the Town vote to authorize the Board of Selectmen to enter into an agreement with MassDevelopment for funding for remediation of the West Groton Mill site shown on Assessors' Map M, Parcel 129, said funds to be repaid to MassDevelopment from the proceeds of any sale of the mill for the redevelopment thereof.

**Article 5 carried unanimously.**

**ARTICLE 6:** Moved and seconded that the Town vote to **raise and appropriate** the sum of \$5,000 to obtain a 60 foot wide railroad crossing easement from the Massachusetts Bay Transportation Authority as shown on a plan entitled "Proposed Assisted Living Facility, Groton Massachusetts," dated August 26, 1998 and prepared by Vanasse, Hangen and Brustlin, Inc., a copy of which is on file in the office of the Town Clerk.

**Article 6 required a 2/3 majority. Carried unanimously.**

**ARTICLE 7:** Moved and seconded that the Town vote to **appropriate from the Stabilization Fund** the sum of \$10,000 to provide engineering services relative to repair of the Squannacook River Dam.

Required a 2/3 vote.

**Article 7 carried unanimously.**

**ARTICLE 8:** Moved and seconded that the Town vote to amend the Personnel Bylaw Wage and Salary Classification Schedule, effective July 1, 1999, as printed in the hand out distributed to this meeting.

Connie Sartini made a report of the Personnel Bd. Harlan Fitch spoke regarding the problems he sees with the report. He believes there are deficiencies in the proposal.

**Article 8 carried by majority.**

**ARTICLE 9:** Moved and seconded that the Town vote to amend the vote taken under Article 3 of the April 26, 1999 Spring Annual Town Meeting to allow the following compensation for the following elected official effective July 1, 1999:

Highway Surveyor \$45,698

**Article 9 carried by a majority.**

**ARTICLE 10:** Moved and seconded that the Town vote to allow the following compensation for the following elected officials, effective July 1, 1999:

Town Clerk: 42,329

Tax Collector: 22,097

Town Treasurer: 31,852

**Moved and seconded that Article 10 be amended to delete the Tax Collector and Town Treasurer.**

**Motion to amend carried unanimously.**

Town Clerk Bonnie Biocchi made a presentation in support of article ten. Elected official salaries can only be set at town meeting. Therefore, the Town Clerk's position did not fall under the wage and classification plan.

**Article 10 as amended, carried by majority.**

**ARTICLE 11:** Moved and seconded that the Town vote to amend the vote taken under Article 5 of the April 26, 1999 Spring Annual Town Meeting, FY00 budget and raise and appropriate the sum of \$70,544 to the FY2000 budget line items 1040 through 5140 as printed in the handout; to transfer \$1,056 to line item 8000, Water Department Salaries, and \$5,476 to line item 8001, Water Department Wages, from line item 8004, Water Department Contingency; and to transfer \$209 from line item 8022, Waste Water Department Expense, to line item 8021, Waste Water Wages.

**Article 11 passed by majority.**

**ARTICLE 12:** Moved and seconded that the Town vote to **raise and appropriate** the sum of \$983 to the Board of Health wage account for the purpose of increasing the hours of the Board of Health Assistant.

**Article 12 was defeated.**

**ARTICLE 13:** Moved and seconded that the Town vote to amend the Personnel Bylaw Wage and Salary Classification Schedule by adding the following under the Fire Department heading:

Lieutenant On-call stipend \$4.00 per day

Captain On-call stipend \$4.00 per day

Firefighter On-call stipend \$4.00 per day

Probationary On-call stipend \$4.00 per day

**Article 13 carried unanimously.**

**ARTICLE 14:** Moved and seconded that the Town vote to **appropriate from the Stabilization Fund** the sum of \$18,000 to increase fire department wages.

**Article 14 carried by 2/3 majority.**

**ARTICLE 15:** Moved and seconded that the Town vote to **raise and appropriate** the sum of \$5,000 to fund the FY 2000 settlement of the Police and Fire Communications contract, I.B.P.O. Local 522, for FY00 through FY02.

**Article 15 carried unanimously.**

**ARTICLE 16:** Moved and seconded that the Town vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the Police Officers contract, I.B.P.O. Local 327, for FY00 through FY02.

**Motion made and seconded to indefinitely postpone.**

**Article 16 was indefinitely postponed, by unanimous vote.**

**ARTICLE 17:** Moved and seconded that the Town vote to **appropriate from the Stabilization Fund** the amount of \$12,780 for the purpose of making a principal pay down on Bond Anticipation Notes as follows:

Senior Center \$ 8,890.00

Town Hall A.D.A. 3,890.00

Total \$12,780.00

**Article 17 carried unanimously.**

**ARTICLE 18:** Moved and seconded that the Town vote to appropriate from the Stabilization Fund the sum of \$6700 to conduct a survey of the Jenkins Road area and a parcel of land shown on Assessors' Map I, Parcel 37.

**A motion was made and seconded to postpone until the adjourned session of the Fall Town Meeting. The article was postponed until 7:30 at the adjourned session.**

**ARTICLE 19:** Moved and seconded that the Town vote to borrow a sum not to exceed \$500,000 to purchase a portion of the parcel of land located at 653 Martins Pond Road and shown on Assessors' Map K, Parcel 27, containing approximately 103 acres.

The Moderator recused himself from moderating this article due to a possible conflict of interest.

The Clerk as Temporary Moderator swore in Robert S. Hargraves.

Article 19 required a 2/3 vote.

Tellers were called and sworn:

Robert Johnson Charles McKinney

Peter Carson Karl Johnson

Frank Belitsky

Teller called and affirmed:

Andrew Searle

**Article 19 carried by a 2/3 majority: 151 in favor, 4 opposed.**

**ARTICLE 20:** Moved and seconded that the Town vote to purchase a portion of the "Shattuck Property" adjacent to Baddacook Pond and shown on Assessors' Map K, Parcel 27 for the purpose of protection and preservation of potential surface and/or ground water supplies, said portion to be thirty (30) acres or more and to be more particularly identified upon further investigation and inspection of said property; and to transfer the sum of \$50,000 from Water Department Surplus toward said purchase.

**Article 20 carried by a 2/3 majority as declared by Moderator.**

**ARTICLE 21:** Moved and seconded that the Town vote to transfer the sum of \$150,000 from Water Department Surplus funds to be put into the General Operations fund for the purposes of paying Water Department expenses at Whitney Well, Route 40 Water Main Extension or Miscellaneous Engineering.

**Article 21 carried unanimously.**

**ARTICLE 22:** Moved and seconded that the Town vote to raise and appropriate the sum of \$500 to be added to the Elections Minor Capital line item in the FY00 budget.

**Article 23 carried unanimously.**

**ARTICLE 23:** Moved and seconded that the Town vote to appropriate from the Stabilization Fund the sum of \$8000 to clean out the drainage ditch off Broadmeadow Road.

**Article 23 carried by a 2/3 majority, 1 vote dissenting.**

**ARTICLE 24:** Moved and seconded that the Town vote to raise and appropriate funds to pay FY98 and FY99 bills as follows:

Transfer Station – FY98 \$18.00 & FY99 \$254.94

Highway Department – FY99 \$35.60

**Article 24 requires a 4/5 vote.**

**Article 24 carried unanimously.**

**ARTICLE 25** Moved and seconded that the Town vote to appropriate from the Hollis Street Extension sewer betterment payments received, the sum of \$22,224.00 for the purpose of retiring a portion of the bond anticipation note for the Hollis Street Betterment.

**Article 25 carried unanimously.**

The Finance Committee took no position on Articles 26 - 39

**ARTICLE 26 :** Moved and seconded that the Town vote to accept an easement for the installation, maintenance, repair and/or replacement of subsurface municipal water and sewer mains and appurtenances and individual subsurface service lines, and subsurface electric and telephone cables on that portion of property shown as Parcel G on a plan entitled “Partridgeberry Woods” dated November 24, 1987, a copy of which is on file in the office of the Town Clerk, as further described in the Grant of Easement by Albert and Elizabeth Stone dated August 13, 1999.

**Article 26 carried unanimously.**

**The chair entertained a motion to adjourn until October 25, 1999 at 7:30 p.m.**

**The meeting was adjourned at 10:25**

## MINUTES

### ADJOURNED SESSION OF THE ANNUAL TOWN MEETING

OCTOBER 25, 1999

The Adjourned Session of the October 18, 1999 Fall Town Meeting was called to order on October 25, 1999 by Moderator Robert Gosselin at 7:35 p.m.

Selectman Richard Powell made the presentation of the Boston Post Cane to Mary MacGregor. At 97 1/2, Mary is currently the oldest living resident of Groton. Mrs. MacGregor was born in Ireland and has lived in Groton for more than 80 years. On hand for the presentation were Mrs. MacGregor and her family. The relatives of Alice Powell, who held the cane until her passing on September 30, 1999 were also there for the presentation.

After the presentation of the Boston Post Cane, the Selectmen announced that they had called a special election to be held on January 18, 2000. This election will be for the seat of Selectman that will be vacated by Richard Powell on November 3, 1999.

During the first session of the fall ATM, Article 18 was postponed to a time certain, that time being 7:30 p.m. of the adjourned session of Town Meeting. Therefore, the first order of business was article 18, called to the floor by the Moderator.

**ARTICLE 18:** Moved and seconded that the Town vote to appropriate from the Stabilization Fund the sum of \$6700 to conduct a survey of the Jenkins Road area and a parcel of land shown on Assessors' Map I, Parcel 37.

**Article 18: Motion made and seconded to postpone indefinitely.**

**Article 18 is postponed indefinitely, by unanimous consent.**

Motion made by Mr. Joshua Degen to advance for consideration article 36. Motion seconded. Consent of the meeting was sought to allow Attorney Kreiger to speak on behalf of his clients, the Degen's. Consent was granted.

**The motion to advance carried unanimously.**

**ARTICLE 36:** Moved and seconded that this Article 36 be indefinitely postponed.

Motion made and seconded to postpone indefinitely, which does not suppress debate. Atty Kreiger was to read the motion but the Chair advised that only a registered voter could make an amendment. Mr. Kreiger stated that this was a simplified version of the amendment presented to them earlier.

Mr. Degen made a motion to amend article 36 as follows:

That the Town vote to authorize the Board of Selectmen to release all right, title, and interest of the Town in so much of the land owned by the Degens at 409 Martins Pond Road, Groton, MA as described in a deed recorded with the Middlesex Registry of Deeds at Book 21351, Page 146, as lies east of the easterly boundary of a way known as Orchard Lane, as shown on a plan entitled "Layout Plan for a Portion of Orchard Lane, Groton, MA 01450 (Middlesex County)" dated September 21, 1999 revised (as I believe) September 23, 1999 prepared for Town of Groton, Groton Town Hall, 173 Main Street Groton, MA 01450 ("Plan"), a copy of which is on file in the Office of the Town Clerk, all in accordance with an agreement between the Degens and the Board of Selectmen dated April 29, 1999, and such further terms and conditions as the Board of Selectmen and the Degens shall agree to.

Mr. Degen then read a prepared statement, outlining the history of Orchard Lane. He spoke about several survey plans that had been done which showed that a portion of Orchard Lane was on his property. Mr. Degen stated that his primary concern is for the safety of his children.

Mr. McNierney questioned why he had not heard a main motion. Town Counsel Doneski stated that the motion to postpone would be substituted by Mr. Degen's amended language.

Selectman Powell spoke against this amendment. Mr. Gmeiner, Attorney for Mr. Miller called a point of order. He sought clarification as to what Town Meeting is actually amending and if the layout vote did not occur, can this amendment legally take place? Town Counsel Doneski stated that the necessary legal action did not take place to lay out the road so the amendment would not have the effect intended. Also, Atty. Doneski stated that if the vote is taken in favor of the amendment, it is only a referendum and would only serve to advise the Selectmen. It would not be a binding article.

Atty. Kreiger stated that the motion that was read was modified since the one that had been submitted to the Chair and Town Counsel. At this time Mr. Degen's Attorney submitted the new motion for review. Atty. Kreiger apologized for the confusion. Mr. Cunningham stated that this is an extremely complex issue and should not be decided tonight but that it should be done thoughtfully and the proper procedures should be followed.

The debate on this issue continued for several more speakers. A motion was made and seconded to move the question.

**Motion to move the question carried by a 2/3 majority.**

Chair questioned whether the motion on the floor would require a majority or 2/3 vote. Town Counsel stated that the motion to amend required a majority vote but the main motion would then require a 2/3 vote due to the conveyance of town property. Mr. Degen called a point of order. He did not believe it required a 2/3 vote but a simple majority. Mrs. White also questioned the necessity of a 2/3 vote. The Chair disagreed. A 2/3 vote was required.

Tellers were called. All tellers from the previous session of the meeting were present.

**Motion to amend carried by majority vote: 74 in favor, 57 opposed.**

The main motion, now the substituted language of Mr. Degen's amendment, came to the floor. Tellers were called.

**The main motion failed to carry a 2/3 majority: 75 in favor, 59 opposed. Article 36 was defeated.**

**ARTICLE 27** Moved and seconded that the Town vote to accept the provisions of M.G.L. Chapter 83, Sections 16A through 16G inclusive, as they pertain to sewer use charges.

**Article 27 carried unanimously.**

**ARTICLE 28:** Moved and seconded that the Town vote to accept Massachusetts General Laws Chapter 40 sections 6J and 6L regarding purchase and rental of work clothes for town employees.

**Article 28 carried unanimously.**

**ARTICLE 29:** Moved and seconded that Article 29 be indefinitely postponed.

Moved and seconded to indefinitely postpone.

**Motion to indefinitely postpone carried by majority.**

**ARTICLE 30:** Moved and seconded that the Town vote to amend the Code of the Town of Groton by adding a chapter to be designated Chapter 19, in order to create an unpaid advisory committee, said committee to be known as the Growth Management Advisory Committee, as printed in the warrant.

**Article 30 carried by majority.**

**ARTICLE 31:** Moved and seconded that the Town vote to amend Chapter 196, Signs, of the Code of the Town of Groton, by adding a new section 196-14 as printed in the warrant.

Attorney Ray Lyons made a motion to amend the main motion to read “to amend section B1 by striking the words 16 sq. feet and adding the words 32 sq ft.”

**The motion to amend carried by majority vote.**

**The main motion as amended carried by majority vote.**

**ARTICLE 32** Moved and seconded that the Town vote to amend Chapter 196, Signs, of the Code of the Town of Groton, by adding a new section 196-15 as printed in the warrant.

**Article 32 carried unanimously.**

**ARTICLE 33:** Moved and seconded that the Town vote to amend Chapter 196, Signs, of the Code of the Town of Groton, by striking out in its entirety Section 196-11 and inserting in its place a section 196-11 as printed in the warrant.

Motion made and seconded to amend article 33 as follows: remove section C and re-letter accordingly.

**The motion to amend article 33 is defeated.**

**The main motion carried by majority.**

**ARTICLE 34:** 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, by adding the definitions as printed in the warrant.

**Article 34 carried unanimously.**

**ARTICLE 35:** Moved and seconded that the Town vote to accept as a public way a portion of a private way known as Cow Pond Brook Road from station 0+00 to station 44+00 as laid out by the Board of Selectmen and more fully shown on a plan entitled “Cow Pond Brook Road Existing Plan and Profile, Groton, MA” dated March 26, 1999 by Bill Boston Survey, Inc. (“1999 Plan”) and to authorize the Board of Selectmen to acquire by gift and to accept a deed to the Inhabitants of the Town of a fee simple interest in Cow Pond Brook Road as described in the Plan, upon such terms and conditions as it shall determine appropriate, for the purposes of a public way, and further to authorize the Board of Selectmen to release all right, title, and interest of the Town in that portion of the way shown as Cow Pond Brook Road on a plan entitled “Road Layout Plan in Groton, Mass. Laid Out for The Town of Groton” dated March 30, 1976, prepared by Richard L. McGlinchey, Surveyor and recorded in Book 13059, Page 690 (“1976

Plan”) which is located outside of the layout described in the 1999 Plan but only that portion which is located within the bounds of the land now or formerly owned by V.H. Shea Corporation as shown on the 1999 Plan upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, copies of both the 1999 Plan and the 1976 Plan being on file in the Office of the Town Clerk

**Article 35 carried unanimously.**

**ARTICLE 37:** Moved and seconded that Town vote to accept as public ways the following private ways as laid out by the Board of Selectmen: High Oaks Path, Meadow View Road, Overlook Drive, Kirk Farm Road and Whistlepost Lane, as printed in the warrant.

**Article 37 carried by majority.**

**ARTICLE 38:** Moved and seconded that the Town vote to replace section “218-17. Conversion of Seasonal Residences” of the Code of the Town of Groton in its entirety as printed in the warrant.

Moved and seconded to indefinitely postpone.

**Article 38 indefinitely postponed.**

**The chair entertained a motion to dissolve this session of the Fall Annual Town Meeting.**

**Motion made and seconded.**

**The Meeting was dissolved at 9:35 p.m.**