

MINUTES
ANNUAL TOWN MEETING
APRIL 26, 1999

The Annual Spring Town Meeting of the Town of Groton opened at 7:32pm on April 26, 1999. Although there was no quorum requirement there were 227 voter in attendance at 8:05 pm. There were several announcements made including the date and time of the adjourned session which would be held on Monday, May 3, 1999 at 7:30 pm.

A motion was made and seconded to waive the reading of the warrant.

The motion carried unanimously.

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 unanimously.

Peter Cunningham, Chairman of the Board of Selectmen read a report on the Campbell Trust Committee.

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.

The motion carried unanimously.

ARTICLE 3 Moved and seconded that the Town vote to allow the following compensation for the following elected officials:

Board of Selectmen \$ 1,200 Tax Collector \$21,045
Board of Selectmen, Chrm. 1,350 Town Treasurer 30,335
Board of Assessors 1,100 Highway Surveyor 45,108
Board of Assessors, Chrm. 1,250 Tree Warden 1,311
Town Clerk 39,194 Town Moderator 65

for the ensuing year.

The motion carried unanimously.

ARTICLE 4 Moved and seconded that the Town vote to amend the Personnel By-Law Wage and Classification Schedule as set forth in the Schedule distributed at Town Meeting.

The motion carried unanimously.

ARTICLE 5 Moved and seconded that the Town vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the Town for the next fiscal year (2000), and act on the budget of the Finance Committee.

(1) GENERAL GOVERNMENT: Moved and seconded that the Town vote to appropriate the sum of \$6,000 from Conservation Fees Receipts Reserved for Appropriation to the Conservation Commission and to raise and appropriate the sum of \$1,069,910 for General Government as represented by lines 1000 through 1600 in the budget; each line item to be considered a separate appropriation for the purposes voted. Total General Government \$1,075,910.

The motion carried unanimously.

(2) PROTECTION OF PERSONS AND PROPERTY: Moved and seconded that the Town vote to raise and appropriate the sum of \$1,731,795 for Protection of Persons and Property as represented by lines 2000 through 2242 in the budget; each line item to be considered a separate appropriation for the purposes voted.

The motion carried unanimously.

- (3) **SCHOOLS:** Moved and seconded that the Town vote to raise and appropriate the sum of \$8,910,737 for Schools, as represented by lines 3000 through 3022 in the budget; each line item to be considered a separate appropriation for the purposes voted.
The motion carried by majority.
- (4) **HIGHWAY AND HEALTH:** Moved and seconded that the Town vote to raise and appropriate the sum of \$1,091,483 for Highway and Health, as represented by lines 4000 through 4144 in the budget; each line item to be considered a separate appropriation for the purposes voted.
The motion carried unanimously.
- (5) **LIBRARY AND CITIZENS' SERVICES:** Moved and seconded that the Town vote to raise and appropriate the sum of \$604,927 for Library and Citizens' Services, as represented by lines 5000 through 5161 in the budget; each line item to be considered a separate appropriation for the purposes voted.
The motion carried unanimously.
- (6) **DEBT SERVICE:** Moved and seconded that the Town vote to raise and appropriate the sum of \$1,381,162 for Debt Service, as represented by lines 6000 through 6041 in the budget; each line item to be considered a separate appropriation for the purposes voted.
The motion carried unanimously.
- (7) **EMPLOYEE BENEFITS:** Moved and seconded that the Town vote to raise and appropriate the sum of \$686,935 for Employee Benefits, as represented by lines 7000 through 7041 in the budget; each line item to be considered a separate appropriation for the purposes voted.
The motion carried unanimously.
- (8) **WATER ENTERPRISE:** Moved and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$669,224 to the Water Enterprise Fund for FY2000 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.
The motion carried unanimously.
- (9) **SEWER ENTERPRISE:** Moved and seconded that the Town vote to appropriate the sum of \$48,785 from Sewer Debt Receipts Reserved for Appropriation for Sewer Ratepayer Debt and to appropriate the sum of \$580,285 from Sewer Rates and Fees for a total of \$629,070 to the Sewer Enterprise Fund for FY2000 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.
The motion carried unanimously.
- (10) **ELECTRIC LIGHT DEPARTMENT:** Moved and seconded that the Town vote to appropriate the income from sales of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from sale of jobbing during Fiscal 2000 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-, line item 8040 of the budget.
The motion carried unanimously.

ARTICLE 6 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, to approve the budget of the Groton Country Club and Recreation Authority, as shown in the handout distributed at Town Meeting.

The motion carried by majority.

At this point in the meeting Moderator Robert Gosselin addressed the meeting to explain a new method of expediting Town Meeting called a "consent agenda".

Peter Cunningham moved that the 1999 Annual Town Meeting advance for consideration articles 7, 8, 10, 15,18,19,20,22,23 and 24 and that the meeting take affirmative action on said articles without debate, provided however that if two voters, prior to the taking of the vote, request the right to debate a specific article, then said article shall be removed from this motion and acted upon in the ordinary course of business; and I furthermore move that the town vote to raise and appropriate the following amounts for the purposes stated in said articles. The motion was seconded.

The motion carried by majority. Articles 15, 18 and 22 were held for debate at the request of Town Meeting..

ARTICLE 7 Moved and seconded that the Town vote to raise and appropriate \$100,000 to be added to the sum already on deposit in the Conservation Fund.

The motion carried by majority.

ARTICLE 8 Moved and seconded that the Town vote to raise and appropriate \$15,000 for the Conservation Commission to conduct appraisals of property.

The motion carried by majority.

ARTICLE 10 Moved and seconded that the Town vote to raise and appropriate \$15,000 to renovate the kitchen at the Groton Senior Center.

The motion carried by majority.

ARTICLE 19 Moved and seconded that the Town vote to raise and appropriate \$90,000 for a dump truck/sander.

The motion carried by majority.

ARTICLE 20 Moved and seconded that the Town vote to raise and appropriate \$30,000 to move from the W. Groton Mill and reconstruct a storage building at the Highway Garage.

The motion carried by majority.

ARTICLE 23 Moved and seconded that the Town vote to raise and appropriate \$500 to be added to the amount on deposit in the Fire Department detail account.

The motion carried by majority.

ARTICLE 24 Moved and seconded that the Town vote to raise and appropriate \$55,000 for the Reserve Fund.

The motion carried by majority.

ARTICLE 9 Moved and seconded that the Town vote to raise and appropriate a sum of money to purchase GIS software and related equipment for use in conjunction with the new GIS mapping system in the Assessors' office.

Moved and seconded to indefinitely postpone this article.

The motion to postpone carried unanimously.

ARTICLE 11 Moved and seconded that the Town vote to raise and appropriate \$150,000 to purchase or otherwise acquire a parcel of land containing approximately 11 acres, being a portion of the land shown on Assessors Map P Block 31 Lot 0.

Tellers were called and sworn as follows:

Stephen Boczenowski Robert Johnson

Peter Carson George Marsh

Mary Hutchinson Christopher Mills

The motion carried by a two-thirds majority: 193 in favor, 34 opposed.

ARTICLE 12 Moved and seconded that the Town vote to raise and appropriate \$133,139.09 to purchase or otherwise acquire a parcel of land containing approximately 103 acres and shown on Assessors Map P Block 22, Lot 0, currently owned by U.S. Trust.

The motion carried by a two-thirds majority: 197 in favor, 31 opposed.

ARTICLE 13 Moved and seconded that the Town vote to transfer to the Board of Selectmen for sale or lease to the Groton-Dunstable Regional School District, Town of Groton property containing approximately 34 acres, shown on Assessors Map L Block 19 Lot 0, and to authorize the Board of Selectmen to execute a deed, lease or any other instrument necessary therefor and to petition the General Court for any special legislation necessary for such sale or lease.

After a lengthy discussion, Selectman Richard Powell moved and was seconded to postpone further discussion of this article until the May 3rd adjourned session of the Annual Town Meeting.

The motion to postpone carried by majority.

ARTICLE 14 Moved and seconded that the Town vote to transfer to the Board of Selectmen for sale or lease to the Groton-Dunstable Regional School District, Town of Groton property shown on Assessors Map P Block 22 Lot 0 and a portion of land shown on Assessors Map P Block 31 Lot 0, which land is to be acquired by the Town pursuant to the votes taken under Articles 11 and 12 of this warrant, and to authorize the Board of Selectmen to execute a deed, lease or any other instrument necessary therefor and to petition the General Court for any special legislation necessary for such sale or lease.

A motion was made and seconded to postpone to the May 3rd adjourned session of the Annual Town Meeting.

The motion to postpone carried by majority.

ARTICLE 15 Moved and seconded that the Town vote to raise and appropriate \$46,000 for the purchase of computers and related equipment for the Police Department.

The motion carried unanimously.

ARTICLE 16 Moved and seconded that the Town vote to raise and appropriate \$125,000 for the design and engineering of a safety improvement/signalization and reconstruction plan for the Boston Road (Route 119) / Forge Village Road (Route 225)/ Sandy Pond Road intersection.

After a lengthy debate, it was moved and seconded to move the question.

The motion to move the question carried unanimously.

The main motion carried by majority.

ARTICLE 17 Moved and seconded that the Town vote to raise and appropriate a sum of money for landfill capping.

Moved and seconded to indefinitely postpone this article.

The motion to postpone carried unanimously.

ARTICLE 18 Moved and seconded that the Town vote to raise and appropriate \$20,000 for a highway side mower.

The motion carried unanimously.

ARTICLE 21 Moved and seconded that the Town vote to raise and appropriate \$80,000 to be expended under the direction of the Planning Board for consultation and other expenses arising out of the preparation of a revised comprehensive master plan which may include amendments to the Town's zoning by-law, other land-use regulations, and other Town by-laws and regulations, such programs to be presented to a Town Meeting or other Town boards, commissions, and committees not more than twenty-four (24) months from the date of approval of this motion under this article.

The motion carried by majority.

ARTICLE 22 Moved and seconded that the Town vote to raise and appropriate \$25,000 for construction of a dog pound.

The motion carried unanimously.

ARTICLE 25 Moved and seconded that the Town vote to rescind the balance of \$1,574,000 under the bond authorization for Sewer Construction as voted under Article 18 of the March 21, 1987 Annual Town Meeting and Article 8 of the April 29, 1989 Special Town Meeting.

The motion carried unanimously.

ARTICLE 26 Moved and seconded that the Town vote to rescind the balance of \$1,268,536 under the bond authorization for Library Renovations as voted under Article 12 of the April 24, 1995 Annual Town Meeting.

The motion carried by majority.

ARTICLE 27 Moved and seconded that the Town vote to transfer \$10,000 from the Sewer Enterprise Fund Surplus to the Fiscal Year 2000 Sewer Enterprise Department Budget.

The motion carried unanimously.

ARTICLE 28 Moved and seconded that the Town vote to petition the General Court to enact legislation entitled "An Act Relative to Growth Accommodation Program for the Town of Groton", a copy of which is on file in the Office of the Town Clerk.

Section 1. Purpose and Findings

The Town of Groton is undergoing a period of substantial growth in new residential structures. This residential growth has resulted in numerous direct and indirect impacts on the Town and its ability to adequately address those impacts. The Town has experienced accelerated growth requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on town facilities and infrastructure such as water and sewer lines; increased need for capital improvements to its public safety and health services and facilities, parks and playgrounds. Growth related impacts must be paid for by impact fees from developers so that the Town can provide adequate services and infrastructure to support future development.

Section 2. Establishment of a Growth Accommodation Bylaw

(A) The Town Meeting of Groton may, by Town Bylaw, require the payment of an impact fee as a condition of approval of a development plan for any future development within the jurisdiction of this act. Such Bylaw shall be referred to hereinafter as the "Growth Accommodation Bylaw". The impact fee shall be imposed on the issuance of building permits for both residential and non-residential projects as defined in the Growth Accommodation Bylaw. The impact fee shall be established by the Town Meeting in the Growth Accommodation Bylaw. The Growth Accommodation Bylaw shall be used solely for the purpose of defraying the costs of capital improvements provided by the Town caused by and necessary to support future developments such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, public safety and health services and facilities, parks, and playgrounds.

(B) The Growth Accommodation Bylaw may be enacted if the following criteria are met:

- (1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, office, commercial and industrial projects and their impact on the following services, including but not limited to: school

facilities, public facilities, roads, sewers, water supply lines, affordable housing, public safety and health services and facilities, parks, and playgrounds.

- (2) The Town shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the Town, the impacts of future development. Any impact fee which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study. This study shall be adopted by Town Meeting vote.
- (3) The impact fees shall be established on the basis of the cost projection in the capital improvement plans as described in clause (2) of subsection B of this Section 2 and the and the expected level of allowed development pursuant to the Town's Zoning Bylaw, as it may be amended.
- (4) The Town shall have the authority to create distinct and separate revolving trust accounts for each impact fee enacted by the Town for the services delineated in clause (1) of subsection B of Section 2 for necessary improvements resulting from future development. Administration of the revolving trust accounts shall be established by the Growth Accommodation Bylaw. No impact fee shall be paid to the Town's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.
- (5) The level of any impact fee shall be reviewed at least every five (5) years and reset as required by Town Meeting based upon the recommendation, if any, of the Board of Selectmen, the Capital Planning Committee, or its successor.
- (6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fees were paid shall, upon application of the applicant or his assigns, be returned to such applicant or his assigns with interest from the fee's deposit in an interest bearing account.

The motion carried by majority.

ARTICLE 29 Moved and seconded that the Town vote to authorize the Board of Selectmen to prepare and submit to the Massachusetts Economic Assistance Coordinating Council a certified project application for designation of the property of Capstone Properties, Inc. located at 8 West Main Street, Groton, MA, and shown on Assessors Map M, Parcel 129 as an Economic Opportunity Area, pursuant to the provisions of Chapter 23A of the General Laws, and further, to authorize the Selectmen to enter into a tax increment financing plan with Capstone Properties, Inc. pursuant to the provisions of Chapter 40, Section 59 of the General Laws, in connection with the development of said property, and to authorize the Selectmen to take such actions as are necessary to obtain approval of the certified project application and to implement the tax increment financing plan.

The motion carried unanimously.

ARTICLE 30 Moved and seconded that the Town vote by ballot in the next election to rescind the applicability of the civil service laws and rules, as set forth in Chapter Thirty-One of the Massachusetts General Laws, to all regular or permanent police officer positions in the Town's police force.

The motion carried by majority.

ARTICLE 31 Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 215, the Wetlands Bylaw, as printed in the Warrant.

The motion carried unanimously.

ARTICLE 32 Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-33 Board of Appeals, E Procedures, Item (3), by striking out “shall render a decision within seventy-five (75) days from the date of filing.” and inserting in its place, “shall render a decision within one-hundred (100) days from the date of filing.”, and by striking out at the phrase “seventy-five day period” in the last sentence of said Item (3) and inserting in its place “one hundred day period”.

The motion carried unanimously.

At 10:40 pm, the chair entertained a motion to adjourn.

The motion carried unanimously.

The Annual Town Meeting was adjourned until Monday May 3rd at 7:30pm.

MINUTES
ADJOURNED SESSION OF THE ANNUAL TOWN MEETING
MAY 3, 1999

The Adjourned session of the Spring Annual Town Meeting was called to order by Moderator Robert Gosselin at 7:32 pm. Although there was no quorum requirement, there were 139 voters in attendance at 7:55pm.

The Meeting began with the postponed articles 13 and 14.

ARTICLE 13 Moved and seconded that the Town vote to transfer to the Board of Selectmen for sale or lease to the Groton-Dunstable Regional School District, Town of Groton property containing approximately 34 acres, shown on Assessors Map L Block 19 Lot 0, and to authorize the Board of Selectmen to execute a deed, lease or any other instrument necessary therefor and to petition the General Court for any special legislation necessary for such sale or lease.

Selectman Richard Powell stated that since the Town would have to seek approval for a new site, this article was premature. A motion was made and seconded to postpone this article indefinitely.

The motion to indefinitely postpone carried unanimously.

ARTICLE 14 Moved and seconded that the Town vote to transfer to the Board of Selectmen for sale or lease to the Groton-Dunstable Regional School District, Town of Groton property shown on Assessors Map P Block 22 Lot 0 and a portion of land shown on Assessors Map P Block 31 Lot 0, which land is to be acquired by the Town pursuant to the votes taken under Articles 11 and 12 of this warrant, and to authorize the Board of Selectmen to execute a deed, lease or any other instrument necessary therefor and to petition the General Court for any special legislation necessary for such sale or lease.

A motion was made and seconded to indefinitely postpone.

The motion to postpone indefinitely carried unanimously.

ARTICLE 33 Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-23. Off Street Parking and Loading, as printed in the Warrant.

During discussion of this article, the Moderator called a recess in the ATM to allow for the opening of the Special Town Meeting. The STM was then recessed to finish discussion of article 33.

The motion to amend subsection B3 was made on the floor by Sue Peyton. This amendment to the amendment reads as follows: "Schools: two (2) parking spaces for each classroom therein for elementary or middle schools, four (4) parking spaces for each classroom therein for high schools plus one (1) space for each employee or staff position other than teaches for all schools and, where a place of public assembly is provided, one (1) space for each three (3) persons' capacity, as above."

A motion to further amend was made by Greg Baker to read "places of public assembly including churches, one (1) parking space for each three (3) persons capacity based upon the State Building Code.

The Moderator explained that this was now considered a two-part amendment with Mr. Baker's amendment being the amendment of the 2nd rank and Mrs. Peyton's amendment being an amendment of the first rank.

The amendment of the second rank carried by majority.

Tellers were called and sworn as follows:

Carl Johnson

Richard Muehlke

Thomas Pistorino

Taking an oath of affirmation was:

Andrew Searle

The amendment of the first rank carried by 2/3 majority: 100 in favor, 59 opposed.

The main motion as amended, was defeated: 59 in favor, 89 opposed.

ARTICLE 34 Moved and seconded that the Town vote to amend Chapter 135 of the Code of the Town of Groton, Soil Erosion and Sediment Control, subsection 135-8 Fees, by striking out “General Laws, Chapter 44, Section 53E” and by inserting in its place “General Laws, Chapter 44, Section 53E ½”.

The motion carried unanimously.

ARTICLE 35 Moved and seconded that the Town vote to establish a revolving account under Chapter 44, Section 53E½ of the General Laws for the purpose of utilizing receipts and fees received under Chapter 135 of the Code of the Town of Groton, Soil Erosion and Sediment Control, said receipts and fees to be credited to said account and expended by the Earth Removal Advisory Committee for administration, oversight and review activities under Chapter 135, with the maximum amount to be expended from said account not to exceed \$10,000 for Fiscal Year 2000.

The motion carried by majority.

ARTICLE 36 Moved and seconded that the Town vote to accept the provisions of MGL Chapter 32, Section 4(2) (B½).

The motion carried unanimously.

ARTICLE 37 Moved and seconded that the Town vote to petition the General Court to Enact legislation that would exempt parcel M-137 (the old Hale Nursing Home) from the restrictions of MGL 151B which prohibit developing housing for people age 55 and over on less than 5 acres. Groton voters have unanimously approved such development on May, 12, 1997 at an adjourned session of the April 28, 1997 Annual Town Meeting. Details are on file with the Town Clerk.

The motion carried by majority.

ARTICLE 38 Moved and seconded that the Town vote to raise and appropriate \$25,000 for the purpose of providing matching funds for restoration of the Williams Barn. After discussion, a motion was made and seconded to move the question.

The motion to move carried by majority.

The main motion carried by majority.

ARTICLE 39 Moved and seconded that the Town vote to raise and appropriate \$645,729 to be added to the sum already on deposit in the Town Stabilization Fund.

The motion carried by majority.

ARTICLE 40 Moved and seconded that the Town vote to transfer \$827,059 from free cash for the purpose of affecting the tax rate for the period beginning July 1, 1999 and ending June 30, 2000.

The motion carried unanimously.

ARTICLE 41 Moved and seconded that the Town vote to grant permission under Section 218-18/C. (1) Major Projects of the Zoning By-Law, to New England Business Service, Inc. to construct a building at 500 Main Street.

The motion carried unanimously.

The Chair entertained a motion to dissolve the meeting. The motion was made and seconded.

The motion to dissolve the meeting carried unanimously.

The Annual Spring Town Meeting was dissolved at 10:05pm.

CONSENT AGENDA

Board of Selectmen Chairman Peter S. Cunningham will move the following motion of combined Articles to expedite Town Meeting. ARTICLES 7, 8, 10, 15, 18, 19, 20, 22, 23 and 24

Moved and seconded that the 1999 Annual Town Meeting advance for consideration articles 7, 8, 10, 15, 18, 19, 20, 22, 23, and 24 and that the meeting take affirmative action on said articles without debate, provided however that if two voters, prior to the taking of the vote, request the right to debate a specific article, then said article shall be removed from this motion and acted upon in the ordinary course of business; and I furthermore move that the town vote to raise and appropriate the following amounts for the purposes stated in said articles.

Article 7 - \$100,000 to the Conservation fund

Article 8 - \$15,000 for the Conservation Commission to conduct appraisals

Article 10 - \$15,000 to renovate the Senior Center kitchen

Article 15 - \$ 46,000 for Police Department computers and related equipment

Article 18 - \$20,000 for a Highway Department side mower

Article 19 - \$90,000 for a dump truck/sander

Article 20 - \$30,000 to move from the West Groton Mill and reconstruct a storage building at the highway garage

Article 22 - \$25,000 for construction of a dog pound

Article 23 - \$500 to the Fire Department detail account

Article 24 - \$55,000 to the Reserve Fund