

MINUTES
SPECIAL TOWN MEETING
09/23/2002

The Special Town Meeting was called to order at 7:35 by Moderator Robert Gosselin. The quorum requirement was 125 voters. At 7:30 there were 159 voters in attendance. If there is an adjourned session of this meeting it will be scheduled for Monday, September 30th. The chair entertained a motion to waive a reading of the warrant. The motion to waive the reading of the warrant carried unanimously.

Dann Chamberlain acknowledged Selectman McCuin who was leaving the next day for military service. He thanked Mr. McCuin for his time on the Board and for his service to his country.

Finance Committee Chair, Jeff Wilson made a statement regarding debt and the warrant articles.

Article 1: Moved and Seconded the Town vote to approve under Section 218-18E of the Zoning By-Law, the Concept Plan entitled "Hannaford Bros. Concept Plan for Business Development" submitted on May 28, 2002 as amended, for the property situated on Main Street and Mill Street shown on Assessors' Map 110, Parcel 28; Map 216, Parcel 2 and a portion of parcel 1.

Atty. Bob Collins and Bob Pine made a presentation regarding the site. Mary Gamidge (Hanniford Bros) spoke regarding Hanniford's. They each talked about how the plan had changed since the spring. Mary Durham and Brian Alcott spoke in opposition to the proposal siting the size of the supermarket, neighborhood disruption and possible site contamination. The Planning Board voted unanimously to approve. The Finance Committee voted unanimously to approve. The Board of Selectmen voted to approve. Selectman McCuin suggested that in approving this commercial project we could offset the cost of bonding the Gibbet Hill through the tax revenues that would be raised.

Mark McCarthy spoke as an abutter regarding the truck traffic. Leslie Lathrop spoke in favor. Tom Hartnett stated that the debt service on Gibbet Hill would be about \$250,000. The approx. 76,000 in possible revenue would help offset the cost. Kerry Kneeland, an abutter, spoke against, siting sewer issues. Several residents spoke about the NIMBY attitude and that it was unfair to "pit one neighborhood against another" in regard to Hannifords vs. Shaws.

Peter Spooner made a motion to move the question. The Chair declared a 2/3 vote . The decision of the chair was challenged. Tellers were called and sworn as follows:

George Brackett Charles McKinney

Eric Fisher Christopher Mills

Warren Humphrey Deirdre Slavin- Mitchell

The question was moved 430 in favor, 162 opposed.

Article 1 was defeated, failing to carry a 2/3 vote, with 371 in favor, 242 opposed.

Article 2: Moved and Seconded the Town vote to amend Chapter 81, §4A of the code of the Town of Groton by striking the word "Monday" from sentence two, paragraph one and replacing it with the word "Tuesday".

The question was moved unanimously.

Article 2 carried unanimously.

Article 3: Moved and Seconded the Town vote to amend the vote taken under Article 40 of the April 29, 2002 Annual Town Meeting by reducing the amount to be transferred from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2002, and ending June 30, 2003 from \$1,170,783.00 to \$1,166,742.98.

Finance Committee voted to support.

Article 3 carried by majority.

Article 4: Moved and Seconded the Town vote to raise and appropriate \$6,700.00 to fund FY 2003 of the Groton Communications Officers and Relief Radio Dispatchers Contract, I.B.P.O. Local 522 contract for FY 2003 through 2005.

BOS and Finance Committee voted to support.

Article 4 carried by majority.

Article 5: Moved and Seconded the Town vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 108L, Career Incentive Pay Program for the Police Department.

Finance Committee and BOS voted to support.

Article 5 carried by majority vote.

Article 6: Moved and Seconded the Town vote to raise and appropriate \$33,321. 00 to police wages and \$8,400 to police expense to fund FY 2003 of the Groton Police Patrolmen's Association contract for Fiscal Years 2003 through 2005.

The BOS and Finance Committee voted to support.

Article 6 carried by majority.

Article 7: Moved and Seconded the Town vote to raise and appropriate \$15,881.00 to fund the Highway and Transfer Station portions of the Local R1-90 contract, and to transfer \$3,052 from Water Enterprise Surplus to fund the Water Department portion of the Local R1-90 contract for Fiscal Year 2002.

The Finance Committee and the BOS voted to support.

Article 7 carried by majority.

Article 8: Moved and Seconded the Town vote to raise and appropriate \$17,500.00 for Highway Wages, \$5,250.00 for Solid Waste Wages, and to transfer \$13,000.00 from Water Department Expense to Water Department Wages to fund the first year of the Local R1-90 contract for Fiscal Years 2003 through 2005.

Finance Committee and BOS voted to support.

Article 8 carried by majority.

Article 9: Moved and Seconded the Town vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of paying unpaid bills for Fiscal Year 2002.

Moved and seconded that this article be indefinitely postponed.

Article 9 was indefinitely postponed.

Article 10: Moved and Seconded the Town vote to raise and appropriate \$2,400 for Groton's portion of survey services and materials related to the Groton/Pepperell boundary line.

Finance Committee voted to support.

Article 10 carried by majority.

Article 11: Moved and Seconded the Town vote to transfer \$25,000 from the Landfill Capping account to be used to create a park in West Groton on a parcel of land shown on Assessors' Map 101, Parcel 13.

BOS voted to support. Finance Committee voted to support.

Article 11 carried unanimously.

Article 12: Moved and Seconded the Town vote to authorize the Board of Selectmen to grant a permanent, nonexclusive right of way easement to the Squannacook Sportsman's Club, Inc. over the parcel of land described in Article 12 of the warrant, in accordance with the terms printed in the warrant.

The BOS and Finance Committee voted to support. Requires 2/3 vote.

Article 12 carried unanimously.

Article 13: Moved and Seconded the Town vote to appropriate \$26,000 from the Stabilization Fund to add to the amount voted at the April 2002 Annual Town Meeting to fund vacation and sick leave buy backs for employees taking early retirement under the Early Retirement Incentive. The BOS voted to support. The Finance Committee voted to support. Tom Hartnett stated that the amount is a follow-up due to additional police personnel taking early retirement. Edna White questioned the amount currently available in the stabilization fund and why it is being used for this purpose. Mr. Hartnett said it was an unfunded liability and it was already discussed at the ATM. Ms. White also wanted to know if the town had been keeping track of the total amount spent on this early retirement program. Mr. Dubey questioned why we don't fund it every year. Mr. Hartnett stated that according to MGL, an unfunded liability can't be funded.

Article 13 carried by a 2/3 majority, with one voice dissenting.

Article 14: Moved and Seconded the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain, and to accept a deed of, a conservation restriction and associated easements encumbering a portion of the parcels of land described in Article 14 of the warrant as the Gibbet Hill Property and the Angus Property, currently owned by Gibbet Hill Farm, LLC, upon such terms and conditions as the Board shall determine to be appropriate, for conservation, open space, passive recreation and view shed purposes, and that said restriction and easements be conveyed to the Town of Groton under the provisions of Massachusetts General Laws Chapter 40, Section 8C and as it may hereafter be amended, and other Massachusetts statutes relating to conservation, to be managed and controlled by the Conservation Commission; to appropriate the sum of \$3,000,000 (three million dollars) for said purpose and any expenses related thereto, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum under and pursuant to Chapter 44, Section 7 of the General Laws as amended, or any other enabling authority, and to issue bonds or notes therefore; provided, however, that this appropriation shall be contingent upon the vote of the Town at an election to exempt from the provisions of Proposition 2 ½, so called, the amount required to pay the principal and interest on such bonds; and to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Self-Help Act (Chapter 132A, Section 11 of the General Laws) and/or any other federal or state grants and/or reimbursements in any way connected with the scope of this vote; and to authorize the Board of Selectmen and Conservation Commission to take all actions, enter into all agreements and execute any and all instruments as may be necessary to effect said acquisition.

The BOS supported.

Mr. Cunningham read a statement regarding this purchase being an investment. Mr. Steven Webber made a presentation, receiving a standing ovation from the voters for his efforts. Mr. McNierney spoke in support. The Planning Board voted to support. The Finance Committee voted to support. Ben Hammer spoke in support. Mr. Miller stated that he saw that it was overwhelmingly supported. Mr. Lyman spoke in favor as did Steve Hahn. Barney Blood spoke in favor stating that as "a Yankee conservative, I think it is a great deal for the town!" Mr. Kopec was concerned about the levy limit. Mr. Belitsky was concerned that the tax increase would be \$710.00/household/yr. He thought that a number of senior citizens might not be able to keep up. Mr. Wilson stated that the actual figure actually would be approximately. much less than that.

Mr. Muelke stated that the Groton Conservation Trust voted to support. Mr. Hargraves spoke in support.

Mr. Miller made a motion to move the question.

The question was moved unanimously.

Article 14 carried unanimously.

Article 15: Moved and Seconded the Town vote to authorize the Board of Selectmen to grant conservation restrictions encumbering all or a portion of the parcels of land as described in Article 15 of the warrant, to the Commonwealth of Massachusetts, by and through its Department of Environmental Management, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate.

Mr. Cunningham made a motion that read as follows: and to authorize the Board of Selectmen to designate the Town of Groton's Conservation Commission as a holder or co-holder of any such restrictions. To be inserted after the words "shall determine to be appropriate".

The Finance Committee took no position.

The amendment carried.

Article 15, as amended carried unanimously.

A motion to advance for consideration articles 24 and 25.

The motion carried unanimously.

Article 24 was advanced for debate.

Article 24: Moved and Seconded the Town vote to approve under Section 218-27 of the Groton Zoning By-Law, the Concept Plan for Residential Development submitted by the Groton Land Foundation, Inc., for property owned by Brooks Orchard, LLC, located off Orchard Lane in Groton, (new Assessors Map 232, Lot Number 30, former Assessors' Map, Parcel K-32-0), shown on a plan entitled "Brooks Orchard Concept Plan," prepared by Pine and Swallow Associates, Inc., dated August, 2002, a copy of which is on file with the Town Clerk.

The Planning Board voted to support. The Finance Committee voted to support. The Selectmen voted to support. The BOH read a statement regarding the pesticide contamination on the site. The BOH is currently in the process of attempting to address this. Testing has not been completed yet. There was considerable discussion regarding whether or not the pesticides were a health issue or not.

Peter Carson made a motion to move the question.

The motion to move the question carried.

Article 24 carried by a 2/3 vote as declared by the Moderator.

Article 25: Moved and Seconded the Town vote to authorize the Selectmen, on behalf of the Water Department, to purchase a portion of the land shown on Assessors' Map 232, Parcel 30 for the construction of an underground water storage tank; to appropriate the sum of \$250,000 therefor and for cost incidental and related hereto, that to meet this appropriation authorize the Treasurer, with the approval of the Selectmen, to borrow said sum under and pursuant to Chapter 44, Sections 7 or 8 of the General Laws as amended, or any other enabling authority, and to issue bonds or notes therefore, said bonds or notes to be general obligations of the Town and to be repaid from Water Rates through the Water Enterprise Fund; and to authorize the Selectmen to apply for loans and grants for said acquisition and to execute all documents and take all actions necessary in connection with said purchase.

The BOS and the Finance Committee supported.

A motion was made to move the question. The question was moved.

Article 25 carried by a 2/3 majority as declared by the Chair.

A motion was made to adjourn the meeting to September 30th at 7:30. The motion to adjourn carried unanimously.

The adjourned session of the Special Town Meeting was called to order by Town Clerk Bonnie Biocchi at 7:44 pm. The quorum requirement of 125 voters was met.

Ms. Biocchi opened the meeting in the absence of Moderator Robert Gosselin. She asked for consent of the meeting to elect Andrew Searle and Roberta Fusari as co-moderators tempore.

The moderators pro temp were sworn/affirmed.

There was a motion to postpone article 16 until after consideration of article 20.

The motion to postpone carried by majority.

Article 17: Moved and Seconded the Town vote to appropriate the sum of \$330,000 for a Project Evaluation Report (PER) to conduct long-term planning for Sewer System needs for West Groton, Lost Lake and areas abutting the Sewer District and for determining the extent and location of infiltration and inflow within the existing sewer system, and to meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum under and pursuant to Chapter 44, Section 7 of the General Laws as amended and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes therefore, and to authorize the Treasurer to borrow all or a portion of said sum from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws and to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan; and to authorize the Board of Selectmen and the Sewer Commission to apply for loans and grants for said project and to execute all documents and take all actions necessary to carry out the project

On behalf of the Sewer Commission, Karl Johnson spoke regarding the history of the Sewer District and the growing need of the Main St. District and for the need to address sewer issues at Lost Lake and in West Groton. Finance Committee voted to support. The BOS voted to support. Jamie Greacen asked about the nature of the studies and about plans for future expansion at the Pepperell Wastewater Facility. Mr. Johnson stated that phase one of the study would evaluate the current system and to locate and quantify problem areas. It may be possible to purchase an additional 75 gal/day. Marion Stoddart had a question regarding phase 2 and whether it would have filtration and if it could prevent discharge of treated water into the Nashua River. Jim Gmeiner stated that recharging could occur.

Mr. Miller moved the question.

The chair declared the question moved by a 2/3 majority. No challenges were heard.

Tellers were called and sworn as follows:

Paul Funch David Riggert

James Greacen Constance Sartini

Article 17 carried by a 2/3 majority: 114 in favor, 22 opposed.

Article 18: Moved and Seconded the Town vote to amend the Personnel Bylaw Wage and Salary Classification Schedule, effective July 1, 2002, by adding the following:

Town Accountant/Finance Director – Grade 14

Water Dept. Inspector/Auto Cad – Grade 9

The Personnel Board was absent from the discussion. The Finance Committee voted not to support.

BOS member Peter Cunningham spoke regarding the timing of this article. He stated that this was being brought forward now because the Town Acct. will be retiring in December. Brooks

Lyman stated that he would prefer to see the Finance Director combined with the Tax Collector/Treasurer.

A motion was made to move the question.

The question was moved by a 2/3 majority.

Article 18 was defeated.

Article 19: Moved and Seconded the Town vote to raise and appropriate \$8,457.00 to the Assessors' Fiscal Year 2003 Wage Account.

Sylvia Sangiolo made a presentation regarding the need for this position. The Finance Committee voted not to support. The BOS voted to support, asking them to increase the hours of operation of the Assessors office. Jane Allen asked if hours would be expanded if this were voted favorably. Mr. McLaughlin stated that upon training of a new employee, they would expand hours.

Article 19 carried by majority.

Article 20: Moved and Seconded the Town vote to raise and appropriate \$3,000 to the Fiscal Year 2003 Town Accountant Salary Account.

The purpose of this is to be able to hire as a consultant the former town accountant to train the new town accountant. Finance Committee voted not to support.

Article 20 carried by majority.

Article 16: Moved and Seconded the Town vote to appropriate \$130,000 from the Stabilization Fund to purchase the property adjacent to Station Avenue and shown on Assessors' Map 113, Parcels 53 and 54, and to authorize the Board of Selectmen to take all actions necessary in connection therewith.

Mr. Searle made a presentation in favor of this article. Finance Committee voted not to support. BOS supports. Planning Board voted to support.

Brian Alcott doubted the presence of a quorum. The quorum was counted resulting in a count of 141.

Larry Swezey called to reconsider article 18. The chair entertained the motion to reconsider. It required a 2/3 vote.

The motion to reconsider carried by a 2/3 majority. 87 in favor, 25 opposed.

Mr. Orcutt made a motion to amend article 18 by striking the words "Town Acct/Finance Director. The motion would now read:

Moved and Seconded the Town vote to amend the Personnel Bylaw Wage and Salary Classification Schedule, effective July 1, 2002, by adding the following:

Water Dept. Inspector/Auto Cad – Grade 9

Mr. Swezey spoke in favor of supporting this position.

Mr. Miller moved the question.

The question was moved unanimously.

The motion to amend carried unanimously.

Article 18, as amended carried by majority.

Article 21: Moved and Seconded the Town vote to accept as a public way Allen's Trail, a private way, and as described in the warrant and as laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire such land or easements necessary in connection therewith.

Planning Board voted to support.

Article 21 carried unanimously.

Article 22: Moved and Seconded the Town vote to increase the number of members to be elected to the Board of Selectmen from three (3) members to five (5) members as printed in the warrant.

The BOS voted to not support. Garrett Boles spoke in opposition. Josh Degen spoke in support. Mr. McNeirney and Mr. Pine spoke against. Beth Montgomery moved the question. The Moderator called the question moved by a 2/3 vote. The quorum was called into question again.

The voter count was 124, one voter shy of a quorum.

A discussion ensued regarding whether to adjourn the meeting to a time certain or to dissolve the meeting. Upon the advice of Town Counsel, the Moderator entertained a motion to adjourn until October 7th at 7:30pm.

The motion was moved and seconded.

The motion to adjourn carried by majority.

The meeting adjourned at 11:25pm.

The adjourned session of the Special Town Meeting was called to order by Moderator Robert Gosselin at 7:35pm. There were 138 voters in the room at 7:35pm. Dann Chamberlain, on behalf of the Board of Selectmen read a proclamation in honor of Capt. Jack Saball. October 8, 2002 was declared Capt. Jack Saball day.

The first order of business was article 22. The chair explained from a procedural standpoint what had happened during the past adjourned session. Mr. Miller made a motion to indefinitely postpone article 22.

Article 22 was indefinitely postponed.

Article 23: Moved and Seconded that the Town vote to petition the General Court for a special act increasing the membership of the Board of Selectmen from three to five members, such increase to be effective starting with the 2003 Annual Town Election, and providing for election of two additional members at that election, with the candidate receiving the highest number of votes to serve a term of two years and the candidate receiving the next highest number of votes to serve a term of one year; thereafter all members of the Board of Selectmen to serve terms of three years such special act to include language that it shall not be effective unless and until it is accepted by the voters of the Town at an election.

Mr. Miller asked voters to support this article. The BOS did not support. The Finance Committee voted to oppose this article. The Town Government Study Committee voted to not support. Mr. Belitsky and Ms. Luther spoke in favor. Mr. Harris spoke in favor. Mr. Fisher spoke against. Mr. Hargraves stated that it would have to be acted upon at an election prior to coming to the Legislature. Mr. Hargraves spoke in favor. Town Counsel stated that the petition would go to the Legislature prior to election because the Legislature must authorize it. It would include language stating that the special act would have to have approval at an election. Mr. Degen spoke in favor. Mr. Pine spoke against. Mr. Wilson asked what the financial impact would be. Mr. Wilson spoke in favor. Ms. Long queried how it would be carried out in practice. Town Clerk explained the procedure for the subsequent election that would fill the new positions.

Ms. Martin moved the question. The question was moved

Tellers were called and sworn as follows:

Bruce Easom Karen Riggert

Article 23 carried: 134 in favor, 98 opposed.

Article 26: Moved and Seconded the Town vote to authorize the Selectmen, on behalf of the Water Department, to purchase a portion of the property and/or the development rights therein

shown on Assessors' Map 243, Parcel 31, for a future ground water well as printed in the warrant.

Moved and seconded to indefinitely postpone this article.

Article 26 was indefinitely postponed.

At this time John Amirault asked the meeting to reconsider Article 1 (Hanniford concept plan), because he feels that the town should know that an affordable housing complex may go in.

The vote to reconsider failed to carry the necessary 2/3 vote. 116 in favor, 98 opposed.

Article 27: Moved and Seconded the Town vote to amend Chapter 218 of the Code of the Town of Groton, §218-26 Open Space Residential Development, by striking out in its entirety sub-section 218-26F(2), Cluster Development and by inserting in its place a new sub-section 218-26F(2), Cluster Development as printed in the warrant, (the proposed additions being shown in italics).

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

Article 27 was indefinitely postponed.

The chair entertained a motion to dissolve the Special Town Meeting. The motion was made and seconded.

The Special Town Meeting was dissolved at 8:50pm.