

**MINUTES
SPECIAL TOWN MEETING
OCTOBER 27, 2003**

The Special Town Meeting was called to order at 7:07 pm by Moderator Robert Gosselin. There were 134 voters in attendance which met the quorum requirement of 125 voters. Don Black made an announcement regarding Groton's 350th committee. Mr. Frank Belitsky spoke about the American Legion sponsoring an essay contest for High School Seniors on how to keep Social Security solvent. Ms. Jeanne Neimoller was presented with a "Grand Marshall's" Sash.

Ms. Bonnie Biocchi announced the winners of the Nashoba Valley Community Service and Leadership awards from Groton: Harlan P. Fitch, Lorayne Black and Norma Garvin.

A motion was made and seconded to waive the reading of the warrant. **Carried unanimously.** Mr. Win Nordblom from the Finance Committee made a report as did Mr. Edward Kopec from the Board of Assessors.

At 7:20 pm there were 165 voters in attendance.

ARTICLE 1: Moved and seconded that the Town vote to transfer to the Board of Selectmen, for the purpose of lease to a telecommunications provider, the custody of the following described land, and to authorize the Board of Selectmen to lease a portion of Town property, located on Cow Pond Brook Road and shown on Assessors' Map 248, Parcel 41, and referenced on a plan on file in the Town Clerk's office, for siting of a cell tower and to authorize the Board of Selectmen, subject to such terms and conditions as it deems appropriate, to enter into a lease term not to exceed twenty years and to authorize the Board of Selectmen to grant an easement over Town property adjacent to the property to be leased, shown on Assessors' Map 248, Parcel 41, for purposes of access to the leased property.

Board of Selectmen voted to support.

Article 1 carried by a 2/3 majority, as called by the Moderator. No challenges were heard.

ARTICLE 2: Moved and seconded that the Town will vote to amend the vote taken under Article 6 of the warrant for the April 28, 2003, Annual Town Meeting (Fiscal Year 2004 Budget, Schools) by reducing the amount to be appropriated as the Tier 1B override, Line 3035, from \$1,004,427 to \$734,665.

Fincom voted to support.

Article 2 carried unanimously.

ARTICLE 3: Moved and seconded that the Town vote to amend the vote taken under Article 6 of the warrant for the April 28, 2003, Annual Town Meeting (Fiscal Year 2004 Budget, Schools) by increasing the appropriation for Nashoba Valley Technical High School operating expenses, Line 3000, from \$406,416 to \$547,731, and to transfer from free cash the sum of \$141,315 for said purpose.

Fincom voted to support.

Article 3 carried by majority.

ARTICLE 4: Moved and seconded that the Town vote to amend the vote taken under Article 12 (acquisition analysis costs for land off Gilson Road - Elementary School Site), of the warrant for the April 28, 2003, Annual Town Meeting by changing the source of the appropriations voted thereunder from taxation to the following:

Transfer of the \$7,142 remaining balance of the appropriation voted under Article 10 of the warrant for the April 24, 2000 Annual town Meeting (Jenkins Road Survey);

Transfer of the \$7,320 remaining balance of the appropriation voted under Article 12 of the warrant for the April 29, 2002 Annual Town Meeting (Transfer Station shed repair);

Transfer of the \$133 remaining balance of the appropriation voted under Article 10 of the September 23, 2002 Special Town Meeting (survey town boundary)

Transfer of \$10,923 remaining balance of the appropriation voted under Article 19 of the warrant for the April 30, 2001 Annual Town Meeting (Broadmeadow Parking Lot)

Transfer of \$14,462 of encumbered but unspent funds from the FY03 Planning Board budget (line items 1342, 1343, 1344, and 1346); and

Transfer of \$35,020 from free cash

For a total of \$75,000

Fincom voted to support.

Ed McNierney moved to amend by striking the words “transfer of the \$7,142 remaining balance of the appropriation voted under Article 10 of the Warrant for the April 24, 2000 Annual Town Meeting (Jenkins Rd. Survey)” and changing the number \$35,020 to \$42,162.

Motion to amend carried by majority.

Article 4, as amended, carried by majority.

ARTICLE 5: Moved and seconded that the Town vote to transfer \$11,800 from free cash to demolish the structures located on Town property shown on Assessors' Map 113, Parcel 3.

Fincom voted to support. Mr. Fitzgerald spoke in opposition stating that money articles should be brought forward in the spring. Mr. Cunningham stated that sometimes money articles must be dealt with at other times. Mr. Lyman commented that some objects of historical significance might be in the dwelling. Mr. Hartnett responded that before demolition occurs the house would be inspected and invited Mr. Lyman to assist with the inspection.

Ms. Collette made a motion to amend by striking the words Assessors Map 113, parcel 3 and replacing with Assessors Map 113, parcels 53 and 54.

The amendment carried unanimously.

Article 5, as amended carried by majority.

ARTICLE 6: Moved and seconded that the Town vote to authorize the Selectmen, on behalf of the Water Department, to purchase a portion of 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 costs incidental and related hereto, that to meet this appropriation the Town authorize the Treasurer, with the approval of the Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7 or 8 of the General Laws as amended, or any other enabling authority, and to issue bonds or notes therefor, 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.

Fincom voted to support.

Article 6 carried unanimously.

ARTICLE 7: Moved and seconded that the Town vote, pursuant to General Laws Chapter 40, Section 4A, to authorize the Board of Selectmen and/or the Board of Water Commissioners to enter into an agreement with the Groton-Dunstable Regional School District for operation of the District's public water supply system by the Groton Water Department, and to establish the maximum term for such agreement as twenty-five (25) years.

At 8:10 pm there were 171 voters in attendance. Mr. Kelley commented that this is outside the duties of the Water Dept. and that there will be potential liabilities. Mr. Fitzgerald was also opposed and shared the same concern of potential liabilities. Mr. Prendergast commented that there is a benefit to have our trusted Water Department to do the testing for the school. Mr. Swezey said that the same people testing the water will be insuring the quality of the water and, since it is a new well, there are a few unknowns but didn't think that this would be a high liability: it would be best to have the Town take care of it. Mrs. Pine commented that the Town has spent so much money for the schools already and that we should have the Town take care of this.

Article 7 carried by majority.

ARTICLE 8: Moved and seconded that the Town vote to authorize the Groton Water Department to transfer the sum of \$400,000 from the Water Enterprise Fund to the General Operations Fund for the purpose of "Phase II Testing and Engineering for Unkety Brook and/or Shattuck Well."

Fincom voted to support.

Article 8 carried unanimously.

ARTICLE 9: Moved and seconded that the Town vote to accept the provisions of Section 116 of Chapter 46 of the Acts of 2003, providing for an Early Retirement Incentive Program, and that such program be limited to one Class I employee in the Police Maintenance Department and one Class 4 employee in the Groton Electric Light Department

Fincom voted to support.

Article 9 carried by majority.

ARTICLE 10: Moved and seconded the Town vote to transfer from free cash \$25,000 for a feasibility study and associated costs for the Station Avenue Redevelopment Plan, to be expanded upon written notification from the Electric Light Department Commissioners to the Board of Selectmen that Groton Electric is relocating.

Mr. Cunningham commented that this project would benefit the town in many ways. Mr. Belitsky asked if there would be public hearings regarding this project and Mr. Curtis responded by saying that there will be many public hearing opportunities since this will be a long process and also thanked all those involved for all the hard work. Representative Hargraves asked if the businesses in the area will be relocated. Mr. Curtis said that relocation has not been addressed.

Fincom voted to support.

Article 10 carried by majority.

ARTICLE 11: Moved and seconded that the Town vote to transfer, within the Fiscal Year 2004 budget, \$16,500 from Emergency Medical Services Wages to Fire Department Wages.

Fincom voted to support.

Article 11 carried by majority.

ARTICLE 12: Moved and seconded that the Town vote to transfer from free cash \$50,000 to establish a viable water supply for fire suppression in the area of Pepperell Road for the Fire Department.

Fincom voted to support.

Article 12 carried by majority.

ARTICLE 13: Moved and seconded that the Town vote to transfer from free cash \$75,000 for the purpose of supplementing the monies previously appropriated for the renovation of the Lost Lake Fire Station.

Fincom voted to support.

Article 13 carried by majority.

ARTICLE 14: Moved and seconded that the town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, as printed in the warrant. Moved and seconded that this article be indefinitely postponed.

Article 14 was indefinitely postponed.

ARTICLE 15: Moved and seconded that the Town vote to accept as a public way, Nicole Lane, as laid out by the Board of Selectmen, as shown on a plan entitled "Gilson Estates As-Built Plan of Nicole Lane in Groton, Mass" dated July, 2001, by David E. Ross Associates, a copy of which is on file in the office of the Town Clerk and to authorize the Board of Selectmen to acquire such lands and easements as are necessary in connection therewith.

Article 15 carried unanimously.

ARTICLE 16: Moved and seconded that the Town vote to authorize the Board of Selectmen to execute a revised Settlement Agreement in the matter of V.H. Shea Corporation v. Richard W. Powell, Peter Cunningham, Virginia Wood and the Board of Selectmen for the Town of Groton, Middlesex Superior Court, Civil Action No. 99-4488 (civil action), to transfer the care, custody and control of the Town-owned property located on Cow Pond Brook Road, shown on Groton Assessors' Map L-44 and described in a deed recorded with the Middlesex Registry of Deeds in Book 13059, Page 697, to the Board of Selectmen for the purpose of conveying said property to V.H. Shea Corporation or its nominee, James M. Patierno, Trustee of Missick Realty Trust, for a minimum of \$100, and to execute a quitclaim deed and all other documents necessary or required to effectuate the settlement of the above Civil Action and the conveyance of said property, and to authorize the Board of Selectmen to convey said property in fee simple, upon such terms and conditions that it deems appropriate.

Article 16 carried unanimously.

ARTICLE 17: Moved and seconded that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton by rezoning from Residential Agricultural (R-A) to Public Use District (P) a parcel of land containing 11.93 acres, situated on Sandy Pond Road, shown on Assessors' Map 119 as Parcel 10, and a parcel of land containing 4.45 acres, shown on Assessors' Map 120 as Parcel 2. The Planning Board Report was read by Carolyn Perkins. The Planning Board supported the rezoning.

Article 17 carried unanimously.

ARTICLE 18: Moved and seconded that the Town vote to transfer certain sums of money within the Fiscal Year 2004 budget as follows:

\$5000 from Fire Department Minor Capital to Fire Dept. Expense Line Item 2022

\$2,000 from Fire Department Minor Capital to Fire Department Building Maintenance Line Item 2024

Fincom voted to support.

Article 18 carried unanimously.

ARTICLE 19: Moved and seconded that the Town vote to transfer from free cash \$500,000 to be added to the sum already on deposit in the Town Stabilization Fund.

Fincom voted to support.

Article 19 carried unanimously.

ARTICLE 20: Moved and seconded that the Town vote to transfer \$49,609 from the Excess and Deficiency Fund (free cash) for the purpose of affecting the tax rate for the period beginning on July 1, 2003 and ending June 30, 2004.

Fincom voted to support.

Article 20 carried unanimously.

The chair entertained a motion to dissolve the Special Town Meeting. Seconded. Carried unanimously.

The chair dissolved the meeting at 9:05pm.

Respectfully submitted,

Onorina Z. Maloney

Town Clerk