

**SPECIAL TOWN MEETING MINUTES
OCTOBER 25, 2004**

The Fall Special Town Meeting was called to order at 7:07 pm by Moderator Robert Gosselin. There were 131 voters present which satisfied the quorum requirement of 128.

Town Clerk Onorina Maloney made an announcement regarding the upcoming election on November 2 for voters in precincts 2 and 3 who will be voting at Groton Dunstable Regional Middle School located at 346 Main St. A moment of silence was observed for Sgt. Darren Cunningham who was killed in Iraq. Mr. Gosselin also read announcements from Michelle Collette and Ellen Hargraves relating to elections signs decorum. The Sewer Commission was seeking consideration to advance after article 4 to articles 19, 20, 21 and 22.

A motion was made and seconded and carried unanimously for the reading of the warrant.

Steve Webber made an announcement on behalf of the Finance Committee stating that most of the articles are housekeeping articles and that the numbers are not available yet to set the new tax rate.

ARTICLE 1:

Moved and seconded that the Town vote to transfer the following sums of money within the Fiscal Year 2005 budget

\$3,168 from Recreation Committee Wages to Recreation Committee Program Expenses

\$20,000 from Computer Committee Wages to Computer Committee Expenses

Article 1 carried unanimously.

There were 159 voters present as of 7:20 pm

ARTICLE 2:

Moved and seconded that the Town vote to transfer from Water Enterprise Surplus the sum of \$161 and from the Excess and Deficiency Fund (Free Cash) the sum of \$1056 for the following unpaid bills of a prior fiscal year

From To:

\$300 E & D (Free Cash) Dispatch uniform maintenance allowance

\$300 E & D (Free Cash) Dispatch uniform maintenance allowance \$381 E & D (Free Cash) Police Department Pre-employment physical

\$75 E & D (Free Cash) Dispatch Uniform

\$161 Water Enterprise Surplus Water Department Dig Safe

Article 2 carried by unanimous vote

ARTICLE 3:

Moved and seconded that the Town vote to transfer \$213,410, the remaining, unexpended balance of the appropriation voted under Article 20 of the April 24, 2000 Annual Town Meeting for Landfill Capping to the Capital Asset Stabilization Fund

Tom Noughton from the Capital Planning Committee commented that this was a follow up article and it would help eliminate the need to borrow money.

Article 3 carried by unanimous vote

ARTICLE 4:

Moved and seconded that the Town vote to transfer \$3832 from Water Enterprise Surplus and to raise and appropriate \$27,905 to supplement the amounts appropriated under the following FY05 budget line items under Article 5 of the April 26, 2004 Annual Town Meeting:

\$ 11,117.00 to Library Wages \$5,656.00 to Police Wages

\$ 3,240.00 to Library Salary \$ 930.00 to Town Accountant Wages

\$ 2,656.00 to Police Salary \$ 4,306.00 to Assessors' Salary

\$ 3,832.00 to Water Salary

Ed Kopec commented that the \$ 4,306.00 is for the Assistant Assessor.

Article 4 carried by unanimous vote.

At this time Harlan Fitch made a motion for *consideration to advance to articles 19, 20, 21 and 22*. This request was made since the senior project engineer was present. **The motion was seconded. The motion to advance to articles 19, 20, 21 and 22 carried by majority vote.**

ARTICLE 19:

Moved and seconded that the Town vote to extend the “Groton Center Sewer System,” as established by vote of the Special Town Meeting of Feb. 6, 1989, under Article 7, to a portion of Boston Road, beginning at a manhole in Old Ayer Rd., and running easterly, approximately 4,800 feet to Assessors’ Lot No. 235-31-1, including parts of Skyfield Drive, as more definitively set forth on a map, dated September, 2004, entitled “Proposed Boston Road Sewer Extension,” a copy of which is on file in the Town Clerk’s office, provided all costs of designing, laying, and construction of the additional sewer system and the cost of additional capacity, if any, are paid by the assessment of betterments upon the properties benefited thereby.

Board of Health voted to support articles 19 to 22. Growth Management also voted unanimously to support. Hugh McLaughlin spoke about the likelihood of running into ledge and what happens if there is a ‘trunk’ failure’. Marion Stoddart’s concern was that Groton is taking water away and asked if there is a plan to keep the groundwater. Joan Hutchinson commented that the Sewer Commission was to protect our sewage system and asked if there are any provisions for those homes in the sewer district to assure them enough capacity. Harlan Fitch responded that there will be sufficient capacity. Karl Johnson commented that he recused from the sewer commission since this affects his house. What this allows is to take care of homes that are in distress. Edward Strachan commented that the residents are paying for this themselves and to support this article. Becky Pine wanted to remind people that the Sewer Commission members are volunteers. These people are being presented with very complex questions. Asked if any one would like to step up to the plate and volunteer.

Article 19 required majority vote:

Chair declared a majority vote

There weren’t 7 voters who contested the Chair

Article 19 carried by majority

ARTICLE 20:

Moved and seconded that the sum of \$383,000 be hereby appropriated to pay costs of designing , constructing, and laying of Section 1 of the Boston Road Sewer System Extension beginning at Old Ayer Road and extending approximately 1,900 feet easterly to Assessors’ Lots No. 222-3 and 222-21, including the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, be hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Chair declared a 2/3 vote.

Article 20 carried by 2/3 vote

ARTICLE 21:

Moved and seconded that the sum of \$546,000 be hereby appropriated to pay costs of designing, constructing, and laying of Section 2 of the Boston Road Sewer System Extension beginning at Assessors’ Lot 222-20 and extending approximately 2,900 feet easterly to Assessors’ Lot No. 235-31-1, including parts of Skyfield Drive, including the payment of any and all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, be hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

State Representative Robert Hargraves asked if the chair was going to take a count since this is a bond question. Counsel David Doneski reminded the voters that in 1998 an article was passed that the Chair can declare a 2/3 vote. As of 8:25 pm there were 205 voters.

Tellers were duly sworn:

John Sopka Gary Hogleund

Steve Boczenowski Mr. Belitsky

Warren Humphrey Karen Riggert

Article 21 carried by 2/3 vote, 116 in favor and 42 against

ARTICLE 22:

Moved and seconded that the Town vote to authorize the Sewer Commission to charge interest on the betterment assessments made in connection with the Boston Road Extension of the Groton Center Sewer System at a rate equal to two percent (2%) above the rate of interest chargeable to the Town for the betterment project, in accordance with Section 13 of Chapter 80 of the General Laws.

Article 22 carried by majority vote.

ARTICLE 5:

Moved and seconded that the Town vote to raise and appropriate the following sums of money to the following FY05 budget line items to operate the Recreation Department for the period of January to June, 2005:

\$14,807 to Recreation Commission Wages

\$ 3,929 to Recreation Commission General Expenses

\$6,873 to Recreation Commission Program Expenses

Mr. Gingras spoke on behalf of the Finance Committee. He supported this article since it benefits the younger generation.

Article 5 carried by majority vote. Chair declared a majority vote.

ARTICLE 6:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$32,000 to purchase a new pickup truck for the Highway Department.

Katherine Adams asked what was wrong with the present truck. Mr. Delaney, Highway Superintendent, said that the current truck is no longer repairable.

Article 6 carried by unanimous vote

ARTICLE 7:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$10,000 to the Finance Committee Reserve Fund.

Article 7 carried by unanimous vote

ARTICLE 8:

Moved and seconded that the Town vote to transfer from FY 05 budget line item Postage Office Supplies Lease Copier the sum of \$4,000 to Line Item Postage Office Copier Purchase and to raise and appropriate the sum of \$6,000 to Line Item Copier Purchase.

Article 8 carried by unanimous vote

ARTICLE 9:

Moved and seconded that the Town vote to transfer \$20,000 of the amount appropriated under Article 16 of the April 26, 1999 Annual Town Meeting (Intersection Design); and transfer \$3360 of the amount appropriated under Article 22 of the April 29, 2002 Annual Town Meeting (Public Safety Building Trim); and transfer \$3000 remaining from the appropriation under Line Item 1024 of the FY 2001 Budget (Minor Capital – Selectmen); and transfer \$8715 from the Excess and Deficiency Fund (Free Cash) for a total of \$35,075 for the purchase and installation of lighting fixtures at Route 119/Route 225/Forge Village Road/Sandy Pond Road/Whiley Road.

Chris Colton commented that he thought the State was picking up the cost. Mr. Dillon did respond that the State and other organization are contributing money.

Article 9 carried by majority vote.

ARTICLE 10:

Moved and seconded that the Town vote to transfer from EMS Receipts Reserved, a sum not to exceed \$160,000 to purchase and equip a new ambulance for the EMS Department.

Article 10 carried by unanimous vote

ARTICLE 11:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) the sum of \$75,000.(seventy-five-thousand) to be added to the sum already on deposit in the Conservation Fund.

Article 11 carried by majority vote

ARTICLE 12:

Moved and seconded that the Town vote to amend the Town of Groton Wage and Classification schedule as printed in the warrant.

Article 12 carried by unanimous vote

ARTICLE 13:

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 81, Town Meetings, Section 4. Scheduling of Business as printed in the warrant

Article 13 carried by unanimous vote

ARTICLE 14:

Moved and seconded that the Town vote to accept the provision of Massachusetts General Laws, Chapter 140, §139, and to amend the Code of the Town of Groton, Chapter 128, Dogs, Section 3.1 as printed in the warrant.

Article 14 carried by majority vote

ARTICLE 15:

Moved and seconded that the Town vote to amend the Sign By law, Chapter 196 of the Code of the Town of Groton, as printed in the warrant

This would allow public buildings to have the same dimension signs as commercial buildings.

Article 15 carried by majority vote

ARTICLE 16:

Moved and seconded that the Town vote to remove the following parcels of land from the Town's tax possession rolls and transfer the care and custody of such parcels to the Board of Selectmen for municipal purposes:

Map and Parcel Location Acreage

247-42-0 Old Dunstable Road 1.16 acres

231-4-0 Reedy Meadow Road 1.88 acres

213-67-0 Wallace Road .735 acres

Article 16 carried by unanimous vote

ARTICLE 17:

Moved and seconded that the Town vote to amend the Code of the Town of Groton by adding a new Chapter 22, Community Preservation Committee as printed in the warrant.

Bruce Easom, from the Community Preservation Research Committee spoke. The Committee researched the pros and cons and contacted communities that have already adopted the CPA. He asked for the voters to support this article and to support Question 1 on the November ballot since there are many benefits to adopting this. Rena Swezey commented that this isn't 100% exemption for seniors. Peter Cunningham pointed out that this article is about forming a committee not the merits of the CPA. Hugh McLaughlin commented that this is another layer of taxation.

Peter Cunningham commented that if it didn't get voted on at this meeting then it would have to wait until the Annual Town Meeting in 2005. Georgess McHargue stressed that the committee will have members representing many boards/committee. Bob Pine made a motion to move the question. Motion to move question carried by 2/3 vote.

Article 17 carried by majority vote.

ARTICLE 18:

Moved and seconded that the Town vote under the provisions of Massachusetts General Law, Chapter 40, Sections 15A and 3 to transfer to the Board of Selectmen the custody and control of the land identified as Assessors' Map 129, Block 31, acquired by the Town by foreclosure of a tax title for the purpose of sale, and to authorize the Selectmen to convey such land to Ann Nolette for the purchase price of \$4,000, and upon such other terms and conditions as the Selectmen deem appropriate.

Article 18 carried by unanimous vote

ARTICLE 23:

Moved and seconded that the Town vote to rescind the remaining borrowing authority of \$35,000 voted under Article 11 of the March 30, 1982, Annual Town Meeting authorizing the Town Treasurer to borrow a sum not to exceed \$65,000 for the purposes of purchasing a water supply system.

Article 23 carried unanimously

ARTICLE 24:

Moved and seconded that the Town vote to accept the provisions of Chapter 59, Section 5, Clause 50 of the General Laws.

Sylvia Sangiolo from Board of Assessors, said that if the alterations are done to benefit a senior then a form needs to be completed every year. This abatement will end when the senior no longer lives in the home. This is a relief to the person who is housing a senior.

Article 24 carried by unanimous vote

ARTICLE 25:

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 1988 to allow an additional property tax exemption for Fiscal Year 2005 for certain persons who qualify for a property tax exemption under MGL, Chapter 59, Section 5.

Article 25 carried by unanimous vote

ARTICLE 26:

Moved and seconded that the Town vote to approve the establishment of a Stabilization Fund by the Groton-Dunstable Regional School District in accordance with the provisions of Chapter 71, Section 16G½ of the General Laws. **Moved that this article be postponed indefinitely.**

Motion to postpone indefinitely carried unanimously

Article 26 was postponed indefinitely.

ARTICLE 27:

Moved and seconded that the Town vote to accept as public ways the following private ways, as laid out by the Board of Selectmen and as described in the warrant, and to authorize the Board of Selectmen to acquire such lands and easements as are necessary in connection therewith:

Wildflower Lane

Sawtell Drive

Pacer Way

Hayden Road

Madeline Drive

Integrity Way

Article 27 carried by unanimous vote

ARTICLE 28:

Moved and seconded that the Town vote to authorize the Board of Selectmen to enter into a contract not to exceed 10 years for trash disposal.

Article 28 carried by unanimous vote

ARTICLE 29:

Moved and seconded that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) \$178,771 to be added to the sum already on deposit in the Town Stabilization Fund.

Article 29 carried by unanimous vote

ARTICLE 30:

Moved and seconded that the Town vote to transfer _____ from the Excess and Deficiency Fund (Free Cash) or from other available funds for the purpose of affecting the tax rate for the period beginning July 1, 2004 and ending June 30, 2005.

Motion was made to indefinitely postpone this article.

Article 30 indefinitely postponed

ARTICLE 31:

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 214 Main Street owned by Walter H. B. Platt, consisting of approximately 0.63 acres of area, which premises is described in a deed recorded with the Middlesex South District Registry of Deeds in Book 43270, Page 328, being shown as Parcel 95 of Assessors' Map 112.

Walter Platt (proponent) had a slide presentation. Carolyn Perkins held a public hearing at Oct. 14, 5 members in favor and 1 opposed. This article is to support business development along Main Street. Tellers were called to count voters to ascertain that a quorum was present.

Two new additional tellers were sworn:

Chuck McKinney and Ed McNierney

Steve Boczenowski, Warren Humphrey and Gary Hoglund had previously been sworn

There were 136 voters present which satisfied the quorum requirement of 128.

Bayard Underwood and Dr. John Bruner spoke against this article. Edna White spoke in favor. She said that the town center is a good place for this type of business and this article is totally appropriate. The town isn't going to survive on residential development alone. Bruce Clements said he was the one planning board member who voted against this article. He felt that there are other places in town that are more appropriate for this business. Attorney Ray Lyons said that this article makes sense. Michelle Collette commented that it's all about balance and that the residential business district is unique. This is a residential district with very limited business expansion and it's a very tight process which included the Zoning Board of Appeals. Ed Kopec said that the Board of Assessors supports this article. Gary Hoglund asked if the business was going to pledge a Historic Preservation. Attorney Ray Lyons responded that they were not ready to make that pledge. Georgess McHargue made a motion to move the question.

Motion to move the question carried.

Article 31 carried by 2/3 vote.

Motion was made to dissolve the Special Town Meeting. Motion was seconded.

The October 25, 2004 Special Town Meeting was dissolved at 10:40 pm.