

ANNUAL TOWN MEETING MINUTES

APRIL 26, 2004

With adjourned sessions of May 3 and May 10, 2004

Mr. Gosselin announced that the 7 pm starting time indicated on the Warrant, which got mailed out to all voters, was incorrect. It was discovered afterward that according to Town By-Law, Annual Town Meeting starting time is 7:30 pm. At 7:15 pm there was a presentation by Anne Garber from the Red Cross. She presented Mr. Frank Belitsky with a WWII pin as an award for his service as a volunteer in many capacities for the Red Cross for the past 56 years. Frank Belitsky donated 240 pints of blood which translates into 30 gallons of blood. There was a very loud applause!

Mr. Gosselin announced the contested races for the Municipal Election along with the Candidates' Breakfast and Candidates' Night which will be held on May 11th. Steve Boczenowski, Chairman of Habitat for Humanity, thanked the Newspapers for the press coverage. He spoke about the house that will be built in Groton for a family in need. Brooks Lyman spoke for the Lost Lake Fire Station. He said that all construction is about complete and there will be a dedication on May 15th at 9 am. There were 258 voters in attendance as of 7:21 pm. Jack Saball asked all in attendance to thank all those who served in Iraq and Afghanistan. There was a long standing ovation.

The first session of the April 26, 2004 Annual Town Meeting was called to order by Town Moderator Robert Gosselin at 7:30 pm. There is no quorum requirement for the ATM. Motion to wave the reading of the warrant was carried unanimously. Harlan Fitch made a motion that a principal proponent for a motion and a principal opponent against a motion be limited to five minutes each and that following proponents for and against be limited to three minutes each. Motion was seconded. Chuck McKinney commented that the School Committee had a presentation and it will be longer than 5 minutes, therefore, they did not support this motion. As of 7:34 pm there were 340 voters. Mr. Gosselin called for a 2/3 vote for the motion.

Motion failed to carry by 2/3 vote as declared by the Moderator.

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. Ed Kopec spoke for the Board of Assessors.

Article 1 carried by majority vote

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.

Tom Hartnett commented that we need to accept this article to take advantage of the money. Tom Naughton from the Capital Planning Committee spoke in support of Article 7, 11, 20 and 21. Win Nordblom made a presentation for the Finance Committee.

Article 2 carried by unanimous vote

ARTICLE 3:

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

Selectmen \$ 950 Town Clerk \$49,861

Board of Selectmen, Chrm. \$ 1,100 Town Moderator \$ 65

Assessors \$ 850 Highway Surveyor \$56,852

Board of Assessors, Chrm. \$ 1,000 Tree Warden \$ 1,311

for the ensuing year.

Tom Hartnett said that this article comes up every year since these elected officials are not on the wage classification plan and their respective salaries need to be voted on at Town Meeting.

Article 3 carried by majority vote.

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 this Town Meeting.

Paul Fitzgerald made a motion to amend the COLA increase from 3% to 1%. He stated that the 3% increase is exaggerated. Joan Hutchinson from the Personnel Board commented that the Board surveyed other towns. Five out of nine towns are providing a 3% increase in the interest of fairness and equity. She asked for the voters' support. Tom Hartnett spoke how strongly he felt that this group of employees is not represented by unions.

Motion to amend was defeated.

Finance Committee voted to support 6 to 1

Article 4 carried by majority vote.

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 (2005), and act on the budget of the Finance Committee.

1) GENERAL GOVERNMENT

Moved and seconded that the Town vote to appropriate from Conservation Fees Receipts Reserved the sum of \$10,000 to the Conservation Commission and to raise and appropriate the sum of \$1,458,083 for a total of \$1,468,083 for General Government as represented by lines 1000 through 1560 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Carried by unanimous vote

2) PROTECTION OF PERSONS AND PROPERTY

Moved and seconded that the Town vote to appropriate from Emergency Medical Services Receipts Reserved the sum of \$115,000 to Emergency Medical Services and to raise and appropriate the sum of \$2,409,683 for a total of \$2,524,683 for Protection of Persons and Property as represented by lines 2000 through 2242 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Carried by unanimous vote

3) SCHOOLS

Moved and seconded that the Town vote to raise and appropriate the sum of \$14,024,998 for Schools as represented by Lines 3000 through 3022 in the budget, Line 3000 to be considered a single, separate appropriation for the purposes voted, and lines 3020, 3021, 3022 to be considered together a single, separate appropriation for the purposes voted; and that in addition to the foregoing, the Town vote to raise and appropriate, contingent upon a favorable Proposition 2-1/2 override under Massachusetts General Laws Chapter 59, Section 21C, Clause (g), an additional \$326,651 to pay the assessment of the Groton Dunstable Regional School District for the ensuing year as shown on Line 4000, Groton Dunstable Regional School District Fiscal Year 2005 Override.

Karen Riggert, Chair for the School Committee thanked all those individuals who cooperated in the budgeting process and gave a presentation on the School Budget. Mr. Gosselin explained that there was a single motion on the floor with a contingency if the override passes at the ballot. Ed Kopec asked if the question could be divided and Theresa Ragot asked for clarification.

The Moderator stated that according to Parliamentary Procedures it is the purview of the Chair to divide the question. Town Counsel, David Doneski concurred. Therefore, the following motion was moved and seconded:

That the Town vote to raise and appropriate the sum of \$14,024,998 for Schools as represented by Lines 3000 through 3022 in the budget, Line 3000 to be considered a single, separate appropriation for the purposes voted, and lines 3020, 3021, 3022 to be considered together a single, separate appropriation for the purposes voted.

Motion was carried by majority vote

The second portion of the original motion was moved and seconded:

and that in addition to the foregoing, the Town vote to raise and appropriate, contingent upon a favorable Proposition 2-1/2 override under Massachusetts General Laws Chapter 59, Section 21C, Clause (g), an additional \$326,651 to pay the assessment of the Groton Dunstable Regional School District for the

ensuing year as shown on Line 4000, Groton Dunstable Regional School District Fiscal Year 2005 Override.

The Chair once again asked for Town Counsel, who concurred. As of 8:45 pm there were 447 voters in attendance. Jeanne Niemoller from the School Committee spoke about how she did appreciate splitting the vote. She implored for this vote to go to ballot. She reminded the voters that the school budget is a very carefully planned budget. The children of this Town need this vote to go through since this is our community and it's a community issue. In addition, we need to do better in our Town in order to increase revenue and consider tax relief for the fixed income elderly. Penalizing the students is not the way to address this. Frank Belitsky stated that he was going to support the schools since the increase in taxes would be minimal thus would not have a huge impact on the Seniors.

Harlan Fitch moved the question. Motion to move the question was unanimous.

Motion was carried by majority vote.

4) HIGHWAY AND HEALTH

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,349,894 for Highway and Health as represented by lines 5000 through 5145 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion was carried by unanimous vote.

5) SEWER ASSESSMENT

Moved and seconded that the Town vote to raise and appropriate the sum of \$3,666 for Sewer Assessment as represented by line 6000 in the Budget.

Motion was carried by majority vote

6) LIBRARY AND CITIZEN'S SERVICES

Moved and seconded that the Town vote to raise and appropriate the sum of \$827,169 for Library and Citizen's Services as represented by lines 7000 through 7161 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Paul Fitzgerald inquired why the Library is using resources for Sunday hours. Michael Manugian, Library Trustee, responded that for the past two years an anonymous benefactor has been covering the Sunday hours costs. A survey done by the library has shown that on Sundays the library experiences the highest foot traffic.

Motion was carried by majority vote

7) DEBT SERVICE

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,913,763 for Debt Service as represented by lines 8000 through 8060 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

Motion was carried by unanimous vote

8) EMPLOYEE BENEFITS

Moved and seconded that the Town vote to raise and appropriate the sum of \$1,803,022 for Employee Benefits as represented by lines 9000 through 9022; each line item to be considered as a separate appropriation for the purposes voted.

Motion was carried by majority vote

9) WATER ENTERPRISE

Moved and seconded that the Town vote to appropriate from Water Rates and Fees the sum of \$994,289 to the Water Enterprise Fund for FY2005 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried by unanimous vote

10) SEWER ENTERPRISE

Moved and seconded that the Town vote to appropriate from Sewer Rates and Fees the sum of \$632,926 to the Sewer Enterprise Fund for FY2005 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

Motion carried by unanimous vote

11) ELECTRIC LIGHT

Moved and seconded that the Town vote to appropriate the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from the sale of jobbing during Fiscal 2005 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 300 of the Budget.

Motion carried by majority vote

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 set forth in the handout distributed at Town Meeting, and vote to reaccept the provisions of said Chapter 533, as amended.

Howard Hersey commented that the Country Club Authority goes through an exhaustive process to put together the budget to arrive at consistent results and invited people to join in the process. Gloria Fucillo asked about how the new "Function Hall" will affect the Country Club. The Country Club pays \$70,000 lease payment to the Town.

Motion to move the question. Question was moved

Article 6 carried by majority vote.

ARTICLE 7:

Moved and seconded that the Town vote to transfer from the Town Stabilization Fund \$90,000 to purchase a new dump truck for the Highway Department.

Article 7 carried by 2/3 vote as declared by Moderator.

ARTICLE 8

Moved and seconded that the Town vote to transfer from Town Stabilization Fund \$50,000 to be added to the sum already on deposit in the Conservation Fund.

Virginia Wood stated that it's important to fund this since the window is so short should property come up for sale. Paul Fitzgerald asked why money articles are brought to the Fall Town Meetings. The chair reminded voters that money articles will be brought to the Fall Town Meetings. Tom Hartnett said that we won't know what the cash situation is in the Fall. Tellers were sworn as follows:

Georgess McHargue Dan Emerson

Steve Painter Steve Conway

Tom McDonald Chris Colton

Article 8 carried by a 2/3 vote. 225 in favor, 50 against

ARTICLE 9:

Moved and seconded that the Town vote to raise and appropriate \$65,000 for the Reserve Fund.

Article 9 carried by majority vote.

ARTICLE 10:

Moved and seconded that the Town vote to rescind the remaining borrowing authority of \$330,000 voted under Article 20 of the warrant for the April 24, 2000, Annual Town Meeting for the capping of the Town's landfill .

Article 10 carried by unanimous vote.

ARTICLE 11:

Moved and seconded that the Town vote to transfer from the Town Stabilization Fund a sum not to exceed \$350,000 for payment of the debt authorized by vote of the Groton Dunstable Regional School District School Committee on April 7, 2004, for constructing, reconstructing, equipping, remodeling or making extraordinary repairs to Prescott School, including architectural fees and other costs incidental and related thereto.

This money is needed to make significant repairs to the Prescott School. The roof is leaking and windows need to be repaired or replaced. Jeanne Niemoller spoke about the Facility Task Force at Prescott and the need of an elementary school to come on line soon. This money does come from the Stabilization Fund. Ed McNierney spoke about the importance of keeping this building in shape and even though in the future

it may not be used as a school, it will still be a very useful facility. Jeanne Niemoller commented that there has been a great deal of work done by volunteers and that there is still much to be done. James McMath asked if the children would need to be moved out during the renovation. Peter Cunningham responded that the restoration work would be done responsibly.

Article 11 carried by 2/3 vote.

ARTICLE 12:

Moved and seconded that the Town vote to approve an amendment to the Intermunicipal Agreement between the Town of Groton and the Town of Pepperell for sewage treatment at the Pepperell Wastewater Treatment Plant as described in the warrant.

Karl Johnson, Chair for the Sewer Commission, stated that Engineering Studies show that we need a larger capacity in the Town Center. Sewer Commission would not force anyone in the district to hook up to the system. This project will not impact the Town financially and that it would fall on the rate payers. Andrew Robinson asked if this is a 'language change'. Mr. Johnson responded that this is the same verbiage as Pepperell. There are currently 450 rate payers and that there would be no new construction outside the sewer district. Marion Stoddart discussed groundwater and her concern that water is going to be sent to Pepperell to be treated and then discharged into the Nashua River. She also asked if there were any plans to use our water instead of wasting it. Karl Johnson did respond that he shared this concern. He reassured that taxpayers will not pay anything toward this expansion, only the ratepayers. Any expansion requires a Town Meeting Vote. This article continued to be debated. Mr. Pine commented that this project is a sensible thing to do.

Motion was made to move the question. Motion was seconded.

Article 12 carried by majority vote.

ARTICLE 13

Moved and seconded that the Town vote to authorize the Sewer Commission to purchase, on behalf of the Town, an additional 97,500 gallons per day of treatment capacity at the Town of Pepperell Wastewater Treatment Plant, the cost thereof to be paid from the Sewer Enterprise Fund.

Article 13 carried by majority vote.

A motion was made and seconded to adjourn the April 26, 2004 Annual Town Meeting until May 3, 2004. Meeting was adjourned at 11:08 pm.

ANNUAL TOWN MEETING MINUTES

First Adjourned Session, May 3, 2004

The first adjourned session of the April 26, 2004 Annual Town Meeting reconvened in the Performing Arts Center. Town Moderator Robert Gosselin called the meeting to order at 7:30 pm on Monday May 3, 2004. There is no quorum requirement for the ATM.

Jack Saball led the Pledge of Allegiance with the soldiers who returned from service. As of 7:38 pm there were 169 voters. Moderator announced that there is a voter who will move for reconsideration for Article 4 (COLA Article). This motion will be entertained.

ARTICLE 14:

Moved and seconded that the Town vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, printed in the warrant.

Selectmen voted 3 in favor and 2 against. Ms. Wood stated that over the years the program has changed and she now supports it. She would like to see it go to ballot in the fall and it will need to come back to Town Meeting. She urged voters to watch the presentation and keep an open mind. For the CPA research committee, Dan Emerson greeted the voters. Back in January the CPA members were appointed by the Selectmen to do research as well as gather information from other towns. After many hours of meetings it was concluded that this would be a useful tool to Groton. Adopting the Act is a two part process: 1)

majority vote at ATM and 2) Go to ballot. Bruce Easom gave a Power Point Presentation. As of 8:02 pm there were 248 voters. Several voters spoke in support of this article.

Recessed to STM at 8:05 pm. Meeting came to order. There were 248 voters. Recessed the Special Town Meeting and re-opened the Annual Town Meeting.

Hugh McLaughlin from the Board of Assessors continued speaking on the CPA. He said that the CPA is another Tax. The Board of Assessors voted against this Article. The Finance Committee voted 1 in favor and 5 opposed since the wording is unclear. Jeff Wilson from the Finance Committee stated that the CPA does not make sense. Representative Robert Hargraves spoke about being cautious about matching funds since sometimes those funds come late or may not come at all and CPA rates are subject to review every year. Rick Muhlike spoke in support of the CPA. There continued to be much more discussion. Michael Roberts stated that many projects could be funded through the CPA such as controlling the weeds at Lost Lake and many other projects. Jeanne Niemoller commented that she respects how the Selectmen voted and asked the voters to take the Selectmen's vote into consideration. She said the CPA group will do a phenomenal job and to put it on the ballot. The members of the Greenway Committee voted unanimously to support this act and it's important for all of us to be educated on this. As of 8:36 pm there were 289 voters in attendance. Bob Pine commented that this is a logical thing to do. Michelle Collette encouraged voters to support this article and to put this article on the ballot in November and added that this is a really good opportunity for the Town. We have spent millions of dollars for projects and we would miss out on matching funds from the State. Our neighboring Towns have benefited from CPA funds.

Harlan Fitch made a motion to move the question. The question was moved by a 2/3 majority.

Moderator called for tellers. Tellers were been duly sworn:

Georgess McHargue Dan Emerson

Steve Painter Steve Conway

Tom McDonald Chris Colton

Article 14 carried by a 2/3 majority vote: 163 in favor, 100 opposed. The second adjourned session of the April 26, 2004 ATM recessed at 9:06 pm on May 3, 2004

SPECIAL TOWN MEETING MINUTES

MAY 3, 2004

The May 3, 2004 Special Town Meeting was called to order at 9:06 pm. There were 289 voters present which met the quorum requirement of 128.

ARTICLE 1:

Moved and seconded that the Town vote to transfer certain sums of money within the Fiscal Year 2004 budget, as shown in the handout distributed at this Town Meeting. Fin Com voted 5 to 1 in favor

Article 1 carried by unanimous vote

ARTICLE 2:

Moved and seconded that the Town vote to transfer from Free Cash \$687.08 for the following unpaid FY03 bills

\$180.20 for Police Department Expenses

\$ 66.88 for Park Commission Expenses

\$440.00 for Sealer of Weights & Measures

Housekeeping article to pay last year's expenses.

Article 2 carried by unanimous vote

ARTICLE 3:

Moved and seconded that the Town vote to transfer the remaining balances of the following appropriations to the Town Stabilization Fund:

\$4975.25 voted under Article 11 of the Warrant for the May 1, 2000 Annual Town Meeting (W. Groton Mill Dam Repair)

\$296.40 voted under Article 20 of the Warrant for the September 23, 2002 Special Town Meeting (Purchase of MacGregor property).

This is to close article.

Article 3 carried by unanimous vote.

ARTICLE 4:

Moved and seconded that the Town vote to transfer a sum of money from the appropriation voted under Article 12 of the Warrant for the April 28, 2003, Annual Town Meeting (acquisition costs associated with the acquisition of the Gilson Road Land), as follows:

\$20,000 To conduct a study on the property known as the Brownloaf site, shown on Assessors' Map 234, Parcels 4 and 18.1, said sum to be expended by the Board of Selectmen

This motion requires a majority vote.

The motion carried by majority vote.

Moved and seconded that the Town vote to transfer a sum of money from the appropriation voted under Article 12 of the Warrant for the April 28, 2003, Annual Town Meeting (acquisition costs associated with the acquisition of the Gilson Road Land), as follows:

\$47,756 to the stabilization fund

This section of the article requires a 2/3 vote.

The motion carried by 2/3 vote as declared by the moderator.

ARTICLE 5:

To see if the Town will vote to transfer a sum of money from the appropriation voted under Line Item 5161 of the Fiscal Year 2004 Budget, Weed Harvester - Expenses, to the Lost Lake/Knops Pond Weed Management Advisory Committee for the purchase of supplies relative to the siphoning of Northern Cove, or take any action thereon.

Moved and seconded that this article be indefinitely postponed.

Motion to postpone indefinitely carried by unanimous vote.

ARTICLE 6:

Moved and seconded the Town vote to authorize the Board of Health to enter into an Intermunicipal Agreement with the Town of Westford to allow the Groton Transfer Center/Recycling Center to accept leaves and grass cuttings from the Town of Westford for a fee, the term of such agreement to be as authorized by law.

Article 6 carried by majority vote.

ARTICLE 7:

Moved and seconded that the Town vote to relocate Mill Street by accepting as a public way the parcel of land shown as Parcel T ("Mill Street Relocation") on a plan entitled "Definitive Subdivision Plan of Land, Mill Street Groton, MA Prepared for: Ryan Development, LLC" Scale: 1" = 50' dated September 26, 2002, revised 11/7/02, 12/18/02, 2/4/03, 2/11/03, and 3/18/04, prepared by LandTech Consultants, Inc., (the "Plan"), a copy of which is on file in the Office of the Town Clerk, as laid out by the Board of Selectmen, and further to discontinue as a public way those portions of Mill Street shown as Parcels Q, R, and S on said Plan, and to authorize the Board of Selectmen to execute and deliver deeds releasing the Town's right, title and interest in Parcels Q, R, and S for such consideration as it deems satisfactory, which consideration may be nominal, and to accept for purposes of a public way said Parcel T .

Selectman Cunningham stated that Mill St. poses a public safety issue. This realignment will be a safer reconfiguration. Mr. Hebert from Fay , Spofford and Thorndyke made a presentation. Police Chief, Robert Mulhern supports this project. Andrea Mason, a resident on Mill St. shares the concern about the safety. Her concern is that when the realignment is complete will there be more truck traffic? Jack Saball responded that the Selectmen did meet about this concern. He stated that some changes would be made. There would be a study that would determine if that road could become a 'no trucks allowed' road. Carolyn Perkins from the Planning Board commented that the majority of the Board voted to support this article. Peg Lorenz was concerned that the benefit would be for the developer since this realignment would free up more space for retail space. Mr. Harlan Fitch spoke his concern about drainage easements. Michelle Collette responded that she too attended most of the meetings and she did state that there are still some unanswered questions. She did state that the Board of Appeals does have jurisdiction over 40B projects and that they will do the right thing. If there are still issues with drainage the Selectmen have 120 days. The Town Meeting is being asked to decide the road relocation so it will be a safe location. The

developer will pay for this project and this is a good deal. A motion was made to move the question. Motion was seconded.

Moderator called for tellers. Tellers were duly sworn:

Georgess McHargue Dan Emerson

Steve Painter Steve Conway

Tom McDonald Chris Colton

Article 7 carried by 2/3 majority. 184 in favor, 25 against.

Chair entertained a motion to dissolve the Special Town Meeting. Motion was seconded. The Special Town Meeting dissolved at 10:10 pm on May 3, 2004. Re-opened the first adjourned session of the Annual Town Meeting

**Annual Town Meeting Meeting
Adjourned Session May 3, 2004**

ARTICLE 15

Moved and seconded that the Town vote to renew the revolving account under Chapter 44, § 53E½ of the General Laws for the purpose of utilizing receipts and fees received under Chapter 198 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 198, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2005.

A motion was made to adjourn the Annual Town Meeting until May 10, 2004. Motion to adjourn was defeated.

Article carried by majority vote. One voice opposed.

Motion was made to advance for consideration to Article 19. Motion to advance carried by unanimous vote

ARTICLE 19:

Moved and seconded that the Town vote to amend the Zoning By-law by deleting existing section 218-28, Development Rate Limitation, and substituting the following new sections 218-28, Rate of Development, and 218-28.1, Subdivision Phasing, as printed in the warrant.

Scott Wilson spoke on behalf of the Planning Board. The Planning Board voted 6 to 1. Population growth in the 90's was 27%, school enrollment increase was 65%. Growth Limitation By-Law amendment will have a town wide cap on residential permits. Chuck McKinney from the Growth Management Advisory Committee did work in conjunction and did vote to support this proposal.

Ray Lyons spoke that he had some concerns about this by-law. He stated that the current by-law has served us well. The current by-law treats all equally while the new by-law will treat people differently. The new by-law will restrict what type of house one would build. He stated that this amendment would not encourage diversity. Our by-law has served us well for 20 years and the Town should keep it. Robert Pine said that this by-law will mostly affect 'little people'. Edna White commented that this is a very complicated by-law. She said that we have not controlled growth, we have not kept up with the needs of the town and that the by law has many exemptions.

Mr. Fitch made a motion to move the question. The question was moved by 2/3 vote as declared by Moderator. Moderator called for tellers. Tellers were duly sworn:

Bruce Easom Chris Colton

Georgess McHargue Dan Emerson

Steve Conway Tom McDonald

Article 19 is defeated. 75 in favor 59 against. Failed to carry by 2/3 vote.

Chair entertained a motion to adjourn. Motion was seconded. The first adjourned session of the Annual Town Meeting was adjourned until May 10, 2004. Meeting adjourned at 11:02 pm.

Annual Town Meeting Minutes
Second Adjourned Session May 10, 2004

The second Adjourned session of the April 26, 2004 Annual Town Meeting was called to order by Town Moderator Robert Gosselin at 7:35 pm on Monday, May 10, 2004 with 142 voters in attendance. At the first session of the ATM on April 26, 2004, we completed articles 1-13. At the first adjourned session of the ATM on May 3 2004, we completed Article 14, as well as the 7 articles of the Special Town Meeting. Following the STM articles, the Annual Town Meeting was re-opened with Article 15 and advanced to article 19. Following article 19 the ATM meeting was adjourned. At this session, we have articles 16 - 18, 20 - 24. There is a voter who will move for reconsideration of article 4, Personnel By-Law Wage and Classification Schedule. Motion for reconsideration needs a 2/3 vote. A voter who voted in favor of article 4 who moves for reconsideration must present information that he/she says was not available at the time of the vote. Alexander Gucker, made a motion to reconsider Article 4 which was seconded. Motion to reconsider Article 4 is on the floor. Paul Fitzgerald, stated that the Finance Committee had voted 6 to 1 and now it's 2 to 1. He felt that this had impact on the Board of Selectmen's consideration. **A 2/3 vote is needed to reconsider Article 4. Motion to reconsider was defeated.**

ARTICLE 16:

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 196, Signs, as printed in the warrant.

As of 7:48 there were 207 voters. Carl Johnson made a motion to amend to add under paragraph 196-7-A-4 "with the exception of barber poles on barber shops." After the word permitted. Motion was seconded.

Motion to amend carried by majority vote.

Main motion as amended carried by majority vote.

ARTICLE 17:

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 196, Signs, Section 4, Subsection A. (2), by adding a new paragraph (c) as printed in the warrant.

Article 17 carried by majority vote

ARTICLE 18:

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 196, Signs, Section 2, General guidelines; definitions, as printed in the warrant.

Karl Johnson made a motion to amend this article to replace in the definition for Farmstand Operations the words: "75% of which are grown and produced in Groton" with the words "*as defined by State Regulation*". BOS voted 5 opposed. Michelle Collette supported this amendment. Chapter 48 says that 50% has to be grown on the premises.

Motion was seconded

Motion to amend carried by majority vote.

Main motion as amended carried by unanimous vote.

ARTICLE 20:

Moved and seconded that the Town vote to amend the Code of the Town of Groton, Chapter 9, Capital Planning Committee, Section 9.3, Definitions, as printed in the warrant.

Tom Naughton from the Capital Planning Committee commented that the committee is sponsoring two articles: 20 and 21. The increase from 10,000 to 25,000 was instituted years ago and it aligns us with other towns across the State. The goal of article 21 is to spread out purchases. In the future the goal is to have one single Capital Planning Budget.

Article 20 carried by majority vote. One voice opposed

ARTICLE 21:

Moved and seconded that the Town vote to create a Capital Asset Stabilization Fund to reserve monies to fund capital items costing at least \$25,000, as defined by Chapter 9 of the Code of the Town of Groton, Capital Planning Committee, Section 3, Definitions.

Finance Committee voted 5 to 2 in favor.

Steve Boczenowski commented that he was not in favor of grouping these articles. Tom Naughton commented that this isn't taking anything away from the Town. We need to have a 10 year plan and this

is an attempt to be proactive. This is to allow the Capital Stabilization fund to exist. Camilla Blackman wanted to know from the Finance Committee who voted against and why. Jeff Wilson was a member who voted against since he wanted to see one article. He felt it wasn't necessary to have two articles. Tom Hartnett likened this to a savings account that will be used exclusively for Capital Items. Becky Pine asked to take money in or out of Stabilization requires a 2/3 vote and that we're making it more difficult to access money to purchase capital items. As of 8:16 pm there were 222 voters in attendance. Virginia Wood commented that this came out of the BOS goals and objectives. This article forces the Town to plan and to save as well as to put together a well thought out plan for the next 5-10 years.

Article 21 carried by 2/3 vote as declared by Moderator

ARTICLE 22:

Moved and seconded that the Town vote to raise and appropriate a sum of money to be added to the sum already on deposit in the Town Stabilization Fund.

Moved and seconded to indefinitely postpone this article.

Reason to postpone, we will not have cash numbers until September. At the Fall Town Meeting this article will be discussed.

Article 22 postponed indefinitely

At this time State Representative Robert Hargraves made a presentation honoring Thomas Hartnett. Tom was elected in 1990 and served as Selectman since 2002. The State House offers its sincerest congratulations for his service as Treasurer, Tax Collector and Selectman.

Mr. Hartnett said that this has been a fabulous ride. He said he's been very lucky to have been raised in Groton. He also added that we are all fortunate to live in Groton!

ARTICLE 23:

Moved and seconded that the Town vote to transfer \$55,000 from the Excess and Deficiency Fund (free cash) for the purpose of affecting the tax rate for the period beginning July 1, 2004, and ending June 30, 2005.

Article 23 carried by unanimous vote

ARTICLE 24:

Moved and seconded that the Town of Groton vote to adopt the resolution regarding the USA Patriot Act as printed in the warrant.

As of 8:30 pm there were 254 voters in attendance. Peter Cunningham stated that this article is not about a political discussion. Greg Moffatt from the US Attorney General's Office, presented for the opponents and Michael Manugian presented for the proponents. Michael Manugian, as a library trustee, was amazed as to the many changes the Library had to make. Just six weeks after 9/11, the Patriot Act was passed which increased the Government's power to spy on citizens. The government has the power to search many aspects of citizens' life. Search warrants can be based in part on a person's first amendment activity and this becomes a local issue. A "yes" vote would allow Groton to join other towns who have voted "yes". This is to protect liberty and justice for all. The BOS would then contact the State to appeal certain sections. Ellen Hargraves commented that this article is inappropriate to have at Town Meeting since this is a Federal issue, not a Town issue. Urged people to vote "no". Peter Cunningham said that this is on the warrant because it was a citizens' petition and no probable cause is required for a warrant under the Patriot Act. Mr. Greg Moffatt, from the U.S. Attorney General's Office covered many aspects of the Patriot Act and stated that Section 215 could sunset in 2005. Tom Callahan, one of the sponsors of the article, said that we are here to make sure the Government is doing its job. We are not arguing politics, we are arguing principles. Kristen Von Campe spoke on behalf of the Library Trustees and commented that they have formed a subcommittee to protect the confidentiality of patrons. The Library Trustees have taken no position on this article. Mr. Fitzpatrick pointed out that both sides have valid arguments. He commented that the specifics in the Patriot Act do not violate the Constitution. Moderator called for tellers. Tellers were duly sworn:

Steve Boczenowski Steve Keany

Karl Johnson Paul Funch

Rick Hughson Steve Conway

Article 24 is carried by majority vote, 123 in favor 91 against

The chair entertained a motion to dissolve the ATM. The second adjourned session of the Annual Town Meeting was dissolved at 10:13 pm on May 10, 2004 by unanimous consent.