

MINUTES

TOWN OF GROTON

FALL SPECIAL TOWN MEETING

Groton-Dunstable Middle School Auditorium

344 Main Street, Groton, MA 01450

Monday, October 20, 2008



**WARRANT, MOTIONS,
VOTES AND MINUTES**

WARRANT, MOTIONS, VOTES and MINUTES

Meeting was called to order at 7:19 PM. A quorum of 135 Groton voters was present.

The chair declared that the warrant was duly posted. A motion to waive the reading of the warrant was made and seconded. The reading of the warrant was waived.

Mr. Frank Belitsky led the Pledge of Allegiance.

Chairman Josh Degen announced the hiring of Groton's first Town Manager, Mr. Mark Haddad. Mark Haddad addressed the meeting. Jeff Ritter, outgoing Interim Administrative Officer, was recognized for his contributions to the Town.

WARRANT, MOTIONS and VOTES

Middlesex:

Commonwealth of Massachusetts

To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn said inhabitants of said Town qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the twentieth day of October next, at 7:00 P.M. in the evening, to consider the following:

ARTICLE LISTINGS

- Article 1:** Prior Year Fiscal Bills
- Article 2:** Current Year Transfers
- Article 3:** Fund Highway, Water, Transfer Station Contract
- Article 4:** COLA for By-Law Employees
- Article 5:** COLA for Elected Officials
- Article 6:** Funding Salary for New Town Manager
- Article 7:** Actuarial Service
- Article 8:** Snow & Ice Budget
- Article 9:** Transfer a Sum of Money to the Capital Stabilization Fund
- Article 10:** Transfer a Sum of Money to the Stabilization Fund
- Article 11:** Offset the tax Rate
- Article 12:** Demand Fees
- Article 13:** Transfer of Funds to the Conservation Fund
- Article 14:** Land Grant, Boston Road
- Article 15:** Certificate of Title
- Article 16:** Street Acceptance Star House Lane

WARRANT, MOTIONS, VOTES and MINUTES

- Article 17:** Affordable Housing Trust Fund
Article 18: Trench Permitting and Inspection Authority
Article 19: Acquisition of Cemetery land for Use by the Williams Barn Committee
Article 20: Transfer from Sewer Surplus
Article 21: Land Acquisition Lowell Road
Article 22: Electric Light Department Appropriation of Funds for Land Acquisition
Article 23: Wind Energy Conversion Facilities
Article 24: Amend Accessory Apartment By-Law
Article 25: Amend Chapter 119 Building Numbering

ARTICLE 1: PRIOR YEAR FISCAL BILLS

To see if the Town will vote to transfer from the General Excess and Deficiency Fund (Free Cash) sums of money for the payment of unpaid bills of a prior fiscal year, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – Unanimous

Summary: *Town Meeting approval is required to pay bills from a prior fiscal year. A list will be provided at Town Meeting.*

Quantum of Vote: 9/10

MOTION:

(Josh Degen)

I move that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) the following sums of money for the payment of the following bills of a prior fiscal year:

Fire Department, Expenses	\$ 33.00
Solid Waste Disposal, Expenses	\$270.00
For a total of	\$303.00

Explanation: Bills from a prior year were received after the close of FY 2008. This article appropriates the funds to pay them.

Moved and Seconded.

VOTE:

Unanimous

ARTICLE 2: CURRENT YEAR TRANSFERS

To see if the Town will vote to transfer certain sums of money within the Fiscal Year 2009 budget, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous

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Finance Committee: Recommendation – Unanimous

Summary: *This action allows for the transfer of budget amounts from one line item to another, with no effect on the total budget appropriation. A list of transfers will be available at Town Meeting.*

Quantum of Vote: Majority

MOTION

(Josh Degen)

I move that the Town vote to transfer, within the Fiscal Year 2009 budget, \$4500 from line item 5001, Highway Wages to Line Item 5002, Highway expenses.

Explanation: The article moves funds from one line item to another within the Highway Department with no effect on the total departmental budget.

Moved and Seconded

VOTE

Unanimous

ARTICLE 3: FUND HIGHWAY, WATER, TRANSFER STATION CONTRACT

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the Highway, Water, and Transfer Station employees' contract.

Sponsored By: BOARD OF SELECTMEN

Board of Selectmen: Recommendation – not disclosed

Finance Committee: Recommendation – Unanimous

Summary: *The article will approve and fund the first year Highway, Water, and Transfer Station Employees Agreement contract.*

Quantum of Vote: Majority

MOTION

(Fran Dillon)

I move that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) the following sums of money to the following line items within the Fiscal Year 2009 budget to fund the first year of the SEIU 888 Highway, Water and Transfer Station employees contract:

Line Item 5001 Highway Wages \$10,000

Line Item 5060 Solid Waste Wages \$ 1,800

For a total of \$11,800

Explanation: The labor contract has been settled for the "DPW" union. This article provides the funds to pay for a Cost of Living increase of 2% for FY 2009.

Moved and Seconded

VOTE

Unanimous

ARTICLE 4: COLA FOR BY-LAW EMPLOYEES

To see if the Town will vote to amend the Town of Groton Wage and Classification schedule as shown in the schedule to be distributed at Town Meeting and to raise and appropriate or transfer from available funds a sum of money to fund the line items also shown in a handout to be distributed at Town Meeting, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous
Finance Committee: Recommendation – Unanimous

Summary: *This article proposes to provide and fund a 2% COLA for FY09 for employees who are covered by the Personnel By-Law or who have individual contracts.*

Quantum of Vote: *Majority*

MOTION

(Fran Dillon)

I move that the Town vote to amend the Personnel By-Law Wage and Classification schedule as shown in the handout distributed at this Town Meeting and to transfer from the Excess and Deficiency Fund (Free Cash) a total of \$17,880 to fund line items within the Fiscal Year 2009 Budget as shown in a separate handout distributed at this town meeting.

Explanation: *This article transfers funds the 2% Cost of Living increase recommended for non-union employees.*

Moved and Seconded

Minutes

Mr. Dillon introduced two addenda to the Town Meeting Warrant: Wage and Classification Schedule and Fiscal Summary/Free Cash Analysis/By-Law Employees' Cost of Living Increases.

Mr. Dillon read a letter from Headmaster Rick Commons of the Groton School which announced an increase in the Groton School annual contribution to the Town from \$31,000 to \$100,000 for the next twenty years. This increased contribution is contingent upon financial conditions that allow the Groton School to make the contribution. This announcement is made on the occasion of the Groton School's 125th anniversary.

VOTE

Unanimous



ARTICLE 5: COLA FOR Elected Officials

To see if the Town will vote to amend the compensation for the following elected officials and to raise and appropriate or transfer from available funds a sum of money to fund the line items as shown in a handout to be distributed at Town Meeting, or take any action thereon.

- Town Clerk \$58,272
- Highway Surveyor \$67,796
- Tree Warden \$1,443

WARRANT, MOTIONS, VOTES and MINUTES

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous
Finance Committee: Recommendation – Approved

Summary: *This article proposes to provide and fund a 2% COLA for FY09 for the above named elected officials.*

Quantum of Vote: 2/3

MOTION

(Fran Dillon)

I move that the Town vote to amend the vote taken under article 3 of the FY 2009 Annual Town Meeting on April 28, 2008 to increase the annual compensation of the following elected officials and to transfer from the Excess and Deficiency Fund (Free Cash) the following sums of money to the following line items to fund the increases:

Line Item 1240 Town Clerk Salary: \$ 1143
Line Item 5000 Highway Surveyor Salary: \$ 1329
Line Item 5080 Tree Warden Salary: \$ 28

For a total of \$2500.

Explanation: *This article provides the funds to provide a 2% cost of living increase to full or part time elected officials earning more than \$1000 per year.*

Moved and Seconded

VOTE

Unanimous

ARTICLE 6: FUNDING OF NEW TOWN MANAGER

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the first year (fiscal year 2009) of the Town Manager's employment agreement, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous
Finance Committee: Recommendation – Majority

Summary: *This appropriation would be in addition to the excess amount of salary currently funded for the Interim Administrative Officer. This Town Manager's salary amount would be negotiated between the Board of Selectmen and Town Manager.*

Quantum of Vote: *Majority*

MOTION

(Josh Degen)

I move that the Town vote to transfer \$15,000 from the Excess and Deficiency Fund (Free Cash) to Line Item 1040, Administrative Officer Salaries, of the Fiscal Year 2009 budget for the purpose of funding the first year of the Town Manager's employment agreement.

Explanation: *This article funds the transition to a Town Manager.*

Moved and Seconded

WARRANT, MOTIONS, VOTES and MINUTES

Minutes

This funding covers the Town Manager’s salary of \$105 for the remainder of the fiscal year and monies owed to the Interim Administrative Officer.

VOTE

Chair declares Majority Vote

ARTICLE 7: ACTUARIAL SERVICE

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to obtain actuarial services for the purposes of updating the future cost of post employment benefits, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – Majority Vote

Summary: The baseline actuarial study was done three years ago. Several changes since that time, including cost and distribution of health premiums, and number of employees, and number of retirees, indicate that the total liability for future cost of benefits should be updated. The determination of liability is required by law and the work requires an actuary.

Quantum of Vote: Majority

MOTION

(Peter Cunningham)

I move that the Town vote to transfer \$5500 from the Excess and Deficiency Fund (Free Cash) to obtain actuarial services for the purpose of updating the future cost of post employment benefits.

Explanation: The baseline study was done three years ago. Changes since that time, including the cost and distribution of health premiums, and the number of employees and retirees indicate that the total liability for future cost of benefits should be updated. The determination of liability is required by law and the work requires an actuary.

Minutes

A voter asked the impact if the Article was delayed until next year.

Valerie Jenkins, Town Accountant, responded that the Town would be unable to update liability. The vote would clarify the Town’s debt status. There would be no stoppage of work if it did not pass.

Moved and Seconded

VOTE

Unanimous

ARTICLE 8: SNOW & ICE BUDGET

To see if the Town will vote to amend the FY09 budget and to raise and appropriate or transfer from available funds a sum of money to increase the following line items, or take any action thereon.

WARRANT, MOTIONS, VOTES and MINUTES

Line item 5040; Snow and Ice Removal Expense: increase of \$40,000
Line item 5041; Snow and Ice Removal Overtime: Increase of \$10,000

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – not disclosed

Summary: *The Snow and Ice Removal budget has been impacted over the last few years by the increasing costs of both materials and labor. The deficit in this budget item at the end of the 2008 winter season was nearly \$250,000. “Paying off” large prior deficits can complicate the next year’s budget development. An increase in this budget item had been planned for the Spring town meeting but it was not possible at that time. This article proposes to transfer funds to the snow removal budget to bring the appropriation closer to the true cost of snow removal.*

Quantum of Vote: *Majority*

MOTION (Peter Cunningham)

I move that the Town vote to transfer from the Excess and Deficiency Fund (Free Cash) the following sums of money to the following line items within the Fiscal Year 2009 budget to increase the Snow and Ice Removal budget:

Line Item 5040: Snow and Ice Removal Expense: \$40,000
Line Item 5041: Snow and Ice Removal Overtime: \$10,000
For a total of \$50,000.

Explanation: This article increases the current year snow and ice removal appropriation, in order to bring the appropriation closer to the true cost of snow removal. This should reduce the potential prior year deficit going into FY 2010.

Moved and Seconded

VOTE
Unanimous

ARTICLE 9: TRANSFER A SUM OF MONEY TO THE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be added to the sum already on deposit in the Capital Stabilization Fund, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – Unanimous

Summary: *Prior to Town meeting, the fund has a balance of approximately \$320,000. The financial management goal is to have approximately 1.5% of the total annual budget on deposit in this fund. The Excess and Deficiency Fund (Free Cash) is a potential source for additional funding to maintain the target balance in the Capital Stabilization Fund. The target amount for the Capital Stabilization Fund, as well as the amount of certified “Free Cash” available, will be provided at Town Meeting.*

WARRANT, MOTIONS, VOTES and MINUTES

Quantum of Vote: 2/3

MOTION

(Fran Dillon)

I move that the Town vote to transfer \$187,000 from the Excess and Deficiency Fund (Free Cash) to the Capital Stabilization Fund.

Explanation: This article transfers funds to the Capital Stabilization Fund to replace the money appropriated in the spring for capital equipment.

Moved and Seconded

VOTE

Unanimous

ARTICLE 10: TRANSFER A SUM OF MONEY TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the sum already on deposit in the Stabilization Fund, or take action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – Unanimous

Summary: Prior to Town meeting, the balance in this fund was approximately \$1.2 million. The financial management goal is to have approximately 5-10% of the total annual budget on deposit in this fund. The Excess and Deficiency Fund (Free Cash) is a potential source for additional funding to maintain the target balance in the Stabilization Fund. The target amount for the Stabilization Fund, as well as the amount of certified “Free Cash” available, will be provided at Town Meeting.

Quantum of Vote: 2/3

MOTION

(Fran Dillon)

I move that the Town vote to transfer \$120,000 from the Excess and Deficiency Fund (Free Cash) to the Stabilization Fund.

Explanation: This article transfers funds to the Stabilization Fund to replace the money appropriated in the spring for minor equipment and the new Senior Center transportation program.

Moved and Seconded

VOTE

Unanimous

ARTICLE 11: OFFSET THE TAX RATE

To see if the Town will vote to transfer a sum of money from the General 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, 2008 and ending June 30, 2009, or take any action thereon.

WARRANT, MOTIONS, VOTES and MINUTES

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The effect of this article is to use a portion of Free Cash or General Stabilization as a funding source for the entire FY09 budget in order to lower the amount of money required to be raised from taxes or to balance a deficit budget. The amount of Free Cash and General Stabilization available for appropriation will be provided at Town Meeting.*

Quantum of Vote: *Majority (2/3 for stabilization funds)*

MOTION

(Stuart Schulman)

I move that the Town vote to transfer a sum of money from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period July 1, 2008 to June 30, 2009.

I move that this article be indefinitely postponed.

Quantum of Vote required for Postponement: Majority

MOVED AND SECONDED

Minutes

The passing of the Debt Exclusion Question at the October 7, 2008 Special Town Election negated the need for this Article.

VOTE

Unanimous

ARTICLE 12: DEMAND FEES

To see if the Town will vote to set and charge, for each written demand provided by law that is issued by the Collector a fee of \$5.00 to be added to and collected as part of the tax due, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of the date of this Town Meeting.

Sponsored By: TAX COLLECTOR
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The vote will allow the Town to comply with the recommendation of the Department of Revenue, and will set a firm demand charge for Groton. Mass. General Laws Chapter 60, Section 15 previously set the charge for issuing demand bills at \$5.00. A recent change in the law now provides that the charge for issuing a demand is “not more than \$30.00.” An affirmative vote will set the charge for demands in Groton at \$5.00.*

Quantum of Vote: Majority

MOTION

I move that the Town vote to set and charge, for each written demand provided by law that is issued by the Collector a fee of \$5.00 to be added to and collected as part of the tax due, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of the date of this Town Meeting.

WARRANT, MOTIONS, VOTES and MINUTES

Moved and Seconded

Minutes

Mass General Law has changed to allow Towns to set demand fees , up to \$30. \$5.00 is recommended.

VOTE

Unanimous

ARTICLE 13: TRANSFER OF FUNDS TO THE CONSERVATION FUND

To see if the Town will vote to transfer \$3,000 from the General Fund to the Conservation Fund, or take any action thereon.

Sponsored By: CONSERVATION COMMISSION
Board of Selectmen: Recommendation – Not disclosed
Finance Committee: Recommendation – Unanimous

Summary: *As part of the negotiations for the sale of land to Thomas Wilson by the Town of Groton approved at the Town Meeting of October 22, 2007, it was agreed that the \$3000 purchase price would go to the Conservation Fund as partial mitigation for the loss of shore frontage on Lost Lake/Knops Pond and to provide funding for future monitoring of conservation restricted land also set aside as part of these negotiations.*

Quantum of Vote: *Majority*

MOTION

(Stuart Schulman)

I move that the Town vote to transfer \$3000 from the Excess and Deficiency Fund (Free Cash) to the Conservation Fund.

Explanation. This article transfers the purchase price of a land sale to the Conservation Fund. Money from the sale of land can only be received into the General Fund; a subsequent vote is required to transfer the money into the Conservation Fund, and this transfer was agreed upon prior to the sale of the property.

Moved and Seconded

VOTE

Unanimous

ARTICLE 14: LAND ACQUISITION, BOSTON ROAD

To see if the Town will vote to authorize the Conservation Commission to acquire, on behalf of the Town, a certain parcel of land located on Boston Road, shown as parcels 23 and 24.1 on Groton's

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Assessors' Map 253 and parcel 24 on Littleton Assessors' Map R27 and containing approximately 29 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; to transfer or appropriate from the Conservation Fund a sum of money therefor, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program (formerly "self help") grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a "self help" grant for such acquisition pursuant to Section 11 of Chapter 132A of the General Laws and to act as the official representative for such application; to authorize the Board of Selectmen to petition the General Court for any special legislation necessary for such acquisition; and to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all actions necessary in connection with such acquisition; or take any action thereon.

Sponsored By: CONSERVATION COMMISSION
Board of Selectmen: Recommendation – support by a vote of 5-0
Finance Committee: Recommendation – support by a vote of 4-1

Summary: *Applying for a state grant would enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land through a fee simple purchase. The land is located at the Groton-Littleton town line on Rt. 119, and is the site where a 40B development consisting of 36 housing units has been proposed. If the acquisition takes place, the parcels will be acquired to preserve and protect what may be the largest certified vernal pool in Massachusetts. Approval of this project would preserve about 9.6 acres of Certified Vernal Pool #3182 and 18 acres of adjacent upland for a total of 27.6 acres, a unique combination of vernal pool and associated upland habitats. The area is known habitat of rare species identified by the Natural Heritage & Endangered Species Program.*

Quantum of Vote: 2/3

MOTION

(Stuart Schulman)

I move that the Town vote to authorize the Conservation Commission to acquire, on behalf of the Town, a parcel of land located off of Boston Road, shown on Groton Assessors' Map 253 as parcels 23 and 24.1 and parcel 24 on Littleton Assessors' Map R27 and containing approximately 29 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; to appropriate and transfer from the Conservation Fund the sum of \$686,000 therefor, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program (formerly "self help") grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a "self help" grant for such acquisition pursuant to Section 11 of Chapter 132A of the General Laws and to act as the official representative for such application; to authorize the Board of Selectmen to petition the General Court for any special legislation necessary for such acquisition; and to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all actions necessary in connection with such acquisition.

Moves and Seconded

Minutes

- Q: Is part of the land in Littleton? A: Yes

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- Q:What happens to the proposed 40B project? A: Not able to be developed if the land purchased by Conservation Commission
- Q:The purchase price is \$686,000. The maximum “self-help” grant would be \$500,000. Where is the balance of the money coming from? A: The Conservation Commission
- Q: Are the two house lots included in the purchase? A: No
- Q: How would one access the conservation land? A: There is a 40’ access between the two house lots
- Q: Can private development occur on the house lots? A: Yes
- Q: What is the status of this purchase? A: It is still in negotiations. There is no Purchase and Sale Agreement.
- Q: What is the advantage of buying this property? A: It contains the largest vernal pool in the state, as well as important upland habitats. The purchase would preserve this.
- Q: What does this motion authorize? A: It authorizes the Conservation Commission to apply for a “self-help” grant which would replenish some of it’s funds.

VOTE

Chair declared 2/3 vote. 7 voters did not challenge.

ARTICLE 15: CERTIFICATES OF TITLE (Old Dunstable Road and Lowell Road)

To see if the Town will vote to confirm the vote taken under Article 17 (Lowell Road) and Article 18 (Old Dunstable Road) of the Annual Town Meeting of April 24, 2006 to transfer the parcels of land identified below to the Conservation Commission for conservation purposes, and authorize the Conservation Commission to petition the Land Court to issue new certificates of title for the following parcels:

Property Assessor’s Map/Lot	Prior Deed	Certificate of Title of Former Owner	Tax Lien Case	Final Judgment in Tax Lien Case
Old Dunstable Road 247-42	Doc. No. 524261	144218	127443	Doc. No. 1287069
Lowell Road	Doc. No. 301146	87089	79701	Doc. No. 758433

or take any action thereon.

Sponsored By: CONSERVATION COMMISSION
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The purpose of this Warrant Article is to clarify the Town’s title to two parcels of land by identifying the specific documents by which the Town acquired the parcels. This will enable the Conservation Commission to petition the Land Court to issue certificates of title in the name of the Town.*

Quantum of Vote: *Majority*

WARRANT, MOTIONS, VOTES and MINUTES

MOTION

(Peter Cunningham)

I move that the Town vote to confirm the vote taken under Article 17 (Lowell Road) and Article 18 (Old Dunstable Road) of the April 24, 2006 Annual Town Meeting to transfer the parcels of land identified in the Warrant to the Conservation Commission for conservation purposes and to authorize the Conservation Commission to petition the Land Court to issue new certificates of title for said parcels.

Moved and Seconded

Minutes

Article 15 clarifies Town Meeting action taken in 2006.

VOTE

Unanimous

ARTICLE 16: STREET ACCEPTANCE, STAR HOUSE LANE

To see if the Town will vote to accept as a public way the following private way as laid out by the Board of Selectmen:

Star House Lane: as shown on a plan dated May 1987, Revised August 12, 1987, entitled “Star House Lane, as-built in Groton, MA.” Prepared for Builders Collaborative, Inc., by Charles A. Perkins Co, Inc., Engineers and Surveyors, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *This article provides for the acceptance of Star House Lane as a public way. A public hearing was held by the Board of Selectmen on October 6, 2008 and a copy of the street layout is available for public inspection in the Planning Office at Town Hall.*

Quantum of Vote: *Majority*

MOTION

I move that the Town vote to accept as a public way the following private way as laid out by the Board of Selectmen:

Star House Lane, as shown on a plan dated May 1987, Revised August 12, 1987, entitled “Star House Lane, as-built in Groton, MA.” Prepared for Builders Collaborative, Inc., by Charles A. Perkins Co, Inc., Engineers and Surveyors;

And authorize the Town to acquire, by gift, purchase, or eminent domain, for highway purposes, the fee and any lesser interests, including easements for drainage or otherwise, in, on, over, under, through, or appurtenant to said way.

Moved and Seconded

WARRANT, MOTIONS, VOTES and MINUTES

VOTE

Unanimous

ARTICLE 17: AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to accept Section 55C of Chapter 44 of the Massachusetts General Laws, regarding establishment of Municipal Affordable Housing Trust Funds, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *Section 55C authorizes cities and towns to set up affordable housing trust funds to provide for creation and preservation of affordable housing. After acceptance of the legislation, a board of trustees will be appointed by the Board of Selectmen.*

Quantum of Vote: *Majority*

MOTION

(Peter Cunningham)

I move that the Town vote to accept Section 55C of Chapter 44 of the General Laws regarding municipal affordable housing trust funds, for the establishment of a Groton Municipal Affordable Housing Trust Fund.

Moved and Seconded

Minutes

- 40B development is not really meeting the affordable housing needs of the community
 - Q: What will the entity charged with managing this trust do?
 - Identify State, Federal and Local affordable housing resources
 - Work with land use groups
 - Set up the managing entity
 - Control the Affordable Housing Trust Fund
- Q: What is the scope of the entity's powers?
 - The entity can enter contracts that are within their funding levels.
- Q: What level of control and oversight will there be over land purchase decisions?
 - The entity can spend their own money and grant money
 - The entity can not indebt the Town without Town Meeting approval
 - The Town has no specific control over projects
- Q: Is there an overlap between the CPC and this new entity?
 - The CPC reviews projects, but does not identify and execute projects.
- Q: What control over Town lands, including wetlands, will this new entity have?
 - Any conveyance of land will require Town Meeting vote
- Q: What is the relationship to the CPC?
 - This new entity would apply to the CPC
- Would an Affordable Housing entity allow by-pass of Prevailing Wage and Conservation Laws?

WARRANT, MOTIONS, VOTES and MINUTES

- No
- Prevailing Wage Law could be mitigated on a project basis
- Selectmen Summary
 - Allows the Town to do what it currently can't with 40B
 - Proactive way to manage affordable housing
 - Enables a trust to borrow funds from the CPC and Town Meeting
 - The acceptance of this article is a vote to accept enabling legislation
 - All projects would need to comply with ordinances

MOTION TO MOVE THE QUESTION (2/3 majority; suppresses debate)

Chair declares 2/3 vote to Move the Question

VOTE

Chair declares Majority Vote. Seven voters did not challenge the Chair's ruling. Article is passed.

ARTICLE 18: TRENCH PERMITTING AND INSPECTION AUTHORITY

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82A, section 2, to designate the Board of Water Commissioners, Groton Electric Light Commissioners, the Highway Surveyor, Building Commissioner or their designees as the officers to issue permits for the purpose of creating a trench, as that term is defined by MGL Chapter 82A, section 4 and 520 CMR 14.00, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: Pursuant to Mass. General Laws each city and Town must adopt a procedure for permitting and inspecting trenches.

Quantum of Vote: *Majority*

MOTION

(Josh Degen)

I move that the Town vote, pursuant to Massachusetts General Laws Chapter 82A, section 2, to designate the Board of Water Commissioners, Groton Electric Light Commissioners, the Highway Surveyor, Building Commissioner or their designees as the officers to issue permits for the purpose of creating a trench, as that term is defined by MGL Chapter 82A, section 4 and 520 CMR 14.00, and to authorize the Board of Selectmen to set fees for such permits and all related activities pursuant to Chapter 82A, Section 2 and 520 CMR 14.00.

Moved and Seconded

MOTION to postpone indefinitely

Moved and Seconded.

Minutes

WARRANT, MOTIONS, VOTES and MINUTES

- The State has mandated that all Towns have a trench safety program.
- The Town will develop a trench safety program for Town Meeting 2009

VOTE: Motion to postpone
Unanimous

ARTICLE 19: ACQUISITION OF CEMETERY LAND FOR USE BY THE WILLIAMS BARN COMMITTEE

To see if the Town will vote to authorize the Board of Selectmen to acquire and/or accept from the Groton Cemetery Commissioners, by purchase, gift, eminent domain, or a combination thereof, approximately 35,999 square feet of the land located at Chicopee Row and known as parcel "A," being a portion of the premises described in a deed to the Proprietors of the Groton Cemetery recorded in Book 6436, page 425 of the Middlesex South District Registry of Deeds for use by the Williams Barn Committee or its successor, and to appropriate a sum of money therefor; or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – Unanimous
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The Groton Cemetery Commissioners have determined that this parcel of land can be more effectively utilized by joining it with the Williams Barn parcel, Map 225, Block 61, for use by the Williams Barn Committee.*

Quantum of Vote: 2/3

MOTION

(Josh Degen)

I move that the Town vote to authorize the Board of Selectmen to acquire and/or accept from the Groton Cemetery Commissioners, by purchase, gift, eminent domain, or a combination thereof, approximately 35,999 square feet of the land located at Chicopee Row and known as parcel "A," being a portion of the premises described in a deed to the Proprietors of the Groton Cemetery recorded in Book 6436, page 425 of the Middlesex South District Registry of Deeds for use by the Williams Barn Committee or its successor, with the approval of the Board of Selectmen.

Moved and Seconded

Minutes

- The land can be more effectively used by William Barn
- All the heirs of the cemetery land have signed off as to having no objection to the transfer of the land

VOTE

Unanimous

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ARTICLE 20: TRANSFER FROM SEWER SURPLUS

To see if the Town will vote to transfer \$55,000 from the Sewer Enterprise Fund Surplus to the Fiscal Year 2008 Sewer Enterprise Department budget, or take any action thereon.

Sponsored By: SEWER COMMISSION
Board of Selectmen: Recommendation – not disclosed
Finance Committee: Recommendation – Unanimous

Summary: *To transfer funds from the Sewer Enterprise Fund Surplus to pay for unanticipated additional costs for the pump station improvements at Nod Road and Partridgeberry Woods.*

Quantum of Vote: *Majority*

MOTION

(Josh Degen)

I move that the Town vote to transfer \$50,000 from the Sewer Enterprise Excess and Deficiency Fund (Free Cash) to the Sewer Enterprise Department Budget.

Explanation This article moves money out of free cash to the operations budget to cover unanticipated costs for pump station improvements at Nod Road and Partridgeberry Woods. This funding was first voted in the Spring, but due to an oversight was not encumbered into the new Fiscal Year, closed to the Enterprise E & D Fund and must be voted out of the Enterprise Free Cash balance again.

Moved and Seconded

Minutes

- The Sewer Commission has reduced the amount to be transferred from \$55,000 to \$50,000
- These monies come from the Sewer Commission’s free cash, not the Town’s

VOTE

Unanimous

ARTICLE 21: LAND ACQUISITION, LOWELL ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase or otherwise, for the purposes of safety with respect to the existing Electric Light Department substation on Lowell Road and for relocating the office and operations of the Electric Light Department, all or a portion of the land located adjacent to the substation on Lowell Road, in its entirety being described as follows

A certain parcel of land located on Lowell Road, Groton, Massachusetts, containing 13.59 acres, more or less, record title standing in the name of Gloria Fuccillo, Trustee, 114 Realty Trust, under a Declaration of Trust recorded with the Middlesex South District Registry of Deeds in Book 14557 at Page 204, said parcel being shown on Groton Assessors’ Map 233, Parcel 98, and being a portion of the premises described in a deed recorded in the Middlesex South Registry of Deeds, Book 14597, Page 368,

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or take any action thereon.

Sponsored By: GROTON ELECTRIC LIGHT DEPARTMENT
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – no position – no taxpayer funds involved
Summary: *To acquire the property adjacent to the Electric Light Department substation on Lowell Road.*
Quantum of Vote: *Majority*

MOTION

(Josh Degen)

I move that the Town vote to authorize the Board of Selectmen to acquire, by purchase or otherwise, for the purposes of safety with respect to the existing Electric Light Department substation on Lowell Road and for relocating the office and operations of the Electric Light Department, all or a portion of the land located adjacent to the substation on Lowell Road, in its entirety being described as follows:

A certain parcel of land located on Lowell Road, Groton, Massachusetts, containing 13.59 acres, more or less, record title standing in the name of Gloria Fuccillo, Trustee, 114 Realty Trust, under a Declaration of Trust recorded with the Middlesex South District Registry of Deeds in Book 14557 at Page 204, said parcel being shown on Groton Assessors’ Map 233, Parcel 98, and being a portion of the premises described in a deed recorded in the Middlesex South Registry of Deeds, Book 14597, Page 368.

Moved and Seconded

Minutes

- GELD needs to move in order to facilitate the development of Station Avenue
- A previous Town Meeting enabled eminent domain taking of this land. GELD would prefer to negotiate for the land
- Any new structure would not involve the Town. GELD would fund it’s construction
- This is an ideal site for GELD as it is adjacent to a GELD production facility
- The land purchase terms are still under negotiation
- The land near Shaw’s, owned by GELD, is not the best suited land for the office. However, it is land that could be utilized later.
- Access to the property will be via an existing access road. Neighbors observed that this access road is narrow and steep, and would recommend revision.
- GELD, in response to a question form the Finance Committee, state dthat they will not move on the property unless there is \$0 or minimal impact to the ratepayers.

VOTE

Majority

ARTICLE 22: ELECTRIC LIGHT DEPARTMENT APPROPRIATION OF FUNDS FOR LAND ACQUISITION

To see if the Town will vote to use such sum, or sums or money, as may be appropriated by the Electric Light Department, whether from the proceeds of the sale of the land and buildings at Station

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Avenue, Groton, Massachusetts, which property is presently occupied by the Electric Light Department, or other Electric Light Department funds, for the payment of the sums required for the acquisition, by purchase or otherwise, and development of, the land adjacent to the existing Electric Light Department substation on Lowell Road and described in the previous Article.

Sponsored By: GROTON ELECTRIC LIGHT DEPARTMENT

Board of Selectmen: Recommendation – AT TOWN MEETING

Finance Committee: Recommendation – AT TOWN MEETING

Summary: *To dedicate the funds from a potential sale of the property on Station Avenue used by the Electric Light Department to costs of acquisition and development of the property adjacent to the Electric Light Department substation on Lowell Road. If a sale of the Station Avenue property does not materialize, then acquisition costs will come entirely from Light Department funds.*

Quantum of Vote: 2/3

MOTION

(Anna Eliot)

I move that the Town vote to use such sum, or sums or money, as may be appropriated by the Electric Light Department, whether from the proceeds of the sale of the land and buildings at Station Avenue, Groton, Massachusetts, which property is presently occupied by the Electric Light Department, or other Electric Light Department funds, for the payment of the sums required for the acquisition, by purchase or otherwise, and development of, the land adjacent to the existing Electric Light Department substation on Lowell Road as described in Article 21 of the warrant for this Town Meeting.

Moved and Seconded

VOTE

Unanimous

ARTICLE 23: WIND ENERGY CONVERSION FACILITIES

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, by amending Sections 218-4 Definitions, 218-13 Schedule of Use Regulations, and 218-25 Site Plan Review, and by adding a new section 218-25.2 entitled, “Wind Energy Conversion Facilities,” including meteorological towers and windmills, on file in the Office of the Town Clerk, or take any action thereon.

Sponsored By: PLANNING BOARD

Board of Selectmen: Recommendation – AT TOWN MEETING

Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The proposed zoning amendment will establish a permitting process for wind energy conversion facilities. Small Scale Wind Energy Conversion Facilities (height up to 65 ft) will be permitted by right, and Large Scale Wind Energy Conversion Facilities will require a special permit from the Planning Board.*

Quantum of Vote: 2/3

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MOTION

(Anna Eliot)

I move that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Sections 218-4, 218-13 and 218-25, and the addition of a new Section 218-25.2, Wind Energy Conversion Facilities,” as described in the warrant for this Town Meeting and set forth in the Planning Board report entitled “Wind Energy Conversion Facilities” on file in the Office of the Town Clerk.

Moved and Seconded

Minutes

- The passage of this Article will establish a process for wind conversion facilities
- Planning Board
 - Permitting process needed to anticipate a move away from oil facilities
 - Currently, there are no rules on the books for wind energy
 - Facilities less than 65’ will be allowed “by right”; a building permit will be required
 - 65’ and higher is considered “large scale” and will require a special permit
- Russell J Burke offered amendment #1 from the floor:
“I move to amend the text of the Wind Energy Conversion Facilities provisions as follows: Amend page 5, item 3. b (1) Height by striking out the number “400” in the first paragraph and in item (a) and replacing it with the number “200”.

Quantum of Vote: Majority

Motion to amend was Moved and Seconded

VOTE on motion to amend

Majority

- Russell J. Burke offered amendment #2 from the floor:
“I move to amend Article 23 (editor note: Chapter 218, Zoning, of the Code of the Town of Groton Section 218-4 Definitions) as follows: Amend definition of Small Energy Wind Energy device by adding the word “not” after the word “does”.

Quantum of Vote: Majority

Motion to amend was Moved and Seconded

VOTE on motion to amend

Majority

- Amendment #3 was offered with the intention of replacing “Y” in Section 218-13 Schedule of Use Regulations with “PB”.
 - Voter discussed with Town Counsel for proper wording.
 - Planning Board member pointed out that the accompanying text does not support the change to the Schedule of Use Regulations.

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- Planning Board member pointed out that no Special Permit criteria is included in the by-law.
- An Amendment of the Second Rank was discussed, but never offered, to limit the main amendment (#3) to Small Scale Wind Energy Conversion devices.
- **Amendment 3 was withdrawn by unanimous consent of Town Meeting.**
- **(Main Motion) MOTION TO POSTPONE INDEFINITELY**
 - Moved and Seconded

Minutes

- Question to Town Counsel: If a structure is not in By-Law, is it permitted?
 - By Chapter 218.22, it would be allowed.

MOTION to MOVE THE QUESTION

VOTE: Unanimous

MOTION TO POSTPONE INDEFINITELY

VOTE: Defeated

MOTION TO MOVE THE MAIN MOTION AS AMENDED

POINT OF ORDER: NO QUORUM PRESENT

- Clerk swore 4 tellers
- Clerks counted a total of 109 voters
 - **Quorum of 134 not present**
- **Moderator:** Due to the difficulty of getting a quorum next week, the Moderator was willing to entertain a motion to dissolve the Meeting if the proponents of Articles 23, 24 and 25 were willing to wait until the next Town Meeting.
 - **Article 23:** Planning Board agreed
 - **Article 24:** Planning Board agreed
 - **Article 25:** was proposed to be Indefinitely Postponed
- **TOWN MEETING WAS DISSOLVED BY MAJORITY VOTE at 10:30 PM**

ARTICLES NOT ACTED UPON

ARTICLE 24: AMEND ACCESSORY APARTMENT BYLAW

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton Section 218-16D Accessory Apartments and Section 218-13 Schedule of Use Regulations as follows:

1. Amend Item 218-16D(1) Purpose by deleting the words “adding to the number of buildings in the Town, or” in the first sentence. The item as amended will read as follows:
 - (1) Purpose. For the purpose of (a) providing small additional dwelling units to rent without ~~adding to the number of buildings in the Town, or~~ substantially altering the appearance of the Town, (b) providing alternative housing options; and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the

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burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

2. Amend Item 218-16D(3)(c) by deleting the words “shall be located in the principal residential structure on the premises” at the end of the second sentence and by adding the words “and may be attached or detached” after the word “and.” The item as amended will read as follows:

(c) Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 square feet in floor space and may be attached or detached.

3. Amend Item 218-16D(3)(d) by deleting the existing paragraph in its entirety and replacing it with the following:

(d) The accessory apartment shall not detract from the residential character of the property or the neighborhood.

4. Amend Section 218-13 Use Regulations by inserting the following use in the Accessory Section:

	R-A	R-B	B-1	M-1	C	O	P
Accessory Apartments as regulated under § 218-16D	SP	SP	SP	N	N	N	N

Or take any other action thereon.

Sponsored By: PLANNING BOARD
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *The proposed zoning amendment allows construction of accessory apartments, not to exceed 800 square feet, to be located in accessory structures, whether attached or detached. Accessory apartments require a special permit from the Zoning Board of Appeals.*

Quantum of Vote: 2/3

ARTICLE 25: AMEND CHAPTER 119 BUILDING NUMBERING

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 119 Buildings, Numbering of, by deleting existing Chapter 119 in its entirety, and by substituting therefor a new Chapter 119 Buildings, Numbering of, the text of which is on file in the Office of the Town Clerk, or take any action thereon.

Sponsored By: BOARD OF SELECTMEN
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *Through the adoption of this bylaw it will clarify the existing building numbering procedures for public safety purposes.*

Quantum of Vote: Majority

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And you will serve this warrant by posting a true and attested copy of the same in at least two public places in said Groton, fourteen days before the day appointed for said meeting.

Hereof fail not and make return of your doings to the Town Clerk on or before time of said meeting.

Given under our hands this 6th day of October in the year of our Lord, Two Thousand Eight.

OFFICER'S RETURN
Groton Middlesex

Pursuant to the within Warrant,
I have this day notified the
Inhabitants to assemble at the
Time, place and for the purpose
Within mentioned as within directed.
Personally posted by constable.

Constable

Date Duly Posted

GROTON BOARD OF SELECTMEN

Joshua A. Degen, Chairman

Stuart S. Schulman, Vice Chairman

Anna Eliot, Clerk

George F. Dillon, Member

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Peter S. Cunningham, Member