

Attention – Voters and Taxpayers:

Warrant, Summary, & Recommendations

TOWN OF GROTON

FALL TOWN MEETING

Groton-Dunstable Middle School Auditorium

344 Main Street, Groton, MA 01450

Beginning Monday, October 20, 2008 @ 7:00 PM



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**FALL TOWN MEETING WARRANT
OCTOBER 20, 2008**

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

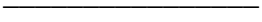
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ARTICLE 1: PRIOR YEAR BILLS

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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

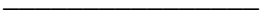


ARTICLE 2: CURRENT YEAR TRANSFERS

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

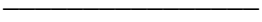


ARTICLE 3: FUND HIGHWAY, WATER, TRANSFER STATION CONTRACT

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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



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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

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

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

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

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.

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.

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*

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.

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.*

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.*

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*



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 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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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.*



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.*

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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

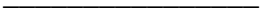
Summary: *This article provides for the acceptance of Star House Lane as a public way. A public hearing was held by the Board of Selectmen on October 6, 2008 and a copy of the street layout is available for public inspection in the Planning Office at Town Hall.*

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.*



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.*



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 – AT TOWN MEETING
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.*



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 – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

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 Patridgeberry Woods.*



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,

or take any action thereon.

Sponsored By: GROTON ELECTRIC LIGHT DEPARTMENT
Board of Selectmen: Recommendation – AT TOWN MEETING
Finance Committee: Recommendation – AT TOWN MEETING

Summary: *To acquire the property adjacent to the Electric Light Department substation on Lowell Road.*



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 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, or take any action thereon.

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.*

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.*

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 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.*

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.*

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

Peter S. Cunningham, Member