

OFFICIAL MINUTES
TOWN OF GROTON



2009 FALL TOWN MEETING

**Groton-Dunstable Middle School Auditorium
344 Main Street, Groton, Massachusetts 01450**

Beginning Monday, October 19, 2009 @ 7:00 PM

**FALL TOWN MEETING MINUTES
MEETING BEGINNING OCTOBER 19, 2009**

The Fall Annual Town Meeting was **called to order** at 7:03 PM on October 19, 2009.

Moderator: Robert L. Gosselin, Sr.

Deputy Moderator: Jason N. Kauppi

Board of Selectmen:

Peter Cunningham, Chair

Anna Eliot, Member

Joshua Degen, Member

George F. Dillon, Vice Chair

Stuart Shulman, Member

Town Manager: Mark Haddad

Town Clerk: Michael Bouchard

The **Pledge of Allegiance** was led by Chairman Peter Cunningham. Mr. Cunningham filled in for Frank Belitsky. Frank normally leads the Pledge, but is recovering from surgery.

Moved and Seconded to waive the reading of the Warrant.

Motion adopted by Majority Vote

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ARTICLE 1: PRIOR YEAR BILLS

To see if the Town will vote to transfer from available funds, a sum or sums of money for the payment of unpaid bills from prior fiscal years, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *Recommended Unanimously*

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

Mover: George Dillon

MOTION: 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:

FP Mailing Solutions	\$120.00
William Strickland	\$300.00
Norel Service Company	\$980.00

For a total of \$1,400.00.

Seconded

Quantum of Town Meeting Vote: *4/5's Majority*

Vote: Motion adopted by Unanimous Vote

ARTICLE 2: AMEND THE FISCAL YEAR 2010 TOWN OPERATING BUDGET

To see if the Town will vote to amend the Fiscal Year 2010 Operating Budget as adopted under Article 5 of the April 27, 2009 Spring Town Meeting, and vote to raise and appropriate and/or transfer from available funds a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2010 as shown in Appendix A of this Warrant, or to take any other action relative thereto.

**FINANCE COMMITTEE
BOARD OF SELECTMEN
TOWN MANAGER**

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *Recommended Unanimously*

Summary: *The FY 2010 Budget that was adopted at the Spring Town Meeting was based, in part, on a projected ten (10%) percent reduction in State Aid. When the Town received the FY 2010 Cherry Sheet on June 30, 2009, the actual reduction was thirty (30%) percent putting the budget out of balance. This reduction forced the Town to reduce the budget by approximately \$200,000. The Town has had to eliminate positions and reduce operating expenses in order to meet this reduction. **Appendix A** provides a breakdown of what line items were reduced. The Budget needs to be amended and reduced before the FY 2010 Tax Rate can be set.*

Mover: George Dillon

MOTION: I move that the Town vote to amend the Fiscal Year 2010 Operating Budget, as adopted under Article 5 of the April 27, 2009 Spring Town Meeting, by revising the amounts for the following line items, as shown in Appendix A of the Warrant for the 2009 Fall Town Meeting, for a total of \$27,505,461 to defray the expenses of the Town for Fiscal Year 2010, each line item to be considered as a separate appropriation for the purposes voted, as printed in the Motions Packet:

“As Printed in the Motions Packet”

1040 – Town Manager - Salaries
1041 – Town Manager - Wages
1200 – Computer Committee - Salary
1201 – Computer Committee - Expenses
1340 – Planning Board - Salaries
1360 – Zoning Board of Appeals - Wages
1361 – Zoning Board of Appeals – Expenses
1400 – Insurance & Bonding - Insurance and Bonding
1402 – Insurance and Bonding – Insurance Deductible Reserve - 111F
2001 – Police Department - Wages
2061 – Building Inspector - Wages
5001 – Highway Surveyor - Wages
5160 – Board of Health - Wages
5060 – Solid Waste Disposal - Wages
7060 – Library - Salary
7061 – Library – Wages
7062 – Library - Expenses
9020 – Insurance – Health Insurance

Quantum of Town Meeting Vote: Majority

Seconded

Minutes:

- These budget adjustments are required before the FY10 tax rate can be set
- Explain an increase of \$13K in the Town Manager’s budget
 - Reclassification/adjustment for Executive Assistant
 - Additional hours to cover Board of Health meetings (no longer employed by the Town)

- An amount set aside in anticipation of a vote by the Board of Selectmen to adjust the Town Manager's salary

Vote: Motion adopted by Majority Vote

ARTICLE 3: WAGE AND CLASSIFICATION SCHEDULE

To see if the Town will vote to amend the Fiscal Year 2010 Town of Groton Wage and Classification schedule by adding the following two new positions:

<u>Position</u>	<u>Grade</u>
Director of Public Works	Grade 17
Land Use Director/Town Planner	Grade 14

and, further, change the title of the Personnel Manager to Human Resources Director, or to take any other action relative thereto.

TOWN MANAGER

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The Fiscal Year 2010 Budget consolidated various departments into a Department of Public of Works. This consolidation is saving money, as well as made the Town's public works operations more efficient. Following that example, the various Land Use Departments (Planning Board, Conservation Commission, Board of Health, Zoning Board of Appeals, Building Department, and Historic District Commission) have been reorganized and consolidated. This will also enable the Town to save money and become more efficient in its Land Use operations. Two new department head level positions are being created to oversee these two operations. This article creates those positions and places them in the Town's Wage and Classification Schedule. Please note that there is no increase in the number of Town employees.*

Mover: George Dillon

MOTION: I move that the Town vote to amend the Fiscal Year 2010 Town of Groton Wage and Classification schedule by adding the following two new positions:

<u>Position</u>	<u>Grade</u>
Director of Public Works	Grade 17
Land Use Director/Town Planner	Grade 14

and, further, change the title of the Personnel Manager to Human Resources Director.

Quantum of Town Meeting Vote: Majority

Seconded

Minutes:

- Financial Impact
 - HR Director – None
 - DPW Director – None as a result of this vote; monies for DPW voted at the Spring, 2009 Annual Town Meeting
 - Land Use Director – Increase of approximately \$1500 to compensate for additional responsibilities. Overall, the Town realizes a net savings with the reorganization of the Land Use Departments.

Vote: Motion adopted by Unanimous Vote

ARTICLE 4: RESCIND ARTICLE 22 – CONDUCT INCOME SURVEY

To see if the Town will vote to rescind the vote taken under Article 22 of the April 27, 2009 Spring Town Meeting that appropriated \$8,500 to conduct an income survey of the Lost Lake area as identified in the Phase I Project Evaluation Report completed in 2005, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The Spring Town Meeting appropriated \$8,500 to conduct this survey. When the Town went out to bid for the Phase II and Phase III Wastewater Management Plan for Lost Lake, we were able to fold this work into that contract, saving the Town the additional appropriation. The Town Meeting had appropriated \$300,000 for the Phase II and Phase III work and the bid, including the income survey, came in at \$250,000. This appropriation is no longer necessary.*

Mover: **Stuart Shulman**

MOTION: I move that the Town vote to rescind the vote taken under Article 22 of the April 27, 2009 Spring Town Meeting that appropriated \$8,500 to conduct an income survey of the Lost Lake area as identified in the Phase I Project Evaluation Report completed in 2005.

Quantum of Town Meeting Vote: **Majority**

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 5: AMEND ARTICLE 23 – ADD WEST GROTON SEWER DISTRICT

To see if the Town will vote to amend the vote taken under Article 23 of the April 27, 2009 Spring Town Meeting, Phase II and III Lost Lake Wastewater Plan, by adding after the phrase “Wastewater Collection, Treatment and Disposal and Watershed Quality needs for the Lost Lake area” the words “and the West Groton area,” so that the first clause of the vote reads as follows: “the sum of \$300,000 be appropriated for the purpose of financing the planning of Phases II and III of the Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR) for Wastewater Collection, Treatment and Disposal and Watershed Quality needs for the Lost Lake area and the West Groton area including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The April 27, 2009 Spring Town Meeting appropriated \$300,000 to conduct the Phase II and Phase III Wastewater Management Plan for the Lost Lake area. The Board of Selectmen put this work out to bid and retained the services of Woodard and Curran for \$250,000. The West Groton Sewer Committee has requested that a similar Plan be done for the West Groton Area. The Town has approached Woodard and Curran and asked them to include West Groton in the Lost Lake area plan and complete the work for the total amount of \$300,000. Woodard and Curran has agreed to amend the contract for this amount. The purpose of this article is to amend the original vote to include West Groton within the scope of work so as to allow the Selectmen to amend the contract to include the West Groton area.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to amend the vote taken under Article 23 of the April 27, 2009 Spring Town Meeting, Phase II and III Lost Lake Wastewater Plan, by adding after the phrase “Wastewater Collection, Treatment and Disposal and Watershed Quality needs for the Lost Lake area” the words “and the West Groton area,” so that the first clause of the vote reads as follows: “the sum of \$300,000 be appropriated for the purpose of financing the planning of Phases II and III of the Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR) for Wastewater Collection, Treatment and Disposal and Watershed Quality needs for the Lost Lake area and the West Groton area including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78.

Quantum of Town Meeting Vote: **Majority**

Seconded

Minutes

- Incorporating the West Groton study into the original proposal is timely and cost effective. For example, only one set of State permitting fees would be required
- Concern raised that betterments may affect those who would not be able to use the West Groton system. It was pointed out that this article allows the study to proceed, which is the basis of a future action plan. The study does not assess any betterments. This is a Phase II/III activity. Betterments and other charges occur in Phase IV (Construction).
- 110 dwellings were surveyed in the past. The average “willingness to pay” for a sewer connection was \$15,000.
- Board of Health: It is believed that no dwelling has ever been condemned due to sewer/septic, but the area is very difficult to design new septic systems in this area.
- The scope of work can be amended after a bid award. Engineering services are not required to go to bid. The Town did bid these engineering services, and awarded to a quality firm with a low bid. The recipient, Woodward and Curran, has agreed to revise the scope of work. A new RFP process is not necessary. The Board of Selectmen agreed with the change in the scope of services.

Vote: Motion adopted by Majority Vote

ARTICLE 6: MASTER PLAN FUNDING

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money to fund the update of the Town’s Comprehensive Master Plan in accordance with Massachusetts General Laws, Chapter 41, §81D, or to take any other action relative thereto.

PLANNING BOARD

Board of Selectmen: *Recommendation Deferred (2 In Favor, 3 At Town Meeting)*
Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *The Planning Board is requesting funds to update the Comprehensive Master Plan, originally prepared in 1963, and updated in 1990 and 2002. The Board advertised a Request for Proposals, interviewed three consultants and selected Community Opportunities Group. The first phase includes preparation of the Comprehensive Master Plan, based upon an active public participation program. The second phase includes preparation of zoning amendments, general by-law amendments, and other regulatory changes. The project should be completed within 24 months.*

Mover: Anna Eliot

MOTION: I move that the Town vote to transfer the sum of \$70,000 from the Excess and Deficiency Fund (Free Cash) to fund the update of the Town’s Comprehensive Master Plan in accordance with Massachusetts General Laws, Chapter 41, §81D.

Quantum of Town Meeting Vote: Majority

Seconded

Minutes:

- The Master Plan will incorporate issues regarding capturing business to locate in Groton without affecting the rural character of the Town. Public study, including public meetings, will be conducted to determine if this would be favored.
- Planning Board presentation (Ray Capes) in favor of this article: Attachment A
 - The Town is required to have a Master Plan by Mass General Law Ch 51 Sec 81D
 - The Master Plan is a tool to manage growth.
 - A plan is required for state grant applications.
 - It's been 10 years since the last Master Plan update. Many changes have occurred in these 10 years, including closure of Fort Devens, 40B developments, energy pricing, Shaw's plaza and Rivercourt. The development of the Master Plan is expected to be a 24 month process.
 - Townspeople, town government and professional skills required to develop a comprehensive Master Plan, and consider interrelated policies and actions.
- Finance Committee presentation advocating a reduction of spending for this article, yet to still conduct a Master Plan study (Jay Prager): Attachment B
 - Support and encourage the development of a Master Plan; Opposed to spending \$100,000 at this time
 - Alternative methods of development should be explored, including in-house, "free resources and paid consultants, with the objective of reducing the overall expense."
 - Perhaps extend targeted timeframe beyond 2012
 - A less rigorous plan process and document will likely score lower in grant applications, but there may be room to score lower.
 - The Master Plan should be an ongoing process, not a ten year event.
 - The economic times lend itself to trying a different approach

MOTION TO AMEND **Mover:** Jay Prager (Finance Committee)

I move to amend the main motion under article 6 by adding the words: "provided, however, that prior to making any expenditures under this Article the Board of Selectmen shall direct the Town Manager to determine what must be done with respect to the updating and maintenance of the Comprehensive Master Plan in conformance with the requirements of Chapter 41, Section 81D and propose a more cost-effective process and plan for going it."

Quantum of vote for this Amendment: Majority

Seconded

Minutes: Floor discussion

- The Planning Board has the authority for the Master Plan. The Selectmen and Town Manager do not have authority to veto Master Plan provisions.
- The amendment would require the Town Manager to propose a more cost effective way to develop the Master Plan. The objective is to bring the Town Manager's skills to bear in order to save money.
- The Town Manager would be advisory and not develop the plan. The Planning Board would spend the money as recommended.

- This amendment places a condition to be met before spending under this article can proceed.
- The Master Plan funding is coming from free cash in order to preserve the capital stabilization fund.
- Planning Board summary: A current Master Plan is a critical planning tool and an important scoring component in applying for Commonwealth Land grants.
- Finance Committee summary: How much do we need to do (which drives the money requirement) and when is it needed?

Vote on (Finance Committee) Amendment:

Affirmative: 108 Negative: 50
 Amendment carries

Vote on Main Motion:

Chair declared motion adopted by Majority Vote. 7 voters did not contest.

ARTICLE 7: GROTON COUNTRY CLUB BUDGET

To see if the Town will vote in accordance with Section 8 of Chapter 533 of the Acts of 1991, as amended by Chapter 115 of the Acts of 1995 and Chapter 387 of the Acts of 1998, to approve the budget of the Groton Country Club and Recreation Authority, or to take any other action relative thereto.

**BOARD OF SELECTMEN
 GROTON COUNTRY CLUB AUTHORITY**

Board of Selectmen: *Recommendation Deferred Until Town Meeting*
Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *The legislation creating the Country Club Authority requires that the Authority present its annual budget to the Town for approval. The Calendar Year 2010 Budget will be available at Town Meeting.*

Mover: Stuart Schulman

MOTION: I move 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 and Chapter 387 of the Acts of 1998, to approve the budget of the Groton Country Club and Recreation Authority, as shown in the handout distributed at Town Meeting.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Majority Vote

ARTICLE 8: COUNTRY CLUB APPROPRIATION

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money to cover a portion of the payroll expenses of the Groton Country Club General Manager and staff in Fiscal Year 2010, or to take any other action relative thereto.

**BOARD OF SELECTMEN
TOWN MANAGER**

Board of Selectmen: *Recommended (4 In Favor, 1 Deferred Until Town Meeting)*
Finance Committee: *Recommended (4 In Favor, 1 Opposed)*

Summary: *Last spring, the Board of Selectmen and the Groton Country Club Authority entered into an agreement that authorized the Town Manager to oversee the operations of the Country Club. This was done primarily to provide better day to day management of the Club and work towards improving the cash flow position of the Club. The Town Manager hired a General Manager last March for an eight month period to allow the Club to meet its demands this past season. In order to allow the General Manager and staff more time to prepare for next season, it is important that the facility remain in operation over the winter months. This article will provide funding necessary to keep the Club operational through the off season.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to transfer the sum of \$60,000 from the Excess and Deficiency Fund (Free Cash) to cover a portion of the operating and payroll expenses of the Groton Country Club General Manager and staff in Fiscal Year 2010.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Majority Vote

ARTICLE 9: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND

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

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *The Spring Town Meeting appropriated \$307,000 from the Capital Stabilization Fund to fund the FY 2010 Capital Budget. At a minimum, this amount should be returned to the Capital Stabilization Fund. The Fund has a balance of approximately \$200,000. The financial management goal is to achieve and maintain a balance in the Stabilization Fund equal to 5% of*

its current year total expenditures. Any balance beyond the 5% level should be added to the Capital Stabilization Fund in conjunction with the Capital Plan to reduce overall borrowing and associated costs. The target amount for the Capital Stabilization Fund will be provided at Town Meeting.

Mover: George Dillon

MOTION: I move that the Town vote to transfer the sum of \$307,000 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Capital Stabilization Fund.

Quantum of Town Meeting Vote: 2/3's Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 10: TRANSFER MONEY INTO THE STABILIZATION FUND

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

BOARD OF SELECTMEN

Board of Selectmen: Recommendation Deferred Until Town Meeting
Finance Committee: Recommendation Deferred Until Town Meeting

Summary: *The balance in this fund is approximately \$1.2 million. The financial management goal is to achieve and maintain a balance in the Stabilization Fund equal to 5% of its current year total expenditures. The target amount for the Stabilization Fund will be provided at Town Meeting.*

Mover: George Dillon

MOTION A: I move that the Town vote to transfer the sum of \$0 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Stabilization Fund.

Seconded

MOTION B: I move that Article 10 be indefinitely postponed.

Quantum of Town Meeting Vote: Majority

Vote on MOTION B: Motion adopted by Unanimous Vote

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, 2009, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommendation Deferred Until Town Meeting*
Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *The intent of this article is to use a portion of Free Cash or General Stabilization Fund monies as a funding source for the FY 2010 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 Fund monies available for appropriation will be provided at Town Meeting.*

Mover: George Dillon

MOTION A: I move that the Town vote to transfer the sum of \$0 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2009.

Seconded

MOTION B: I move that Article 11 be indefinitely postponed.

Seconded

Vote on MOTION B: Motion adopted by Majority Vote

ARTICLE 12: USE OF REVENUES FROM SEWER ENTERPRISE FUND

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation respecting the use of revenues from the Sewer Enterprise Fund, in substantially the following form, or take any other action relative thereto:

SECTION 1. Notwithstanding any general law or rule or regulation of the department of revenue to the contrary, during fiscal years 2011, 2012 and 2013 the town of Groton may use revenues from its Sewer Enterprise Fund to reimburse the town's general fund for sewer system construction debt payments made in connection with the original construction of the Groton Center Sewer System authorized by the vote taken under Article 18 of the March 21, 1987 annual town meeting. The amounts credited to the general fund on account of said reimbursement may be used by the town for any lawful purpose, including the payment of debt service on town bonds that has been exempted from the provisions of section 21C of chapter 59 of the general laws, proposition two and one-half, so called, pursuant to subsection (k) of said section 21C.

SECTION 2. This act shall take effect upon its passage.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *Notwithstanding the ratepayers' agreement to continue reimbursement to the General Fund after the end of the sewer system construction bond payments, the Department of Revenue has informed the Town that the final reimbursements of more than \$250,000 to be paid from the Sewer Enterprise Fund after FY 2010 cannot be accomplished without special legislation. This article allows the Board of Selectmen to seek that special legislation. The Sewer Commissioners are in agreement with this approach.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation respecting the use of revenues from the Sewer Enterprise Fund, in substantially the form shown in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 13: USE OF SEWER REVENUES FOR DEBT SERVICE

To see if the Town will vote to transfer a sum or sums of money from the Sewer Enterprise Fund for the purpose of funding sewer system construction debt payments due in Fiscal Year 2010, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *This article allows the Sewer rate payers to assume the entire cost of the original infrastructure debt payment for FY 2010. In the early 1990s, and again in 2001, the taxpayers agreed to cover increasing portions of the debt for construction of the central sewer system, because the original 50-50 cost split could not be accomplished by the ratepayers without raising rates beyond the ability of the system users to pay. The intent at the time of the votes was that the ratepayers would reimburse the General Fund in the final years of the debt and for several years thereafter. The ratepayers' return of this early investment is being accelerated with the agreement of the Sewer Commissioners now that the Sewer Enterprise Fund has a healthy balance.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to transfer the sum of \$86,108 from the Sewer Enterprise Fund for the purpose of funding sewer system construction debt payments due in Fiscal Year 2010.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 14: EMT/PARAMEDIC TRAINING

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum or sums of money to add to Line Item 2023 "Fire Department Expenses" of the FY 2010 Operating Budget, as adopted under Article 5 of the April 27, 2009 Spring Town Meeting, to fund EMT Training, or to take any other action relative thereto.

**TOWN MANAGER
FIRE CHIEF**

Board of Selectmen: Recommendation Deferred Until Town Meeting

Finance Committee: Recommended (3 In Favor, 2 Deferred Until Town Meeting)

Summary: *The purpose of the training will be to upgrade EMTs to the "Intermediate" or "Paramedic" level. This would improve the medical treatment to the residents of Groton during a medical emergency. Currently, the Groton EMT's are at the "Basic" level and require outside paramedic services to be available and respond in a timely manner to administer advanced medical care.*

Mover: George Dillon

MOTION: I move that the Town vote to transfer from Emergency Medical Services Receipts Reserved the sum of \$50,000 to be added to Line Item 2023 "Fire Department Expenses" of the FY 2010 Operating Budget, as adopted under Article 5 of the April 27, 2009 Spring Town Meeting, and amended under Article 2 of this Warrant, to fund EMT Training.

Quantum of Town Meeting Vote: Majority

Seconded

Minutes:

- To become an EMT requires a lot of personal time and effort, beyond classroom and working hours. Two people have come forward to date. The Town would like to support them.
- With this investment, the Town is open to participating in a regional EMT service.
- The existing regional service has become too expensive for Groton to use without having Advanced Life Support capability. Several ALS facilities are closing due to expenses, and use of other ALS services is increasing in cost. In 2009, the Town paid out \$50,000 in contracted ALS service.

- In-house capability will improve the speed and quality of ALS care.
- Bill Shute was recognized for his long service in emergency management roles for the Town. Bill is retiring.

Vote: Motion adopted by Unanimous Vote

Deputy Moderator Jason Kauppi assumed the podium

ARTICLE 15: AMEND TOWN CHARTER – ARTICLE 3, SECTION 3-1

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act as follows:

- 1) amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 3, Section 3-1(a) “Elective Town Offices” in its entirety and inserting in its place a new Section 3-1(a) as follows:

Section 3-1: General

- (a) Elective Town Offices - The town offices to be filled by the voters shall be a town moderator, the board of selectmen, a town clerk, the Groton component of the regional school committee, the Groton Housing Authority, the planning board, the board of library trustees, the commissioners of the trust fund, the Groton electric light commission, the Groton water commission, the Groton sewer commission, the parks commission, the Groton board of health, and other officers or representatives to regional authorities or districts as may be established by law or by inter-local agreement which shall also be filled by ballot at town elections.

and

- 2) providing that the incumbents then holding the offices of Highway Surveyor, Tree Warden, Constable, and Assessor shall retain said offices and continue to serve until the expiration of their elected terms of office or their sooner resignation, said positions to thereafter be filled by appointment.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended (4 In Favor, 1 Deferred Until Town Meeting)*

Finance Committee: *No Position*

Summary: *This proposed amendment to the Town Charter revises the list of elected offices in two distinct ways. It removes the offices of Highway Surveyor and Tree Warden, whose functions will be incorporated into the proposed Department of Public Works. It also removes the Constable and Board of Assessors from the list of elected offices. These offices would now be appointed. These offices require extensive subject matter knowledge. The appointment of*

individuals to these offices will allow for the assessment of candidates' background and knowledge.

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, Section 301(a), Elective Town Offices, and making provision for incumbents holding elective town offices that become appointed offices, as described in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

MOTION TO AMEND (Paul Fitzgerald)

I move to amend the main motion by adding after the phrase "in the warrant" the following: – except to include the phrase "Groton board of assessors" after the phrase "board of health" in section 3-1 (a) and deleting the phrase "and assessors" from Section 2.

Quantum required: Majority

Seconded

Minutes:

- The Board of Assessors should remain elected as the main role of assessors is tax abatements. Abatement requesters should be listened to and treated with respect. Judgment is involved. Proper or improper actions should be reconciled at the ballot box.
- Potential pitfall of an elected member is that the board becomes a popularity contest, and judgments are rendered with this in mind.
- Appointment of members allows an evaluation of skills.
- An appointed board allows recourse through the Town Manager and Selectmen, who would be in a position to hear and evaluate complaints as they may occur, similar to an executive in a private corporation.
- Choice seems to be "efficiency of government" or "more democracy".

Vote on MOTION TO AMEND:

64 affirmative

35 opposed

MOTION TO AMEND adopted

Vote on Main Motion (as amended): Motion adopted by Unanimous Vote

ARTICLE 16: AMEND TOWN CHARTER – ARTICLE 3, SECTION 3-2(b)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding a new paragraph 5 in Article 3, Section 3-2(b), "Powers and Duties" of the Board of Selectmen, as follows:

5. The board of selectmen, by a majority vote, may delegate to the town manager the authority to sign payroll warrants and accounts payable warrants concerning the everyday operations of the town.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Not Recommended (3 Against, 2 In Favor)*

Finance Committee: *No Position*

Summary: *The signing of the payroll and accounts payable warrants is the responsibility of the Board of Selectmen, as identified in M.G.L. Chapter 41, Section 56. This responsibility serves as an oversight on the town treasury. On a bi-weekly basis, the warrants are delivered, usually with a large number of detailed expense and payroll items. Individual Selectmen practices vary with respect to their detailed review of the warrants. It is recommended that the Charter be revised to authorize the Selectmen to delegate the authority, at their discretion, to sign expense and payroll warrants to the Town Manager. The Selectmen can also revoke this delegation, and impose limits on signing authority.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding a new paragraph 5 in Article 3, Section 3-2(b), "Powers and Duties" of the Board of Selectmen, as set forth in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

Minutes:

- Several town meeting members argued that the approval of this charter change would dilute the balance of powers between the Board of Selectmen and the Town Manager.
- No payroll has been missed that anyone at town meeting could remember.
- It was stated that the Town Clerk can sign the warrant "in an emergency". Further research (post-town meeting) indicates that the town clerk may only sign the warrant if there is a failure to elect or a vacancy on the Board of Selectmen, and only then in conjunction with the other board members (MGL Chapter 41: Section 56)

MOTION TO AMEND offered by John Giger

I move to amend the main motion by deleting the words "and accounts payable warrants"

Quantum: Majority

Seconded (Motion to Amend)

Question Moved

Quantum: 2/3 majority
Vote: Chair declares 2/3 vote

Vote on MOTION TO AMEND: Defeated

Question Moved

Quantum: 2/3 majority
Vote: Move Motion adopted by Unanimous Vote

Vote on Main Motion: Defeated

Motion to adjourn town meeting to Tuesday, October 20 at 7:00 PM here in this auditorium.

Vote: Motion adopted by Unanimous Vote
Meeting adjourned at 11:13 PM

Town Meeting Adjourned Session convened Tuesday, October 20, 2009 at 7:02 PM

ARTICLE 17: AMEND TOWN CHARTER – ARTICLE 3, SECTION 3-2(d)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act as follows:

- 1) amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 3, Section 3-2(d) "Appointing Authority" in its entirety and inserting in its place a new Section 3-2(d) as follows:
 - (d) **Appointing Authority** - The board of selectmen shall appoint the town manager, finance committee, town counsel, a board of assessors, a zoning board of appeals, and a board of registrars. The board of selectmen shall also appoint, consistent with the provisions of Section 4-2(d) of this charter, a police chief and a fire chief. The police chief shall serve under section 97A of chapter 41 of the General Laws. The fire chief shall serve under Section 42 of Chapter 48 of the General Laws. The board of selectmen shall also appoint a conservation commission, council on aging, housing partnership, local cultural council, and other committees required by state statute.

and

- 2) providing that the incumbents then holding the office of Assessor shall retain said offices and continue to serve until the expiration of their elected terms of office or their sooner resignation, said positions to thereafter be filled by appointment.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended (4 In Favor, 1 Deferred Until Town Meeting)*

Finance Committee: *No Position*

Summary: *This article provides for the establishment of an appointed Board of Assessors, to be appointed by the Board of Selectmen. In addition, this article also identifies additional offices to be appointed by the Board of Selectmen, omitted from the original charter language: Conservation Commission, Council on Aging, Housing Partnership, Local Cultural Council, and other committees required by state statute to be appointed by the Board of Selectmen.*

Mover: Peter Cunningham

MOTION: MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, Section 3-2(d), Appointing Authority, so that it reads as set forth in the Warrant, but excluding the phrase “a board of assessors.”

Quantum: Majority

Seconded

Minutes

- Motion reflects town meeting action on Article 15 which keeps the board of assessors as an elected office

Vote: Motion adopted by Unanimous Vote

Town Moderator Robert Gosselin assumed the podium

ARTICLE 18: AMEND TOWN CHARTER – ARTICLE 4, SECTION 4-2(c)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding to Article 4, Section 4-2(c), “Powers and Duties” of the Town Manager, the words “and other appointed members of Town Government” after the word “employees,” so that Section 4-2(c) reads as follows:

- (c) To appoint and remove department heads, officers, subordinates, employees and other appointed members of town government for whom no other method of appointment or removal is provided in this charter or by-law. Appointments made by the town manager shall be confirmed by the board of selectmen within (15) days of the date the town manager files notice of the action with the board of selectmen. Failure by the board of selectmen to confirm an appointment within (15) days shall constitute rejection of the appointment.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *The original charter did not specifically provide for the appointment of various town volunteers and many committee members. This article seeks to amend the charter to authorize the Town Manager to appoint these positions. All Town Manager appointments are subject to ratification by the Board of Selectmen.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding to Article 4, Section 4-2(c), "Powers and Duties" of the Town Manager, the words "and other appointed members of Town Government" after the word "employees," as set forth in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 19: AMEND TOWN CHARTER – ARTICLE 4, SECTION 4-4(b)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 4, Section 4-4(b), "Temporary Absence or Disability" of the Town Manager, in its entirety and inserting in its place a new Section 4-4(b) as follows:

- (b)** Temporary Absence or Disability - The town manager may designate by letter filed with the town clerk and board of selectmen a capable officer of the town to perform the duties of town manager during a temporary absence or disability lasting 7 days or more. If the town manager fails to make such a designation, or if the person so designated is unable to serve, the board of selectmen may designate some other capable person to perform the duties of town manager. If the absence or disability exceeds 30 days, any designation by the town manager shall be subject to approval by the board of selectmen.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *This proposed amendment to the charter further details the authorization for the Town Manager to designate a temporary or acting town manager in the event of a Town Manager absence or disability. The original charter language did not include any measure of*

time describing the phrase “temporary absence or disability.” The amendment adds the words “lasting 7 days or more.” As in the original charter, if the absence or disability exceeds 30 days, the designation is subject to the approval of the Selectmen. Likewise, if no designation is made by the Town Manager the Selectmen may designate a temporary or acting town manager.

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 4, Section 4-4(b), “Temporary Absence or Disability” of the Town Manager, in its entirety and inserting in its place a new Section 4-4(b) as set forth in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 20: AMEND TOWN CHARTER – ARTICLE 4, SECTION 4-5

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 4, Section 4-5, “Screening Committee,” in its entirety and inserting in its place a new Section 4-5 “Screening Committee” as follows:

Section 4-5 - Screening Committee

Whenever a vacancy shall occur in the office of town manager a screening committee shall be established for the purpose of soliciting, receiving and evaluating applications for the position of town manager. The screening committee shall consist of seven persons who shall be chosen as follows: the board of selectmen shall designate three members, the finance committee shall designate two members, and the town moderator and the town clerk shall each designate one member. Persons chosen by the said agencies may, but need not, be members of the agency by which they are designated.

Not more than twenty-one days following the notice of the vacancy or pending vacancy the town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than 90 days after the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five

persons whom it believes to be best suited to perform the duties of the office of town manager. The board of selectmen shall, within forty-five days following the date of receipt of the list of nominees choose one candidate from the list to fill the position of town manager or reject such nominees and direct that the committee resume the search.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended (3 In Favor, 2 Against)*
Finance Committee: *No Position*

Summary: *This article proposes to amend the charter with three provisions. The screening committee, authorized under the charter to assess candidates for town manager, is expanded from five to seven members in order to provide for a larger constituency. The Board of Selectmen is to designate three members of the screening committee (increased from two), the Finance Committee to designate two members (increased from one), the Town Moderator to designate one member and the Town Clerk, in place of the Personnel Board, to designate one member. Additionally, the length of time the Selectmen have to act upon recommended candidates is increased from 20 days to 45 days.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting Article 4, Section 4-5, "Screening Committee," in its entirety and inserting in its place a new Section 4-5 "Screening Committee" as set forth in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

MOTION TO AMEND (Michael Manugian)

I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by deleting the second through sixth paragraphs of Article 4, Section 4-5, "Screening Committee," and inserting in their place the second through sixth paragraphs of the proposed Section 4-5, "Screening Committee," as set forth in the Warrant.

Quantum: Majority

Seconded

Minutes

- Summary of argument to expand the Screening Committee to 7 members
 - Broadens representation
 - More opportunity to include a wider range of points of view

- More individuals may lead to a more thorough vetting of candidates
- Summary of argument to keep the Screening Committee at 5 members
 - The first instance of the committee had 5 members, and it worked well
 - More members does not necessarily mean a better process
 - The members need to be committed to a successful committee – more members brings a risk of an uncommitted member holding the committee back
 - The key to a successful committee is public involvement in it's process, no the number of members

Vote on Motion to Amend (Manugian): Defeated

Vote on Main Motion: Motion adopted by Majority Vote

ARTICLE 21: AMEND TOWN CHARTER – ARTICLE 5

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding to Article 5 a new Section 5-4 entitled “Department of Public Works” as follows:

Section 5-4: Department of Public Works

5-4-1 There shall be a department of public works in the town under a director. Said director shall be appointed by the town manager subject to confirmation by the board of selectmen in accordance with section 4-2(c) of this charter. Said director shall also serve as and perform the duties of a highway surveyor as set forth in the general laws.

5-4-2 The principal functions of the department of public works shall include:

- (a) the construction, maintenance, repair, and cleaning of public town roads, sidewalks, street lights, storm drains, bridges, dikes, and other public way related structures;
- (b) the maintenance, repair, and cleaning of all buildings owned or leased by the town except those of the regional school district;
- (c) the maintenance of the old cemetery, parks, parking areas, recreational and beach facilities, except those of the regional school district;
- (d) snow removal, including the salting and sanding of roads, except those of the regional school district;
- (e) supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of same;
- (f) the supervision, care and replacement of trees;
- (g) providing for, or causing to be provided, the maintenance and repair of certain town owned vehicles;

(h) implementing the policies developed by the Groton water commission and the Groton sewer commission, performing functions required by the rules and regulations of the Groton municipal water and sewer systems, routine operation and maintenance and other functions related to the municipal water and sewer systems of the town;

(i) such other functions as may be prescribed by the town manager.

5-4-3 Powers and Duties. The department shall work in close coordination with the necessary town boards and departments to enable the effective and efficient performance of its duties pursuant to the general laws, this charter, by-law or vote of town meeting.

or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *This article provides for the establishment of a Department of Public Works. The functions of the previously elected highway surveyor and tree warden are incorporated into the Department. Those elected positions will be eliminated. The Department of Public Works will also incorporate Water and Sewer Commission operational activities.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act amending Chapter 81 of the Acts of 2008, the Groton Charter, by adding to Article 5 a new Section 5-4 entitled "Department of Public Works" as set forth in the Warrant.

Quantum of Town Meeting Vote: Majority

Seconded

MOTION TO AMEND (Michael Brady)

I move to amend the main motion by adding the following words:"but excluding paragraph (h) of sub-section 5-4-2."

Seconded

Minutes:

- No additional administrative charges are expected to the Water and Sewer Enterprise funds as a result of sub-section (h) of the article
- Sub-section (h) provides an ability for the proposed DPW to perform work on behalf of the Water and Sewer Departments.
- The DPW would be paid for their discrete work
- Water Commissioners voted not to approve sub-section (h)
- Sewers Commissioners have no position on sub-section (h)

- Looking to the future of potentially adding water and sewer districts, and perhaps combining, it makes sense to define an organizational structure at this time which can accommodate this potential growth
- An appointed DPW Director will allow the Town to select a skilled person when the time comes to fill a vacancy. The Town Manager will appoint Tom Delaney as the first DPW Director.
- Sub-section (h) is a first step in gradually wrapping the Water and Sewer Departments into the DPW.
- Sub-section (h) is premature and needs to be studied. The Water and Sewer Commissions have not had the time to study this.
- No comingling of funds is permitted; the DPW and Commissions will need to cross charge for services

Question Moved

Quantum: 2/3 majority

Vote: Chair declares 2/3 vote. 7 voters did not object

Vote on MOTION TO AMEND (Brady)

30 affirmative 41 opposed

Motion to Amend is Defeated

Vote on Main Motion: Main Motion adopted by Majority Vote

ARTICLE 22: PERSONNEL BYLAW AMENDMENT

To see if the Town will vote to amend Chapter 48, "Personnel" of the Code of the Town of Groton by deleting the current Chapter 48 in its entirety, and replacing it with a new Chapter 48, "Personnel", a copy of which is on file in the Office of the Town Clerk, or to take any other action relative thereto.

**BOARD OF SELECTMEN
TOWN MANAGER**

Board of Selectmen: Recommended (4 In Favor, 1 Deferred Until Town Meeting)

Finance Committee: Recommended Unanimously

Summary: *The current Personnel Bylaw is in conflict with the Groton Town Charter. The Spring Town Meeting had several articles that amended various bylaws that were in conflict with the Charter. The Personnel Bylaw was not amended at that time. Several functions that used to be performed by the Personnel Board are now the responsibility of the Board of Selectmen and the Town Manager as stated in the Charter. The Town also has a professional Human Resources Director to advise the Board of Selectmen and Town Manager on personnel matters. Finally, an additional personal day has been added to bring Bylaw employees in line with a benefit contained in the various union contracts.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to amend Chapter 48, "Personnel" of the Code of the Town of Groton by deleting the current Chapter 48 in its entirety, and replacing it with a new Chapter 48, "Personnel", as shown in the copy on file in the Office of the Town Clerk.

Quantum of Town Meeting Vote: Majority

Seconded

MOTION TO AMEND (Linda DeCiccio)

I move to amend the main motion by adding the following words: "but including the following additional language as the second sentence of Section 48-1: each member shall be appointed based on his/her professional expertise in human resources or related professional experience."

Seconded

Minutes:

- Qualifications to include personnel experience should be included
 - As appointed personnel board members, the Board of Selectmen will assess qualification. No other by-law presents a restriction of the type of qualifications. It is felt this would be a limiting provision.
- By-law amendment corrects inconsistencies between the existing by-law and the charter. The personnel function has matured, the by-law needs to be updated to reflect changes.

Question Moved

Quantum: 2/3s majority

Vote: Chair declares 2/3 vote. 7 voters did not contest.

MOTION TO AMEND (DeCiccio)

Quantum: Majority

Vote: Defeated. 7 voters did not contest

Vote on MAIN MOTION: Main Motion adopted by Unanimous Vote

ARTICLE 23: ACCEPT MGL, CHAPTER 41, SECTIONS 111M AND 111N

To see if the Town will vote to accept the provisions of M.G.L., Chapter 41, §111M, "Emergency Medical Technicians; Leave Without Loss of Pay While Incapacitated"; and M.G.L., Chapter 41, §111N, "Indemnification of Emergency Medical Technicians for Certain Expenses", or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously

Finance Committee: Recommended Unanimously

Summary: *The Town's Firefighters/EMTs have expressed concern that they would not be covered by MGL, Chapter 41, §111F (Workers Comp for Police Officers and Firefighters) if they were injured while performing EMT duties. By accepting MGL, Chapter 41, Sections 111M and 111N, the Town will be providing our Firefighters/EMTs the assurance they would receive their pay in the event they are injured on the job through no fault of their own, whether they are performing as a firefighter or EMT.*

Mover: George Dillon

MOTION: I move that the Town vote to accept the provisions of M.G.L., Chapter 41, §111M, "Emergency Medical Technicians; Leave Without Loss of Pay While Incapacitated"; and M.G.L., Chapter 41, §111N, "Indemnification of Emergency Medical Technicians for Certain Expenses".

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 24: ACCEPTANCE OF BROWN LANE

To see if the Town will vote to accept as a public way the roadway known as Brown Lane, as heretofore laid out by the Board of Selectmen and as shown on a plan entitled "As Built Plan of Brown Lane in Groton, Mass. Prepared for Brown Lane Homeowner's Association," dated January, 2009, prepared by David E. Ross Associates, Inc., a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: Recommended Unanimously
Finance Committee: No Position

Summary: *To accept Brown Lane as a public way.*

Mover: Stuart Shulman

MOTION: I move that the Town vote to accept as a public way the roadway known as Brown Lane, as heretofore laid out by the Board of Selectmen and as shown on a plan entitled "As Built Plan of Brown Lane in Groton, Mass. Prepared for Brown Lane Homeowner's Association," dated January, 2009, prepared by David E. Ross Associates, Inc., a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements.

Quantum of Town Meeting Vote: Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 25: PURCHASE LAND ON BOSTON ROAD – APPLY FOR GRANT

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 Assessors' Map 253 and containing approximately 25.54 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 therefore in advance of a Massachusetts Local Acquisitions 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 Land Program ("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 to take any other action relative thereto.

CONSERVATION COMMISSION

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *Applying for a state grant will 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 15.94 acres of adjacent upland for a total of 25.54 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.*

Mover: Anna Eliot

MOTION: I move that the Town 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 Assessors' Map 253 and containing approximately 25.54 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 the sum of \$450,000 from the Conservation Fund therefore in advance of a Massachusetts Local Acquisitions 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 Land Program ("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.

Quantum of Town Meeting Vote: 2/3's Majority

Seconded

Minutes:

- Bruce Easom, Conservation Commission, explained that their application for state grants requires town meeting votes. Grants are sought in order to leverage CPA funds. DCS will reimburse 60% of the lower of the appraised value or purchase price of the properties in articles 25 through 27.
- In the case of the property indentified in Article 25, the Conservation Commission will make the Purchase and Sale Agreement contingent upon a LAND grant being awarded.
- The purchase of properties identified in Articles 26 and 27 will not be contingent upon LAND grants.

Vote: Motion adopted by Unanimous Vote

ARTICLE 26: PURCHASE LAND ON ISLAND POND ROAD – APPLY FOR GRANT

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 Island Pond Road, shown as a portion of Parcel 29.3 on Groton Assessors' Map 247 and a portion of Parcel 16 on Groton Assessors' Map 246, containing approximately 2.48 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 therefore, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND 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 to take any other action relative thereto.

CONSERVATION COMMISSION

Board of Selectmen: *Recommended Unanimously*

Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *Applying for a state grant will enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land through a fee simple purchase. This acquisition would provide an alternate trail link between north and south portions of an abandoned railroad bed known as the Red Line Path. It has frontage on Island Pond Road and connects with land to the south permanently protected by the Groton Conservation Trust and Conservation Commission and could eventually link to land to the north in Dunstable.*

Mover: Anna Eliot

MOTION: I move that the Town vote to authorize the Conservation Commission to acquire, on behalf of the Town, a certain parcel of land located on Island Pond Road, shown as a portion of Parcel 29.3 on Groton Assessors' Map 247 and a portion of Parcel 16 on Groton Assessors' Map 246, containing approximately 2.48 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 the sum of \$65,000 from the Conservation Fund therefore, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND 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.

Quantum of Town Meeting Vote: 2/3's Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 27: PURCHASE LAND ON LOWELL ROAD – APPLY FOR GRANT

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 Lowell Road, shown as a portion of Parcel 98 on Groton Assessors' Map 233 containing approximately 6.74 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 the sum of \$150,000 therefore, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND 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 to take any other action relative thereto.

CONSERVATION COMMISSION

Board of Selectmen: Recommended Unanimously

Finance Committee: Recommended Unanimously

Summary: *Applying for a state grant will enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land through a fee simple purchase. This land has frontage on Lowell Road and is contiguous to the Martin's Pond Conservation Area and would provide upland access for parking and walking trails. In addition, acquiring this parcel would expand known rare wildlife habitat that contributes to the biodiversity of the Town and region.*

Mover: Anna Eliot

MOTION: I move that the Town vote to authorize the Conservation Commission to acquire, on behalf of the Town, a certain parcel of land located on Lowell Road, shown as a portion of Parcel 98 on Groton Assessors' Map 233 containing approximately 6.74 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 the sum of \$150,000 from the Conservation Fund therefore, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND 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.

Quantum of Town Meeting Vote: 2/3's Majority

Seconded

Vote: Motion adopted by Unanimous Vote

ARTICLE 28: 36 ANTHONY DRIVE – CONNECTION TO TOWN SEWER

To see if the Town will vote to extend the "Groton Center Sewer System" as established by the vote under Article 14 of the Town Meeting of April 6, 2005, to include Assessors' Lot 216-9, provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

BOARD OF SEWER COMMISISONERS

Board of Selectmen: Recommendation Deferred (2 Against, 3 At Town Meeting)

Finance Committee: Not Recommended (4 Opposed, 1 Deferred Until Town Meeting)

Summary: *This article seeks approval to extend the Groton Center Sewer System to include Assessors' Lot 216-9 to allow the property to connect to the Town Sewer System. All costs would be borne by the property owner.*

Mover: Stuart Schulman

MOTION: I move that the Town vote to extend the "Groton Center Sewer System" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include Assessors' Lot 216-9, provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated

therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise

Quantum of Town Meeting Vote: Majority

Seconded

MOTION TO AMEND (Stuart Schulman):

I move that the main motion be indefinitely postponed.

Seconded

Vote on MOTION TO AMEND: Motion adopted by Unanimous Vote

Meeting unanimously voted to dissolve October 20, 2009 at 9:43 PM