

# MINUTES

## TOWN OF GROTON, MA



## 2009 SPRING TOWN MEETING

Moderator - Robert L. Gosselin, Sr.

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

Monday, April 27, 2009

Monday, May 4, 2009 (Adjourned Session)

Monday, May 11, 2009 (2<sup>nd</sup> Adjourned Session)

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**APRIL 27, 2009**

**The Moderator called Town Meeting to order at 7:03 PM.**

**Announcements:**

- A Special Town Meeting is scheduled for 8:00 PM. The quorum requirement is 143.
- Mr. Frank Belitsky informed the meeting that Groton Selectmen will sign the Army Covenant supporting returning troops from Iraq and Afghanistan. Groton has modified the agreement to include all of the Armed Services. The signing ceremony will be 3:00 PM on June 25 at Gibbet Hill Restaurant. Thanks to Steve Webber for use of the facility. Contact the Senior Center at 978-448-1170 for more information.
- Mr. Belitsky led the Pledge of Allegiance at 7:13 PM.
- As a public service, Patrick Ring is installing building numbers for seniors. This is an Eagle Scout project.
- Jason Kauppi was affirmed by unanimous vote as Deputy Moderator. He was sworn by the Town Clerk.
- Joshua Degen welcomed Mark Haddad, Town Manager, to his first Groton Town Meeting. Mark was appointed on October 21, 2008, and has brought a lot of experience and good work to the town.
- Mr. Degen recited the excellent work done by Groton Highway, Police, Fire/EMS, Communication Dispatchers and Electric Light departments during the December, 2008 ice storm. April 27, 2009 was proclaimed Employee Recognition Day.
- Mr. Degen announced the Town's policy on storm debris removal. Homeowners are responsible for "private" debris removal, which may be brought to the Highway Department for recycling at no charge.
- The Moderator related a thoughtful message from Arthur Blackman reminding us of the fights this country has been through for our liberties. Town Meetings are a good example of these liberties.

**Seconded to waive the reading of the warrant.**

- **Approved by unanimous vote**

Middlesex, ss.  
Commonwealth of Massachusetts  
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the twenty-seventh day of April, 2009 at Seven O'clock in the evening, to consider all business other than the election of

Town Officers and on the nineteenth of May, 2009 at an adjourned session thereof to give their ballots for:

Vote for One	Board of Assessors	3 Years
Vote for One	Board of Health	3 Years
Vote for One	Board of Selectmen	3 Years
Vote for One	Commissioner of Trust Funds	3 Years
Vote for Two	Groton-Dunstable Regional School Committee	3 Years
Vote for One	Groton Electric Light Commission	3 Years
Vote for One	Park Commission	3 Years
Vote for Three	Planning Board	3 Years
Vote for One	Sewer Commission	3 Years
Vote for One	Highway Surveyor	3 Years
Vote for One	Moderator	3 Years
Vote for One	Town Clerk	3 Years
Vote for One	Tree Warden	1 Year
Vote for Two	Trustees of the Groton Public Library	3 Years
Vote for One	Water Commission	3 Years
Vote for Two	Groton Housing Authority	5 Years

**ARTICLE 1: HEAR REPORTS**

To see if the Town will vote to hear and act on the report of the Board of Selectmen and other Town Officers and Committees, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

**Summary:** *To hear reports of Town Boards, Committees and Commissions.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to hear and act on the report of the Board of Selectmen and other Town Officers and Committees.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

- John Kelly presented a slide documentary on the library
- Mark Haddad updated Town Meeting that a contract with Verizon for FIOS is near completion. Contact the Selectmen’s office for current status and further details.

**Vote: Unanimous**

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**ARTICLE 2:           APPLY FOR GRANTS**

To see if the Town will vote to authorize the Board of Selectmen to apply for Federal and State Grants for which the Town is or may be eligible and to expend the funds received thereunder, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:**    *To allow the Board of Selectmen to apply for grants that may come available during the year.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to authorize the Board of Selectmen to apply for Federal and State Grants for which the Town is or may be eligible and to expend the funds received there-under.

**Quantum of Town Meeting Vote:   Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 3:           ELECTED OFFICIALS' COMPENSATION**

To see if the Town will vote to allow the following compensation for the following elected officials:

Selectman (four)	\$ 760	Town Clerk	\$ 60,000
Board of Selectmen, Chairman	\$ 910	Town Moderator	\$    65
Assessor (two)	\$ 760	Highway Surveyor	\$ 80,000
Board of Assessors, Chairman	\$ 910	Tree Warden	\$  1,443

for the ensuing year, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:**    *To provide compensation for elected officials as proposed by the Town Manager. The Highway Surveyor's salary has been adjusted to reflect the proposed change of the position to Public Works Director.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to allow the following compensation for the following elected officials:

Selectman (four)	\$ 760	Town Clerk	\$ 60,000
Board of Selectmen, Chairman	\$ 910	Town Moderator	\$ 65
Assessor (two)	\$ 760	Highway Surveyor	\$ 80,000
Board of Assessors, Chairman	\$ 910	Tree Warden	\$ 1,443

for the ensuing year.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Majority**

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**ARTICLE 4: WAGE AND CLASSIFICATION SCHEDULE**

To see if the Town will vote to amend and adopt for Fiscal Year 2010 the Town of Groton Wage and Classification schedule as shown in Appendix B of this Warrant, or to take any other action relative thereto.

**BOARD OF SELECTMEN  
TOWN MANAGER**

**Board of Selectmen: Unanimous**  
**Finance Committee: Recommended by Majority Vote (3 For, 1 Against, 1 Abstain)**

**Summary:** *This article proposes to provide a two (2%) percent COLA for FY 2010 for employees covered by the Personnel Bylaw or who have individual contracts. The actual funding for this adjustment is contained in the proposed Operating Budget for FY 2010 to be voted in Article 5 of this Town Meeting Warrant. In addition, due to the recent change in government, the position of Administrative Assistant to the Administrative Officer has been updated and changed to Executive Assistant to the Town Manager. The position has been reclassified to a Grade 9 from a Grade 7 to reflect added responsibilities and duties. The position of Principal Assessor has been added to reflect changes in the Groton Charter.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to amend and adopt for Fiscal Year 2010 the Town of Groton Wage and Classification schedule as shown in Appendix B of the Warrant for the 2009 Spring Town Meeting.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes**

- The Administrative Assistant in the Town Manager's Office was reclassified to Executive Assistant to reflect new duties brought about by changes in the Charter.
- The Principal Assessor was removed the Union Contract and returned to a Bylaw position so that it could fully participate in budget preparation etc, as part of the Finance Department as called for in the Charter. This includes participating in including union deliberations etc

**Vote: Unanimous**

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**ARTICLE 5: FISCAL YEAR 2010 ANNUAL OPERATING BUDGET**

To see if the Town will 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 the next fiscal year (2010), and act upon the budget of the Finance Committee, or to take any other action relative thereto.

**FINANCE COMMITTEE  
BOARD OF SELECTMEN  
TOWN MANAGER**

**Board of Selectmen: 4 - Yes 1 - abstain**  
**Finance Committee: Recommended Unanimously**

**Summary:** *Budget – In accordance with Section 6 of the Town Charter, the Finance Committee conducts its annual budget process by receiving the Town Manager’s proposed balanced budget on or before December 31<sup>st</sup>; meeting with department heads and boards; holding public budget hearings in preparation for issuing its recommendations to Town Meeting; and presenting its budget recommendations at spring Town Meeting. The budget handout for this Article is contained as Appendix A of this Warrant. Please also see Finance Committee and Town Manager’s Report which includes the Finance Committee’s and Board of Selectmen’s recommendations.*

The FY 2010 Budget document is available separately, as published by the Town Manager.

**Mover: George Dillon**

**MOTION:** I move that the Town vote to raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the expenses of the Town for the next fiscal year (2010) and act on the budget of the Finance Committee.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

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**ARTICLE 5 / MOTION 1: GENERAL GOVERNMENT Mover: Jay Prager**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$1,896,335 for General Government as represented by lines 1000 through 1522 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes**

- The Town Manager simplified the budget process and delivered the budget on time to the Finance Committee
- The true measure of success of the budget will be the continued delivery of services in tight times
- The budget presented to the town meeting is the budget of the Finance Committee

**Vote: Unanimous**

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**ARTICLE 5 / MOTION 2 PROTECTION OF PERSONS & PROPERTY**

**Mover: Jan Cochran**

**MOTION:** I move that the Town vote to appropriate from Emergency Medical Services Receipts Reserved the sum of \$90,000 to Fire & Emergency Medical Services and to raise and appropriate the sum of \$2,730,578 for a total of \$2,820,578 for Protection of Persons and Property as represented by lines 2000 through 2222 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 5 / MOTION 3 SCHOOLS**

**Mover: Thomas Sangiolo**

**a.) Nashoba Valley Technical School**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$469,457 for the Nashoba Valley Regional Technical School as represented by line 3000 in the Budget.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes**

- This is the amount requested by NVTs. No change is town assessment.

**Vote: Chair declared a majority vote**

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## **SPECIAL TOWN MEETING**

**TOWN MEETING ADJOURNED AT 8:13 PM**

**THE SPECIAL TOWN MEETING WAS CALLED TO ORDER. A QUORUM OF 265 WAS PRESENT (QUORUM REQUIREMENT IS 143).**

- Warrant was declared to be duly posted. Motion to waive reading of the warrant was **seconded.**
- **Unanimous vote**

**THE CHAIR DECLARED A RECESS IN THE SPECIAL TOWN MEETING.**

**RETURNED TO THE ANNUAL TOWN MEETING AT 8:16 PM.**

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**b.) Groton Dunstable Regional School District**

**Mover: Thomas Sangiolo**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$15,959,143 for the Groton Dunstable Regional School District as represented by Lines 3020 through 3023 in the budget.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

### **Minutes**

- **School Committee Presentation (Dr. Genovese and Dr. Funch)**
  - School District is making structural changes to increase affordability
  - This is a collaborative process. The budget shows a \$930K reduction in services.
  - If state aid continues to decline, another \$350K reduction may be needed.
  - The state has promoted structural changes in the way schools are funded. Funding is being shifted to the property tax.
  - Declining enrollment lowers expenses, but also lowers state aid.
  - Essentially, a “no growth” budget is being proposed. However, the 2.5% increase from Groton doesn’t keep up with cuts in state aid.

**Vote: Unanimous**

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**MOTION 4: HIGHWAY AND HEALTH**

**Mover: Jay Prager**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$1,696,363 for Highway and Health as represented by lines 5000 through 5165 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.



**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**MOTION 5: LIBRARY AND CITIZEN'S SERVICES**

**Mover: Rick Hughson**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$929,269 for Library and Citizen's Services as represented by lines 7000 through 7162 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Majority**

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**MOTION 6: DEBT SERVICE**

**Mover: Jay Prager**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$1,375,885 for Debt Service as represented by lines 8000 through 8060 in the Budget; each line item to be considered as a separate appropriation for the purposes voted.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**MOTION 7: EMPLOYEE BENEFITS**

**Mover: Jay Prager**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$2,624,850 for Employee Benefits as represented by lines 9000 through 9022; each line item to be considered as a separate appropriation for the purposes voted.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes:**

1. Question (Line Item 9020): What is being done to minimize insurance costs?  
Response: Groton is a member of Minuteman Nashoba Health Group and as a member

of the group experienced a 6% increase in costs, considered to be acceptable in today's climate.

2. Floor Comment: Would like to see the Town join GIC-Group Insurance Commission to gain the purchasing power of 351 Cities and Towns.

**Vote: Unanimous**

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**MOTION 8: WATER ENTERPRISE**

**Mover: Michael Flynn**

**MOTION:** I move that the Town vote to appropriate from Water Rates and Fees the sum of \$1,046,525 to the Water Enterprise Fund for FY 2010 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**MOTION 9: SEWER ENTERPRISE**

**Mover: Michael Flynn**

**MOTION:** I move that the Town vote to transfer from Sewer Enterprise Excess and Deficiency the sum of \$27,021 and to appropriate from Sewer Rates and Fees the sum of \$770,094 for a total of \$797,115 to the Sewer Enterprise Fund for FY2010 to defray all operating expenses, interest charges, and principal payments on bonds outstanding as they accrue and any reimbursement to the Town.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**Motion 10: ELECTRIC LIGHT**

**Mover: Michael Flynn**

**MOTION:** I move that that the Town vote to appropriate the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or from municipal power and from the sale of jobbing during Fiscal 2010 for the Groton Electric Light Department; the whole to be expended by the Manager of that department under the direction and control of the Board of Electric Light Commissioners for the expenses of the ensuing fiscal year as defined in Section 57 of Chapter 164 of the General Laws of the Commonwealth. The total fund to be appropriated is -0-.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**SPRING TOWN MEETING WAS RECESSED AT 8:24 PM IN ORDER TO OPEN THE SPECIAL TOWN MEETING.**

**THE SPRING TOWN MEETING WAS RECONVENED AT 9:09 PM**

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**ARTICLE 6: 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 Authority, or to take any other action relative thereto.

**GROTON COUNTRY CLUB AUTHORITY**

**Board of Selectmen: Unanimous**  
**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 Budget is contained as Appendix C of this Warrant.*

**Mover: George Dillon**

**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 set forth in Appendix C of the Warrant for the 2009 Spring Town Meeting.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 7: FISCAL YEAR 2010 CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money for the purpose of funding the FY 2010 Capital Budget as follows:

<u>Item</u>	<u>Proposed Amount</u>	<u>Department</u>
Bobcat Tractor	\$ 25,000	Transfer Station
Dump Truck	\$125,000	Highway Department
Public Safety Evidence Processing Area	\$ 25,000	Town Facilities
Police Cruisers	\$ 52,000	Police Department
Upgrade Telephone System	\$ 30,000	Police Department
Records Management	\$ 50,000	Police Department
Chief's Vehicle Replacement	<u>\$ 40,000</u>	Fire and EMS
Total Requested:	\$347,000	

or to take any other action relative thereto.

**TOWN MANAGER**

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

**Summary:** *Section 6-6 of the Groton Charter requires the Town Manager to submit a Capital Improvement Plan to the Board of Selectmen and Finance Committee that lists all capital improvements proposed to be undertaken during the next five years. A copy of the proposed plan is on file in the Office of the Town Clerk. The above listed items are proposed for Fiscal Year 2010. The following is a summary of each request:*

- *The Bobcat at the Transfer Station is 10 years old and is used to move recyclables at the Transfer Station as well as snow removal and other maintenance issues. Due to the increase in recyclables, a larger Bobcat is needed to accommodate the needs of the Transfer Station.*
- *The Dump Truck is over 25 years old and is a front line vehicle in the fleet. It is used for plowing and sanding. This vehicle is getting more and more difficult to maintain is becoming increasingly unreliable for a front line piece. This is a scheduled replacement.*
- *The current evidence processing area located in the public safety building is below standard. The proposal calls for five movable double faced ranges. The system will be constructed with center groove rail system with SST ramp plate. It will provide for secure storage of evidence and weapons.*
- *This request is for the purchase of two police sedans and related equipment for replacement of cruisers that are no longer cost effective to maintain. This would allow the Department to have six marked cruisers. This allows for lesser mileage per year, better maintenance scheduling, assignment of cars to officers and for a programmed replacement scheduled that insures that line cars are rotated out at reasonable mileage and wear and then un-marked cars are rotated in the same fashion.*
- *Technology improvements and reliability are crucial to the Operation of the Police Department. The phone system has not been updated to meet the new demands on the Police operation. Upgrading the phone system will also allow the Town to create a*

primary and/or back-up Emergency Operations Center at the Public Safety Building. The new system will allow the Department to meet these needs and deal with changes in technology of the Enhanced 911 System and other improvements. This item can be considered a scheduled replacement.

- The present storage cabinets in the Police Department provide about 333 linear filing inches. It is completely inadequate to address the file storage needs of the Police Department. Many of the reports and records of the Department are required to be kept for many years. Additional storage is needed badly. The proposal is to provide four Times -2 Storage units. These units will be letter size units with four drawers for hanging folds and three letter size drawers. There will also be four three tier high units with pull out drawers. This proposed system will increase the storage capacity in the same size room to 1920 linear filing inches.
- The Chief's current vehicle is a 2001 Ford Explorer and has approximately 75,000 miles. It has been the Fire Chief's vehicle for 8 years. This vehicle will be reassigned to the day staff for responding to emergency calls, station/apparatus maintenance, inspections, etc.

**Mover: George Dillon**

**MOTION 1:** I move that the Town vote to transfer from the Emergency Medical Services Receipts Reserved Account the sum of \$40,000 to purchase a new vehicle for the Fire Chief.

**Quantum of Town Meeting Vote: Majority**

**Vote: Majority**

**MOTION 2:** I move that the Town vote to transfer from the Capital Stabilization Fund the sum of \$307,000 for the following capital items:

<u>Item</u>	<u>Amount</u>	<u>Department</u>
Bobcat Tractor	\$ 25,000	Transfer Station
Dump Truck	\$125,000	Highway Department
Public Safety Evidence Processing Area	\$ 25,000	Town Facilities
Police Cruisers	\$ 52,000	Police Department
Upgrade Telephone System	\$ 30,000	Police Department
Records Management	<u>\$ 50,000</u>	Police Department
Total Requested:	\$307,000	

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

**Vote: Chair declared 2/3 vote. 7 voters did not contest the ruling of the chair**

**ARTICLE 8: 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," as detailed in the Planning Board report entitled, "Wind Energy Conversion Facilities," on file in the Office of the Town Clerk, or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen: Unanimous**  
**Finance Committee: Recommended by Majority Vote (2 in Favor, 3 Abstain)**

**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.*

**Chair:**

- The Chair informed the Meeting of the procedure to be followed during the discussion of this article:
  - A Motion would be heard
  - There will be a presentation by the Planning Board
  - Bob Pine, resident, will offer an amendment and also present

**Mover: Joshua Degen**

**MOTION:** I move that the Town 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," as detailed in the Planning Board report entitled, "Wind Energy Conversion Facilities," on file in the Office of the Town Clerk.

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

**Seconded**

**Minutes**

- **Planning Board Member John Giger** - The Planning Board held a public hearing on February 19, 2009, continued on February 26, 2009 and March 26, 2009, to consider the proposed Wind Energy Conversion Facilities amendment. The Board voted unanimously to recommend this article. A copy of the text of proposed amendment is contained in the handout. A presentation was delivered.

- Mr. Pine offered an amendment, which addressed two aspects of the by-law proposal:
  - Added environmental protection of avian species
  - Required town meeting to approve wind energy towers over 200 feet in height
- Floor Comment: Commercial facilities in Groton would need to be 400'-500'. The amendment to require town meeting approval will effectively kill wind energy in Groton because a 1/3 vote to deny is "too easy".
- Planning Board: No objection to environmental conditions
- Town Counsel: Massachusetts Land Court and Appeals court have both ruled against "concept plans", but this is not final. Concept plan approved is in the Mass courts as inconsistent with Special Permits.
- Mass law requires that 25% of energy be of a renewable type by 2020.

**Motion to Move the Question (Pine Amendment) / Seconded**

**Quantum: 2/3's majority**

**Vote on Motion to Move: Chair declared 2/3 vote**

**Motion to vote on (Pine) Amendment / Seconded**

**Vote on motion to amend (Pine Amendment): Defeated**

**Motion to move the question (Main Motion) / Seconded**

**Quantum: 2/3's majority**

**Vote on motion to move: Chair declared 2/3 vote. 7 voters did not challenge**

**Vote on Main Motion: Chair declared 2/3 vote. 7 voters did not challenge.**

**Article 8 passed**

**Motion to Adjourn Town Meeting until May 4 at 7:00 PM / Seconded**

**Quantum: Majority**

**Vote: Majority**

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**The first session of the Spring Town Meeting adjourned at 10:50 PM.**

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**The first adjourned session of the Spring Town Meeting was called to order at 7:00 PM on May 4, 2009.**

**ARTICLE 9: ACCESSORY APARTMENTS**

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 are regulated under § 218-16D	SP	SP	SP	N	N	N	N

or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen:** At Town Meeting  
**Finance Committee:** No Position

**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.*

**Mover:** Joshua Degen

**MOTION:** I move that the Town 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 printed in the warrant for the 2009 Spring Town Meeting.

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



**Seconded**

**Minutes:**

o **Planning Board – Member Tim Hess**

The Planning Board held a public hearing on April 16, 2009, continued on April 23, 2009, to consider the proposed amendment to the Accessory Apartments provisions. The Board voted unanimously to recommend the amendment to allow accessory apartments in accessory structures such as barns and garages. The by-law will provide more flexibility to homeowners. Accessory Apartments are limited to one bedroom, cannot exceed 800 SF, and require a special permit from the Zoning Board of Appeals.

o Q: Will this change allow a second dwelling on any single family lot?

A: Yes, but the accessory apartment will need to conform to the zoning by-law

o The Board of Health is required to exercise their control over accessory apartments

o Q: Does Ch 218-16D (1) Purpose exclude the application of this by-law to duplex houses?

A: In the opinion of Town Counsel, Ch 218-16D (1) does not preclude duplex houses from adding accessory apartments.

**Vote: 90 Affirmative 56 Negative Article 9 is defeated**

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**ARTICLE 10: SCHEDULE OF USE REGULATIONS**

To see if the Town will vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, 218-13 Schedule of Use Regulations, striking out the word “detached” and inserting in its place the word “attached” in the following use in the Residential section:

	<b>R-A</b>	<b>R-B</b>	<b>B-1</b>	<b>M-1</b>	<b>C</b>	<b>O</b>	<b>P</b>
2-family <del>detached</del> attached dwelling, provided that its external appearance is not significantly different from a single-family dwelling	Y	Y	Y	N	N	N	N

or to take any other action relative thereto.

**PLANNING BOARD**

**Board of Selectmen 3- at Town Meeting 2- Yes**

**Finance Committee: No Position**

**Summary:** *The proposed zoning amendment requires that the two units in a two--family dwellings must be attached.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to amend Chapter 218, Zoning, of the Code of the Town of Groton, Section 218-13 Schedule of Use Regulations, as printed in the warrant for the 2009 Spring Town Meeting.

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

**Seconded**

**Minutes:**

o **Planning Board - Member Russ Burke**

The Planning Board held a public hearing on April 16, 2009, continued on April 23, 2009, to consider the proposed amendment to the two-family line item in the Schedule of Use Regulations. The Board voted unanimously to recommend this article. The original Schedule of Use Regulations, adopted in 1978, refers to "detached" rather than "attached" for new construction of two family dwellings. The proposed amendment clarifies that the two dwellings units must be attached.

**Vote: Chair declared a 2/3 vote. 7 voters did not contest**

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**ARTICLE 11: CHAPTER 119 – BUILDING NUMBERING BYLAW**

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 119 Buildings, Numbering of, by deleting the existing Chapter 119 in its entirety, and by substituting in its place, a new Chapter 119 Buildings, Numbering of, as follows:

**Chapter 119: BUILDINGS, NUMBERING OF**

[HISTORY: Adopted by the Annual Town Meeting of the Town of Groton 4-25-1992 by Art. 18. Amendments noted where applicable.]

**§ 119-1. Statutory authorization**

Pursuant to the statutory authorization granted under MGL C. 40, § 21, and C. 148, §59, the Town of Groton hereby enacts this chapter requiring and regulating the numbering of buildings within the municipal boundaries of the Town of Groton.

**§ 119-2. Purpose**

The standards and regulations set forth within the provisions of this chapter shall have the purpose and effect of promoting the general health, safety, welfare and convenience of the inhabitants of the Town of Groton by reducing the difficulty in responding to individual residences in cases of police, fire, medical or other emergency situations requiring immediate location and response; by facilitating the delivery efforts of the United States Postal Service through the creation of a numbering system for all delivery locations; by decreasing the potential for traffic accidents caused by motorists searching for address locations; by improving local census data gathering capabilities; by improving the accuracy of important legal documents requiring address location information; and by assisting the planning efforts of a growing community.

### **§ 119-3. Administration; street list; assignment of numbers; Town Map**

- A. This chapter shall be administered by the Town Manager or his/her designee who shall see that building numbers are assigned to all dwellings, public buildings, businesses and structures used as a place of business or gathering.
- B. The Town Clerk shall prepare and maintain through annual update a street list of the Town of Groton consisting of an alphabetical listing of all streets, with residents or business names listed in the order of their assigned numbers.
- C. The Town Manager or his/her designee shall see to the preparation of a Town Map indicating the approximate location of the numbering system within the Town.

### **§ 119-4. Compliance required**

All dwellings, public buildings, businesses, structures, and places of gathering, as determined by the Fire Chief, shall be identified by their properly assigned street number (as assigned and certified by the Town of Groton). It is the responsibility of each property owner to obtain the correct street number from the Town Manager or his/her designee. It shall be the responsibility of the owner/occupant to maintain and attend to the assigned street number(s). Under no circumstance should a street number, other than that which is properly assigned, be displayed. Numbers shall be displayed within 60 days of the enactment of this chapter or within 60 days of a new street number assignment. New structures must have their numbers properly displayed prior to occupancy.

### **§ 119-5. Assignment of numbers**

#### **A. New structures**

Whenever any residential or non-residential structure is constructed or developed, it shall be the duty of the owner to procure an assigned number or numbers from the Building Commissioner. The number shall be assigned prior to the issuance of any permits associated with the construction.

#### **B. New subdivisions**

Any prospective subdivider shall show the proposed building numbering system on the definitive subdivision plan or Approval Not Required (ANR) plan. Endorsement of said plan by the Planning Board shall constitute the assignment of building numbers to the lots shown on the plan. The building numbering shall follow the numbering system as provided in any regulations promulgated pursuant to this Chapter.

#### **C. Building numbering changes**

When it is necessary to correct an existing building number for public safety purposes, the Fire Chief shall assign a new building number. All affected property owners shall be notified in writing of the change. The written notice shall advise that the new number shall become effective 60 days from the date of the notice.

### **§ 119-6. Regulations**

After public notice and public hearing, the Board of Selectmen shall have authority to promulgate rules and regulations to implement this chapter, to enforce the provisions of this chapter, and to take any other actions reasonable and appropriate to implement this chapter.

### **§ 119-7. Open Land Numbering**

All parcels of land in the Town of Groton that do not contain buildings will be assigned parcel numbers that are identical to those recorded in the Assessor's database for the Town. Use of these parcel numbers for emergency situations is limited to when no building numbers are available.

### **§ 119-8. Enforcement**

- A. The Town Manager or his/her designee shall enforce this chapter, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders - The Town Manager or his/her designee may issue a written order to enforce the provisions of this chapter, or the regulations thereof.
- C. Criminal penalty - Any person who violates any provision of this chapter, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense
- D. Noncriminal disposition - As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL C. 40, § 21D, which has been adopted by the Town in the Code of the Town of Groton Chapter 1, § 1-4, Complaints, in which case the Town Manager or his/her designee shall be the enforcing person. The penalty for each violation shall be \$50 for the first violation, \$100 for the second violation, and \$300 for the third violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### **§ 119-9. Severability**

If any provision, paragraph, sentence, or clause of this chapter is held invalid for any reason by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

### **§ 119-10. Effective date**

This chapter shall take effect upon approval of the Attorney General in accordance with M.G.L., Ch. 40 § 32.

or to take any other action relative thereto.

### ***BOARD OF SELECTMEN***

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

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

**Mover:** Anna Eliot

**MOTION:** I move that the Town vote to amend the Code of the Town of Groton, Chapter 119 Buildings, Numbering of, by deleting the existing Chapter 119 in its entirety, and by substituting in its place, a new Chapter 119 Buildings, Numbering of, as printed in the warrant for the 2009 Spring Town Meeting.

**Quantum of Town Meeting Vote:** Majority

**Minutes:**

- **Planning Board - Member Scott Wilson**

At its regular meeting on April 16, 2009, the Planning Board voted unanimously to support the amendment to the Building Numbering provisions because it addresses an important public safety concern.

**Vote:** Majority

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**ARTICLE 12:                   STORMWATER MANAGEMENT REVOLVING FUND**

To see if the Town will vote to renew the revolving account under Chapter 44, § 53E½ of the General Laws for the purpose of utilizing receipts and fees received under Chapter 198 of the Code of the Town of Groton, Stormwater Management - Low Impact Development, said receipts and fees to be credited to said account and expended by the Earth Removal Advisory Committee for administration, oversight and review activities under Chapter 198, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2010, or to take any other action relative thereto.

**STORMWATER ADVISORY COMMITTEE**

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

**Summary:** *This article authorizes the use of the revolving fund for technical review and processing of applications submitted under Chapter 198, Stormwater Management - Low Impact Development.*

**Mover:** Anna Eliot

**MOTION:** I move that the Town vote to renew the revolving account under Chapter 44, §53E½ of the General Laws for the purpose of utilizing receipts and fees received under Chapter 198 of the Code of the Town of Groton, Stormwater Management - Low Impact Development, said receipts and fees to be credited to said account and expended by the Earth Removal Stormwater Advisory Committee for administration, oversight and review activities under Chapter 198, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2010.

**Quantum of Town Meeting Vote: Majority**

**Vote: Unanimous**

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**ARTICLE 13: CONSERVATION COMMISSION REVOLVING FUND**

To see if the Town will vote to renew the revolving account under Massachusetts General Laws, Chapter 44, § 53E½ for the purpose of utilizing receipts and fees received for agricultural or silvicultural activities conducted on Town-owned conservation land under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town, with the maximum amount in said account not to exceed \$10,000 for Fiscal Year 2010, or to take any other action relative thereto.

**CONSERVATION COMMISSION**

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

**Summary:** *This article re-authorizes the use of the revolving fund (established in 2007) for the management of conservation land in Groton. Reauthorization allows for reduced fees for management of conservation lands in Groton.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to renew the revolving account under Massachusetts General Laws, Chapter 44, § 53E½ for the purpose of utilizing receipts and fees received for agricultural or silvicultural activities conducted on Town-owned conservation land under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town, with the maximum amount in said account not to exceed \$10,000 for Fiscal Year 2010.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes:**

- “Friendly” Amendment to correct omission in Article, as follows:  
Add the words “to be expended” after the words “maximum amount”.

**Motion**

I move that the Town vote to renew the revolving account under Massachusetts General Laws, Chapter 44, § 53E½ for the purpose of utilizing receipts and fees received for agricultural or silvicultural activities conducted on Town-owned conservation land under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town, with the maximum amount to be expended in said account not to exceed \$10,000 for Fiscal Year 2010.

**Seconded**

**Quantum: Majority**  
**Vote: Majority**

**Vote on Main Motion (as amended): Majority**

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**ARTICLE 14: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION**

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption for Fiscal year 2010 for those persons who qualify for property tax exemptions under Massachusetts General Laws, Chapter 59, Section 5, not to exceed \$1,000, or to take any other action relative thereto.

**BOARD OF ASSESSORS**

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

**Summary:** *This article is geared to elderly persons, blind persons and veterans, with service connected disabilities. It would increase the exemption under state statute up to 100% of the exemption.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow an additional property tax exemption for Fiscal Year 2010 for those persons who qualify for property tax exemptions under Massachusetts General Laws, Chapter 59, Section 5, not to exceed \$1,000.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 15: COMMUNITY PRESERVATION COMMITTEE BUDGET**

To see if the Town will vote to make the following appropriations from the Community Preservation Fund:

Allocation of Community Preservation Funds to the following sub accounts:

CPC Operating Expenses: \$ 35,000  
Open Space Reserve: \$ 70,000

Historic Resource Reserve: \$ 70,000  
Community Housing Reserve: \$ 70,000  
Unallocated Reserve: \$455,000

or to take any other action relative thereto.

**COMMUNITY PRESERVATION COMMITTEE**

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

**Summary:** *This is an accounting procedure that is necessary to ensure the Community Preservation Committee will have access to the funds raised during FY10. None of these funds will be spent without additional approval at Town Meeting*

**Mover: Anna Eliot**

**MOTION:** I move that the Fiscal Year 2010 revenues to the Community Preservation Fund be divided to the following sub accounts to be administered by the Community Preservation Committee as follows:

CPC Operating Expenses: \$ 35,000  
Open Space Reserve: \$ 70,000  
Historic Resource Reserve: \$ 70,000  
Community Housing Reserve: \$ 70,000  
Unallocated Reserve: \$455,000

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2010, and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, and by authorizing the Board of Selectmen, with the approval of the Community Preservation Committee to acquire, by purchase, gift or eminent domain such real property interests in the same of the Town, or enforceable by the Town, including real property interests in the form of permanent affordable housing restrictions and historical preservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing, or to take any other action relative thereto.

**CPC Proposal A: Groton Youth Baseball Field Construction: \$148,152**



**Summary:** *The Groton Youth Baseball League and Parks Commission have requested funds to construct a new baseball field to be located off of Cow Pond Road adjacent to the three existing baseball fields. The Cow Pond Facility is the central location for the youth baseball program and includes three existing fields, two batting cages, a small concession stand, and multiple storage units. This will allow for an additional field to meet the growing baseball population, which has doubled over the last seven years and free up other fields in town for use by other organizations that need more space as well.*

**Board of Selectmen:** **Unanimous**  
**Finance Committee:** **Recommended by Majority Vote (3 For, 2 Against, 1 Abstain)**

**Mover: Joshua Degen**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$148,152 from the Community Preservation Fund Unallocated Reserve to fund Community Preservation Application 2010-01 "Field of Dreams, Groton Youth Baseball Field Construction".

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Majority**

**CPC Proposal B: Allocation to the Conservation Land Fund: \$100,000**

**Summary:** *The Conservation Fund has been used by the Conservation Commission to purchase Conservation Restrictions, Agricultural Preservation Restrictions, and to purchase conservation land outright within the Town of Groton. Placing CPA funds into the Conservation Fund makes them instantly available to the Conservation Commission for acquiring open space that may be available for purchase for only a short period of time. The workload on the Community Preservation Committee will be reduced by having the Conservation Commission be responsible for the acquisition of open space for the Town. The process of negotiating and purchasing open space can be time consuming and span many years. Relying on the expertise of the Conservation Commission in the area of open space acquisition will allow the Committee to focus more of its attention on the new activities of historic preservation, recreation, and community housing.*

**Board of Selectmen:** **Unanimous**  
**Finance Committee:** **Not Recommended by Majority Vote (4 Against, 2 Abstain)**

**Mover: Peter Cunningham**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$100,000 from the Community Preservation Fund Unallocated Reserve to fund Community Preservation Application 2010-02 "Conservation Land Fund".

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes:**

- FinCom (Jay Prager): Opposed to Proposal B. FinCom believes there are ample funds in the Conservation Committee account.
- FinCom: CPC funds are used to pay down the bond fro Surrenden Farms. The cloudy picture of state funding, and CPC reimbursements, makes it unwise to spend additional CPC funds, especially unallocated and open space funds. FinCom is not against the projects, but believes the risk of money shortfall should be avoided.
- Rep Hargraves: The state revenue picture is bleak. The deficit for the state as of May 1 was \$900 M. It is not inconceivable that CPC funds could be diverted to the state, and not reimbursed to the cities and towns.
- ConCom (Marshall Giguere): The Conservation Committee fund should be replenished such that the ConCom can be positioned to act upon an available parcel of land, should there be an appropriate opportunity.
- Greenway Committee spoke in support of ConCom.

**Motion to postpone indefinitely / Seconded**

**Quantum: Majority**

**Vote: Defeated**

**Main Motion**

**Vote: 92 Affirmative**

**80 Negative**

**Motion Carried**

**CPC Proposal C: Reconnaissance Archaeological Survey: \$ 40,000**

**Summary:** *This project is a continuation of the Groton Historical Commission's program of documenting the historic and archeological resources of Groton. This project also allows for the use of the results in the Town's Master Plan and includes recommendations for interpreting historic and archeological information to the citizens of the Town and visitors to Groton.*

**Board of Selectmen: 4- Yes 1- Against**

**Finance Committee: Not Recommended by Majority Vote (5 Against, 1 Abstain)**

**Mover: Anna Eliot**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$40,000 from the Community Preservation Fund Historic Resource Reserve to fund Community Preservation Application 2010-03 "Community Wide Reconnaissance Archaeological Survey".

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: 73 Affirmative**

**68 Negative**

**Motion Carried**

**CPC Proposal D: Groton Grange Preservation Project: \$137,000**

**Summary:** *The purpose of this project is to preserve the historic character and use of Groton Grange Hall by stabilizing its historic features and preventing further deterioration and ensure the continued use of Groton Grange Hall as it was historically and maximize its value for public use and benefit. Some of the work proposed would be to replace roofing, repair sills, rebuild the foundation, replace the egress door in the east corner of the building, replace any deteriorating clapboard siding, paint the side exterior of the building and replace and extend the heating system.*

**Board of Selectmen: 3- Yes 2- Against**  
**Finance Committee: Not Recommended By Majority Vote (1 For, 5 Against)**

**Mover: Peter Cunningham**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$100,000 from the Community Preservation Fund Historic Resource Reserve and to appropriate the sum of \$37,000 from the Community Preservation Fund Unallocated Reserve for a total of \$137,000 to fund Community Preservation Application 2010-04 "Groton Grange Preservation Project".

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes:**

- o Much floor discussion on the nature of the project and the specifics of the project.
- o Two major themes of the discussion:
  - o Appropriateness of spending public money on a private building
  - o Compliance with Americans with Disabilities Act (ADA) with the repair projects
- o The Grange presented itself as being a credible recipient of these funds. They have been in the community for over 100 years. The organization supports local agricultural activities. Their building is used by the public often. The building needs basic repairs, including the roof, windows, electric and miscellaneous.
- o The Grange stated that compliance with ADA requirements was their intention.

**Motion to move the question / seconded**

**Quantum: 2/3**

**Vote: Chair declared 2/3 majority. 7 voters did not contest**

**Main motion**

**Vote: Chair declared Majority vote. 7 voters did not challenge.**

**CPC Proposal E: Historic Documents Preservation: \$ 18,500**

**Summary:** *The project request is for funding to restore and preserve historical documents generated by the Town of Groton. This request is part of a multi-year set of requests (past and future) to preserve all the historic records of Groton. These documents record various aspects of*

*Groton's past government. In conjunction with the preservation of the physical landscape and historic buildings, these records help broaden the understanding of the history of Groton. The subject matter and timeframe of these documents make them irreplaceable. There are no copies available. The targeted list of documents for this request date from 1724, with the latest document dated 1880.*

**Board of Selectmen: Unanimous**  
**Finance Committee: *Not Recommended Unanimously***

**Mover: George Dillon**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$18,500 from the Community Preservation Fund Historic Resource Reserve to fund Community Preservation Application 2010-05 "Historic Documents Preservation Project".

**Quantum of Town Meeting Vote: Majority**

**Seconded**  
**Vote: Majority**

**CPC Proposal F: Phase II Footstone Reinstallation: \$ 2,850**

**Summary:** *This is a request for funding to assist the Old Burying Ground Commission restore 29 footstones to the Burying Ground. Phase I of this project was completed in the fall of 2008 and it is the intention of the Commission to complete Phase II, finishing the project by the fall of 2009. This is a short term project; however, the benefits of reinstalling these footstones will last for generations and will allow the Commission to continue the legacy of those who made Groton their final resting place.*

**Board of Selectmen: Unanimous**  
**Finance Committee: *Not Recommended Unanimously***

**Mover: Joshua Degen**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$2,850 from the Community Preservation Fund Historic Resource Reserve to fund Community Preservation Application 2010-06 "Phase II Footstone Reinstallation".

**Quantum of Town Meeting Vote: Majority**

**Seconded**  
**Vote: Majority**

**CPC Proposal G: Unkety Brook Well Site Phase I: \$ 8,650**

**Summary:** *This request is for the engineering services and appraisal utilizing the Planning Board's consultant to review a "basic number of lots plan" and complete an appraisal based on those findings for the proposed future Well Site at Unkety Brook.*

**Board of Selectmen:** Unanimous  
**Finance Committee:** *Not Recommended by Majority Vote (2 For, 4 Against)*

**Mover:** Joshua Degen

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$8,650 from the Community Preservation Fund Open Space Reserve to fund Community Preservation Application 2010-08 "Unkety Brook Well Site Phase I".

**Quantum of Town Meeting Vote:** Majority

**Seconded**

**Vote:** Majority

**CPC Proposal H: Unkety Brook Well Site Phase II: \$ 65,000**

**Summary:** *This request is for the purchase of approximately one (1) acre of land associated with the proposed future Well Site at Unkety Brook. This Department of Environmental Protection requirement is needed in order to secure the entire 400' radius around the well head and obtain final approval.*

**Board of Selectmen:** 4-Against 1- at Town Meeting  
**Finance Committee:** *Not Recommended Unanimously*

**Mover:** Joshua Degen

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$8,000 from the Community Preservation Fund Open Space Reserve and to appropriate the sum of \$57,000 from the Community Preservation Fund Unallocated Reserve for a total of \$65,000 to fund Community Preservation Application 2010-09 "Unkety Brook Well Site Phase II".

**Quantum of Town Meeting Vote:** Majority

**Seconded**

**Vote:** 54 Affirmative 56 Negative Motion defeated

**COMMUNITY PRESERVATION COMMITTEE**

**ARTICLE 17: DEBT SERVICE FOR SURRENDEN FARMS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum or sums of money, pursuant to Massachusetts General Laws, Chapter 44B, Section 5 for debt service for Fiscal Year 2010 for the Surrenden Farm Land Acquisition, as authorized under Article 1 of the April 24, 2006 Special Town Meeting, or to take any other action relative thereto.

**Board of Selectmen: Unanimous**  
**Finance Committee: Recommended by Majority Vote (4 For, 1 Against)**

**Summary:** *This article appropriates the debt payments for the Surrenden Farms Land Purchase. Funding for this article will come from Community Preservation Funds. The anticipated debt service for FY 2010 is \$492,213.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$70,000 from the Community Preservation Fund Open Space Reserve and to appropriate the sum of \$422,213 from the Community Preservation Fund Unallocated Reserve for a total of \$492,213 for debt service for Fiscal Year 2010 for the Surrenden Farm Land Acquisition, as authorized under Article 1 of the April 24, 2006 Special Town Meeting.

**Quantum of Town Meeting Vote: Majority**

**Vote: Majority**

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**MOTION TO ADJOURN UNTIL MONDAY, MAY 11 AT 7:00 PM**

**Seconded**

**Vote: Majority**

**Meeting adjourned at 10:30 PM**

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**SECOND ADJOURNED SESSION CALLED TO ORDER AT 7:01 PM ON MAY 11, 2009**

**ARTICLE 18: RESCIND VARIOUS BYLAWS**

To see if the Town will vote to rescind the following Bylaws that are no longer functioning or are in conflict with the Town of Groton Charter approved by the October 22, 2007 Special Town Meeting and the May 21, 2008 Annual Election:

Chapter 9 – Capital Planning Committee  
Chapter 18 – Capital Growth Program  
Chapter 19 – Growth Management Advisory Committee  
Chapter 65 – Recreation Commission  
Chapter 77 – Town Government Structure and Bylaws Study Committee  
Chapter 86 – Treasurer/Collector

or to take any other action relative thereto.

### **BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

**Summary:** *The following summarizes the reasons for this recommendation:*

- *Chapter 9: Charter Section 6-6 specifies that capital planning is a responsibility of the Town Manager. The duties of the CPC are to review capital improvement proposals and make recommendations regarding capital spending to town meeting. The Town Manager now has responsibility for the expense and capital budgets, submitted to the Finance Committee.*
- *Chapter 18: The impact fees described in this by-law are invalid under Massachusetts law. In general, Massachusetts Courts have ruled that an impact fee, as described in this by-law, is an impermissible tax. If and when Massachusetts law allows such impact fees in some form or other, Groton will have to craft a new impact fee by-law that is consistent with the new state law.*
- *Chapter 19: At the present time the Growth Management Advisory Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee are being performed by other organizations in Town government or are no longer required.*
- *Chapter 65: At the present time the Recreation Commission has no members assigned and is non-functional. Recognizing that the current Recreation Commission has no members and in the interest of economy in town government operations, it makes sense to rescind this by-law and transfer the Recreation Commission responsibilities to the Park Commission, which is currently performing the essential duties of a Recreation Commission.*
- *Chapter 77: At the present time the Town Government Structure and By-Laws Study Committee has no members assigned and is non-functional. Since no members have been appointed to this committee, it appears that the duties and responsibilities of this committee have been assumed by other organizations in Town government or are no longer required.*
- *Chapter 86: The appointment of a Treasurer/Collector by the Town Manager as well as the powers and duties of the Treasurer/Collector are now defined in Section 5-3, Department of Finance, of the new Town Charter.*

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**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to rescind the following Bylaws, as set forth in the Code of the Town of Groton, that are no longer being utilized or are in conflict with the Town of Groton Charter approved by the October 22, 2007 Special Town Meeting and at the May 21, 2008 Annual Election:

Chapter 9 – Capital Planning Committee  
Chapter 18 – Capital Growth Program  
Chapter 19 – Growth Management Advisory Committee  
Chapter 65 – Recreation Commission  
Chapter 77 – Town Government Structure and Bylaws Study Committee  
Chapter 86 – Treasurer/Collector

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 19: BYLAW AMENDMENTS AFFECTING TOWN OPERATIONS**

To see if the Town will vote to amend the Code of the Town of Groton as follows:

Amend Chapter 4 “Aging, Council On” by deleting Section 4.4 in its entirety and replacing it with a new Section 4.4 as follows:

“The Town Manager shall appoint such clerks and other employees as may be required.”;

And, further, to amend Chapter 27 “Inspector of Wires” by deleting Section 27-1 in its entirety and replacing it with a new Section 27-1 as follows:

“The Town Manager shall appoint the Inspector of Wires in accordance with the provisions of M.G.L. c. 166, § 32.”;

And, further, to amend Chapter 84 “Town Property, Sale Of” by adding a new Section 84-1, entitled “Definitions” as follows and renumber the remaining sections of the Bylaw:

“84-1. Definitions. Personal Property – All property other than land and real estate owned by the Town of Groton.”;

And, further, to amend Chapter 84 “Town Property, Sale Of” by amending the new Section 84-2 by replacing the words “Board of Selectmen” with the words “Town Manager”.

And, further, to amend Chapter 137 “Farming” by amending Sections 137-4(B) and 137-5 by replacing in both sections, the words “Board of Selectmen” with the words “Town Manager”.

And, further, to amend Chapter 141 “Flood Damage Prevention” by amending Section 141-1(B) by replacing the words “Board of Selectmen” with the words “Town Manager”.

And, further, to amend Chapter 145 “Forest Lands” by deleting the words “with the approval of the Selectmen” in Section 145-1, so that it now reads as follows:



“The Forest Warden may order all forest lands in the Town closed to all persons except the owners or their agents when a period of high fire hazard exists.”;

And, further, to amend Chapter 153 “Historic Districts and Commissions” by amending Section 153-3 by replacing the word “Selectmen” with the words “Town Manager.”;

or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

**Summary:** *Section 4-2 of the Groton Charter assigns powers and duties to the Town Manager for the proper administration of all town affairs. The amendments to these by-laws are intended to promote efficiency in the day-to-day operations of the Town by assigning direct responsibility to the Town Manager, and in one case to the Fire Warden, for the operational aspects of these by-laws. These changes modify the several by-laws to be more consistent with the charter.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to amend the Code of the Town of Groton “Chapter 4 “Aging, Council On;” Chapter 27 “Inspector of Wires;” Chapter 84 “Town Property, Sale Of;” Chapter 137 “Farming;” Chapter 141 “Flood Damage Prevention;” Chapter 145 “Forest Lands;” and Chapter 153 “Historic Districts and Commission” as printed in the warrant for the 2009 Spring Town Meeting.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous**

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**ARTICLE 20: AMEND TOWN MEETINGS BYLAW**

To see if the Town will vote to amend Chapter 81 “Town Meetings” by deleting Section 81-1 in its entirety and replacing it with a new Section 81-1 entitled “Town Meetings” as follows:

“§ 81-1. Town Meetings

- A. The Spring Town Meeting by default shall be held on the last Monday in April. If the Board of Selectmen determine it infeasible or undesirable to hold the Spring Town Meeting on the last Monday in April, then, on a year by year basis, the Selectmen may establish a different Monday date, sometime in March, April or May, upon which to hold the Spring Town Meeting so long as they provide formal public notice of that date at least six (6) weeks prior to the date established.
- B. The Fall Town Meeting by default shall be held on the third Monday in October. If the Board of Selectmen determine it infeasible or undesirable to hold the Fall Town Meeting

on the third Monday in October, then, on a year by year basis, the Selectmen may establish a different Monday date, sometime during September, October, November or December, upon which to hold the Fall Town Meeting so long as they provide formal public notice of that date at least six (6) weeks prior to the date.

- C. Adjourned sessions of the Spring and the Fall Town Meeting shall be scheduled for subsequent Monday evenings, unless an alternative day is approved by a majority of those present and voting.”;

And, further, to amend Section 81-4 (A) by replacing the words “Annual Town Meeting” with the words “Spring Town Meeting”;

And, further, to amend Section 81-4 (B) by adding the word “a” before the word “Town” in the first sentence;

And, further, to delete Section 81-6 in its entirety,

or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

**Summary:** *All proposed changes in Chapter 81 are necessitated by Section 2-1, Town Meeting, of the new Town Charter. Language had been provided to give the Selectmen some flexibility in establishing an alternate date both for spring town meeting and the fall town meeting. This is deemed necessary because of holidays with floating dates and other events beyond the Selectmen’s control may make the default date for either or both meeting infeasible or undesirable.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to amend Chapter 81 of the Code of the Town of Groton, “Town Meetings” by deleting Section 81-1 in its entirety and replacing it with a new Section 81-1 entitled “Town Meetings” as printed in the warrant for the 2009 Spring Town Meeting.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Vote: Unanimous (NOTE – Article 20 was reconsidered later in this meeting in order to offer a more complete motion)**

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**ARTICLE 21: LAND ACQUISITION - BOSTON ROAD**

To see if the Town will vote to authorize the Conservation Commission to acquire, on behalf of the Town of Groton, a certain parcel of land located on Boston Road, shown as parcels 23 and 24.1 on Groton's Assessors' Map 253 and containing approximately 25.8 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; and, to transfer or appropriate from the Conservation Fund a sum or sums of money therefore, 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, and further, 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; and, 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 documents and take all necessary actions in connection with said acquisition, or to take any other action relative thereto.

### **CONSERVATION COMMISSION**

**Board of Selectmen:** Unanimous  
**Finance Committee:** *Recommended by Majority Vote (3 For, 2 Abstain)*

**Summary:** *A similar article was approved at the October 2008 Special Town Meeting. Since that time, the specific parcels have changed (land in Littleton has been excluded from the acquisition), and the purchase price has changed. The Conservation Fund will be the source of funding, and this will not require increasing the tax levy. Applying for the LAND grant will allow the Town to leverage those funds by 60%. A 25+ acre parcel that contains rare species habitat, including a 9 acre vernal pool with surrounding upland, is likely to be developed as a Chapter 40B affordable housing subdivision.*

**Mover:** Joshua Degen

**MOTION:** I move that the Town vote to authorize the Conservation Commission to acquire, on behalf of the Town of Groton, a certain parcel of land located on Boston Road, shown as parcels 23 and 24.1 on Groton's Assessors' Map 253 and containing approximately 25.8 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; and, to transfer or appropriate from the Conservation Fund a sum or sums of money therefore, 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, and further, 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; and, 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 documents and take all necessary actions in connection with said acquisition, or to take any other action relative thereto.

**Seconded**

**Mover: Joshua Degen**

**MOTION:** I move that this article be indefinitely postponed.

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes:**

- Land appraisal did not allow the LAND grant to go forward.
- The Board of Selectmen support the indefinite postponement of this article
- The Conservation Commission supports the postponement of this article, and do obtain a new appraisal.

**VOTE on MOTION TO INDEFINITELY POSTPONE: Unanimous**

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**ARTICLE 22: CONDUCT INCOME SURVEY**

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 submit an application for funding to the Rural Utilities Service, including the required Environmental Report, and to conduct an Income Survey for the Lost Lake area as identified in the Phase 1 Project Evaluation Report completed in 2005, for implementation of Wastewater Collection, Treatment and Disposal and Watershed Quality Improvements; and to authorize the Board of Selectmen to execute all documents and take all actions necessary to carry out the project, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: Not Recommended Unanimously**

**Summary:** *The Income Survey, to be conducted by a non-profit organization, RCAP, with support and leadership of the Lost Lake Sewer Committee, will determine if the Lost Lake area is eligible for grants and loans available from the Rural Utility Service. The Rural Utilities Service (RUS) funding application and Environmental Report will position the Town for funding opportunities through RUS and to put the project in the queue for potential federal economic stimulus funding. This cost to be borne by the taxpayer and is estimated to cost approximately \$10,000.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to raise and appropriate the sum of \$8,500 for the purpose of submitting an application for funding of an income survey to the Rural Utilities Service, including the required Environmental Report, and to conduct an Income Survey for the Lost Lake area as identified in the Phase 1 Project Evaluation Report completed in 2005, for implementation of Wastewater Collection, Treatment and Disposal and Watershed Quality Improvements; and to authorize the Board of Selectmen to execute all documents and take all actions necessary to carry out the project.

## Quantum of Town Meeting Vote: Majority

### Seconded

#### Minutes:

#### NOTE: Discussion was allowed on Articles 22 and 23

- **Mr. Doyle, Chair Lost Lake Sewer Committee**
  - The Lost Lake Sewer Committee (LLSC) was formed by a vote of the 2008 Town Meeting to address a well known problem of waste water management in the Lost Lake area.
  - The Lost Lake area is not conducive to private septic systems as it is densely built, has inadequate land for septic expansion, poor soil and high perc rates. The topography is congested and problematic (hills)
  - The Lost Lake area is in Zone 2 of the town well
  - Possible solutions include a cluster septic and a connection to the Ayer sewage system. It was felt that private on-site systems could not be successful.
  - Meeting state requirements involves the development of a comprehensive waste water management plan.
  - The Income Survey (Article 22) is required if determine if the Lost Lake area could be considered for rural development, and possibly eligible for grant money.
  - Explanation of \$8500 expenditure under Article 22
    - \$1600 for survey “hard costs”
    - Balance to cover costs of applying for grants, if eligible.
  - Explanation of \$300,000 expenditure under Article 23
    - Amount would be bonded. Actual amount to be bonded would be dependent upon responses to an RFP.
    - Mr. Doyle read a quite lengthy description of deliverables from the study that would be conducted. The study would recommend a specific solution, determine which homes would be affected, detail the engineering work and identify the cost of the solution.
  - Timing: This project may qualify for federal stimulus funds. An application must be filed by mid-August to be approved by the end of the year. Funding would become available in 2011. If this cycle is missed, the application would be pushed out a year.
- **Planning Board - Chairman Carolyn Perkins**

At its regular meeting on April 2, 2009, the Planning Board voted unanimously to support Articles 22 and 23 for the following reasons:

  - Providing a public sewer system will protect Knops Pond and Lost Lake, important natural resources to the Town.
  - The project will benefit homeowners who live in the area.
  - Installing a sewer system in the Lost Lake area will protect and improve water quality in the lake and protect the public water supply well at Whitney Pond.
  - The request for funding is timely because future phases may qualify for state and federal grants.
  - The project is consistent with the following objective of the Comprehensive Master Plan: To develop and implement long-range waste water solutions that will protect Groton’s environment and recharge groundwater.

- **Conservation Commission** supports Articles 22 and 23 unanimously
- **Board of Health** voted unanimously on April 6 to support these articles. Lost Lake septics are a regular item at Board of Health meetings. Variances are often issued to improve septic systems, but do not bring them to Title 5 standards.
- **Finance Committee** is opposed to Article 22 as it is too costly. The Finance Committee is opposed to Article 23 because facts are lacking to make an informed decision. A decision of this magnitude should be based upon responses to an RFP. These responses should also include a detailed impact statement, total cost of the project and a method of funding.
- **Greenway Committee** supports Articles 22 and 23 as their passage will enable enhancement of the Merrimack Watershed.
- **Floor**
  - Q: How long will this project take? A: It is expected that the Phase II / III Comprehensive Plan development will take 6 to 8 months.
  - Q: Who bears the cost of construction? A: Decided after Phase II / III
  - Q: What will the betterment to each affected homeowner total? A: Not know until the project is defined in Phase II / III.
  - Q: How many houses to be surveyed? A: 150 to 160 homes
  - Q: Is there a less expensive way to conduct the income survey? A: The Rural Utilities Service is a certified firm whose survey results can be submitted. Income data is private. RUS is certified to conduct a private survey, and should get a better participation rate.
  - Q: Will the proposed project address the totality of the wastewater problem in the Lost Lake Area? A: The final project definition will determine the extent of the solution
  - Q: Where are the treatment plants to be located? A: not able to be determined at this time.
  - There were a variety of questions from the floor regarding the use of eminent domain, size of treatment plants, costs of the project, location of treatment plants, and the use of new technology. Specific answers to these questions are premature, and would need the engineering study to address.
  - Q: How would Article 23 (authorizing up to \$300,000) be paid? A: A 15 year bond is proposed. The contract would be awarded based upon RFP responses. The amount will not exceed \$300,000 and could be less.
  - Q: Why use a consulting firm to develop the plan? Is there a conflict of interest if the consultants used to develop the plan also bid on the build-out? A: This is a large and technical project, requiring engineering expertise. Consultants have the necessary expertise to define and

address the pertinent issues. Final plans must adhere to state standards, minimizing issues of inherent advantage to a particular vendor.

**Vote (Article 22):   Majority**

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**ARTICLE 23:           PHASE II AND III – LOST LAKE WASTEWATER PLAN**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money, for 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; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen:           4 in favor   1 against**  
**Finance Committee:         Not Recommended Unanimously**

**Summary:**   *Phases II and III of long-term planning for wastewater collection, treatment and disposal, including soil investigations; collection, treatment and disposal technology selection and verification of areas needing off-site solutions to define the limits of the project; and submittal of environmental review documents that build on the Phase 1 Project Evaluation Report completed in 2005. Project needs to comply with environmental planning and regulatory permitting requirements prior to designing solutions. This cost to be borne by the taxpayer and is estimated to cost \$300,000.*

**Mover: Stuart Schulman**

**MOTION:**   I move that 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 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; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow the sum of \$300,000 and issue bonds or notes of the Town therefore, pursuant to Massachusetts General Laws, Chapter 44, Section 7 and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to

expend all funds available for the project and to take any other action necessary to carry out the project.

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

**Seconded**

**Minutes:** Refer to Minutes under Article 22

**MOTION to INDEFINITELY POSTPONE Article 23**

- **Quantum: Majority**
- **Seconded**

**MOTION to Move the Question (Indefinitely Postpone)**

- **Quantum: 2/3**
- **Seconded**
- **Vote: Chair declares 2/3 7 voters do not contest**

**Vote on motion to Indefinitely Postpone: Defeated**

**MOTION to Move the Question (Main Motion under Article 23)**

- **Quantum: 2/3**
- **Seconded**
- **Vote: 2/3 Majority**

**Vote on Main Motion under Article 23**

- **Quantum: 2/3**
- **Vote: Chair declares 2/3 vote 7 voters do not contest**

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**Mover: Town Counsel**

**Motion TO RECONSIDER ARTICLE 20**

- **Quantum: 2/3**
- **Seconded**
- **Vote: 2/3 Article 20 is reconsidered**

**Minutes:**

- Article 20 was asked for reconsideration in order to submit a more complete motion

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to amend Chapter 81 of the Code of the Town of Groton, "Town Meetings" by deleting Section 81-1 in its entirety and replacing it with a new Section 81-1 entitled "Town Meetings" as printed in the warrant for the 2009 Spring Town Meeting; and further, that the Town vote to amend Section 81-4 as shown in the warrant; and vote to delete Section 81-6 in its entirety and renumber Section 81-7 accordingly.



- **Quantum of Town Meeting Vote: Majority**
- **Seconded**
- **Vote: Unanimous**

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**ARTICLE 24: ACCEPT BROWN LANE AS A PUBLIC WAY**

To see if the Town will vote to accept as a Public Way, Brown Lane, as shown on a plan entitled "As Built Plan of Brown Lane in Groton, Massachusetts prepared for Brown Lane Homeowners Association" prepared by David E. Ross Associates, Inc. dated January 29, 2009, and recorded with the Middlesex South District Registry of Deeds, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Unanimous**  
**Finance Committee: No Position**

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

**Minutes:**

- **Planning Board – Member Ray Capes**

At its regular meeting on April 2, 2009, the Planning Board voted unanimously to recommend that the Board of Selectman lay out Brown Lane as a public way.

The Board determined that the construction of ways and installation of municipal services in the subdivision have been fully and satisfactorily completed by the applicant in accordance with the Subdivision Regulations.

**Mover: Stuart Schulman**

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

Brown Lane, as shown on a plan entitled "As Built Plan of Brown Lane in Groton, Massachusetts prepared for Brown Lane Homeowners Association" prepared by David E. Ross Associates, Inc. dated January 29, 2009, and recorded with the Middlesex South District Registry of Deeds;

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

**Quantum of Town Meeting Vote: Majority**

**Seconded**

Vote: Majority

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Motion to dissolve the meeting

- Seconded
- Vote: Majority

Meeting dissolved at 9:10 PM

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**Warrant, Summary, and Recommendations**

**MINUTES**

**TOWN OF GROTON**



**SPECIAL TOWN MEETING**

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

**SPECIAL TOWN MEETING MINUTES  
APRIL 27, 2009**

**THE SPECIAL TOWN MEETING WAS CALLED AT 8:13 PM ON APRIL 27, 2009.**

- 265 Voters were in attendance
- The Warrant was declared to have been duly posted
- The reading of the warrant was waived.

**Chair declared a recess in the Special Town Meeting at 8:14 PM to return to the Spring Town Meeting.**

**THE SPECIAL TOWN MEETING WAS RECONVENED AT 8:24 PM.**

Middlesex, ss.  
Commonwealth of Massachusetts  
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium in said Town on Monday, the twenty-seventh day of April, 2009 at Eight O'clock in the evening, to consider the following:

**ARTICLE 1: CURRENT YEAR LINE ITEM TRANSFERS**

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

**BOARD OF SELECTMEN**

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

**Summary:** *To transfer money within the FY 2009 Budget should the need arise. A handout explaining any necessary transfer will be available at Town Meeting.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to transfer certain sums of money within the Fiscal Year 2009 budget as follows:

**Transfer Funds From:**

<u>Line Item #</u>	<u>Description</u>	<u>Amount</u>
1480	Historic District Commission Wages	\$ 600
2021	Fire Department Wages	\$ 320
9020	Health Insurance Expenses	\$23,500
7042	Veterans' Benefits	\$ 800
	TOTAL	\$25,220

**Transfer Funds To:**

<u>Line Item #</u>	<u>Description</u>	<u>Amount</u>
1360	Zoning Board Expense	\$ 600
2020	Fire Department Salaries	\$ 320
2001	Police Wages	\$20,000
7000	Council on Aging Wages	\$ 3,500
5060	Solid Waste Wages	\$ 800
	TOTAL	\$25,220

**Quantum of Town Meeting Vote: Majority**

**Seconded**

**Minutes**

- Line 2020 corrects an accounting omission
- Line 7000 covers delay in state reimbursement
- Line 7042 (transfer "out") requested by Veteran's Agent

**Vote: Unanimous**

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**ARTICLE 2: TRANSFER WITHIN WATER ENTERPRISE FUND**

To see if the Town will vote to authorize the Groton Water Department to transfer a sum or sums of money from the Water Enterprise Fund Surplus to the Fiscal Year 2009 Water Department Budget, or to take any other action relative thereto.

**BOARD OF WATER COMMISSIONERS**

**Board of Selectmen: At Town Meeting**

**Finance Committee:**                    ***Recommendation Deferred Until Town Meeting***

**Summary:**    *This article allows the Water Department to transfer money from its surplus account to cover any deficit in the FY 2009 budget. More information will be provided at Town Meeting to explain any transfer requested under this article.*

**Mover:** Anna Eliot

**MOTION:**    I move that the Town vote to transfer \$50,000 from the Water Enterprise Fund Surplus to the Fiscal Year 2009 Water Department Budget.

**Quantum of Town Meeting Vote:**    **Majority**

**Seconded**

**Vote:** Unanimous

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**ARTICLE 3:**                    ***TRANSFER WITHIN SEWER ENTERPRISE FUND***

To see if the Town will vote to transfer a sum or sums of money from the Sewer Enterprise Fund Surplus to the Fiscal Year 2009 Sewer Enterprise Department budget, or to take any other action relative thereto.

***BOARD OF SEWER COMMISSIONERS***

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

**Summary:**    *This article allows the Sewer Department to transfer money from its surplus account to cover any deficit in the FY 2009 budget. More information will be provided at Town Meeting to explain any transfer requested under this article.*

**Mover:** Peter Cunningham

**MOTION:**    I move that this article be indefinitely postponed.

**Quantum of Town Meeting Vote:**    **Majority**

**Seconded**

**Minutes:**

- Sewer Department does not need funds at this time.

**Vote on Motion to Postpone Indefinitely:**    **Unanimous**

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**ARTICLE 4: STATION AVENUE ENGINEERING**

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 pay for the development of engineering drawings for the reconstruction and/or redevelopment of Station Avenue, and all related costs, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** As part of the redevelopment of Station Avenue under the Station Avenue Overlay District Bylaw, the road needs to be upgraded and utilities need to be upgraded and placed underground. By developing engineering drawings at this time, the construction project will be "shovel ready" and eligible for Federal and State Grants.

**Mover:** Joshua Degen

**MOTION:** I move that the Town vote to transfer the sum of \$115,000 from the Stabilization Fund to pay for the development of engineering drawings for the reconstruction and/or redevelopment of Station Avenue, and all related costs, and further, that any funds received by the Town in reimbursement from state and federal agencies for this project shall be returned to the stabilization fund.

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

**Seconded**

**Minutes**

- **Explanation:** The Station Avenue Overlay District (SAOD) was created to promote economic and business development. As a Chapter 43 D entity, it also promises 180 day permitting, which is expedient for projects likely to be proposed. Groton is 95% residential. SAOD is a candidate for federal stimulus money, provided that it is "shovel ready".
- **Chairman Carolyn Perkins (Planning Board)** - At its regular meeting on April 16, 2009, the Planning Board voted unanimously to support the article for the design of the infrastructure improvements for the road, drainage system, streetscape and utilities on Station Avenue. It is critical to complete the engineering design work so that the Town will be eligible to apply for funding under the Commonwealth's Public Works Economic Development (PWED) and any other applicable funding from the American Recovery and Reinvestment Act (stimulus package). Projects located in the Priority Development Site will be given a higher ranking for funding. As the Town undertakes these infrastructure improvements, it will further demonstrate to potential developers the Town's initiative and enthusiasm for public-private partnerships.
- **Floor:**
  - What is the timeframe of the engineering investment?
    - This would be an aggressive schedule to complete work by July 1.
  - How much money is in the stabilization fund now?

- \$1.2 m can be spent on capital items
- Does \$115,000 cover all drawings?
  - It is intended to cover all drawings. When drawings are at a 25% level, the Town can apply for reimbursement.
- The Economic Development Committee has voted unanimously to support this article.
- What are the chances of getting reimbursed?
  - No guarantees, but a very good chance. Chapter 43D districts have – priority for reimbursement.
- The Finance Committee does not support this article
  - State funding is tenuous
  - There is a long list of Chapter 43D projects in the state
  - The Town should ask the (future) developer to participate in the engineering risk.
- If there is not development plan, how would the town know what infrastructure is required?
  - Any development would require infrastructure such as sewer, water, sidewalks, street sizing, etc.
  - SAOD work detailed certain infrastructure work that needs to be done
- Doing this engineering work enables the Town to apply for federal and state funds. Performing this work now enables the Town to be ready for applications.

**Vote: 184 in favor; 90 opposed Motion Carries**

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**ARTICLE 5: EXECUTE A RELEASE DEED**

To see if the Town will vote to authorize the Board of Selectmen to execute a release deed respecting property located on Nashua Road and shown on Groton Assessors' Maps as Parcel 226-63 for the purpose of confirming the absence of any Town interest in the property by virtue of a relocation of Nashua Road previously voted by the Middlesex County Commissioners, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *In 1986 Hannah Smith conveyed parcel 226-63 to George and Deborah Kirk by way of a deed recorded in book 17199 page 045 of 1986. The Town has collected taxes on this parcel from the Kirks since 1986 and Smith prior to 1986. The Town was to take this parcel in 1949 for the relocation of Nashua Rd. There are no recorded records showing the actual taking in 1949 or later. This article authorizes the Board of Selectmen to sign a release deed should it be deemed that the Town has no interest in the property.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to authorize the Board of Selectmen to execute a release deed respecting property located on Nashua Road and shown on Groton Assessors'

Maps as Parcel 226-63 for the purpose of confirming the absence of any Town interest in the property by virtue of a relocation of Nashua Road previously voted by the Middlesex County Commissioners.

**Quantum of Town Meeting Vote: Majority**

**Vote: Unanimous**

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**THE SPECIAL TOWN MEETING DISSOLVED AT 9:09 PM**

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