

**Warrant and Minutes**

# **TOWN OF GROTON**



## **2010 FALL TOWN MEETING**

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

**Monday, October 18, 2010 @ 7:00 PM**  
Adjourned session: Monday October 25, 2010

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**FALL TOWN MEETING  
OCTOBER 18, 2010**

**Town Moderator:**

Robert L. Gosselin, Sr.

**Town Clerk:**

Michael F. Bouchard

**Deputy Town Moderator**

Jason Kauppi

**Finance Committee:**

Jay M. Prager, Chairman  
Joseph Crowley  
Georganna B. Cochran  
Peter J. DiFranco  
Michael F. Flynn  
Steven Webber, Vice Chairman  
Thomas L. Sangiolo  
Robert Hargraves

**Board of Selectmen:**

Peter S. Cunningham, Chairman  
George F. Dillon, Jr., Vice-Chairman  
Anna Eliot, Clerk  
Joshua A. Degen, Member  
Stuart M. Schulman, Member

**Town Manager:**

Mark W. Haddad  
Patrice Garvin, Executive Assistant

**Proceedings:**

**The meeting was called to order at 7:01 PM on October 18, 2010.**

**Announcements:**

- **Mr. Dillon updated the Meeting regarding the Military Community Covenant Task Force**
- **Mr. Capes updated the Meeting on the status of the Town's Master Plan. A Community Forum is scheduled for November 16 from 7 to 9 pm at the Groton Country Club.**

**It was determined that the warrant was duly posted. The reading of the warrant was waived by unanimous vote.**

**As this Meeting is an annual meeting, no quorum is required. Approximately 209 people were in attendance.**

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 eighteenth day of October, 2010 at Seven O'clock in the evening, to consider the following:

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**ARTICLE 1:           PRIOR YEAR BILLS**

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

**BOARD OF SELECTMEN**

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

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

**Mover: George Dillon**

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

Nashoba Valley Medical Center	\$510.00
Montachusett Lawn Sprinkler Company	\$787.00

For a total of \$1,297.00.

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

**Moved and Seconded**

**Vote on Article 1 main motion: Unanimous**

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**ARTICLE 2: AMEND THE FISCAL YEAR 2011 TOWN OPERATING BUDGET**

To see if the Town will vote to amend the Fiscal Year 2011 Operating Budget as adopted under Article 5 of the April 26, 2010 Spring Town Meeting, and vote to raise and appropriate and/or transfer from available funds a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2011, or to take any other action relative thereto.

**FINANCE COMMITTEE  
BOARD OF SELECTMEN  
TOWN MANAGER**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *The Fiscal Year 2011 Town Operating Budget was approved at the 2010 Spring Town Meeting in April, 2010. Any changes to this Budget would have to be made prior to setting the tax rate. The purpose of this article is to make any necessary changes to balance the FY 2011 Operating Budget. Handouts will be available at Town Meeting outlining any proposed changes.*

**ARTICLE 2: AMEND FY 2011 OPERATING BUDGET**

**Mover: George Dillon**

**MOTION:** I move that the Town vote to amend the Fiscal Year 2011 Operating Budget, as adopted under Article 5 of the April 26, 2010 Spring Town Meeting as follows, each line item to be considered as a separate appropriation for the purposes voted:

**GENERAL GOVERNMENT:** By increasing the General Government appropriation from \$1,537,967 to \$1,540,967 so as to increase Line Item 1031 – “Town Manager Wages” by \$3,000, from \$40,991 to 43,991.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on General Government motion: Unanimous**

**LAND USE DEPARTMENTS:** By increasing the Land Use Department appropriation from \$345,241 to \$362,441 so as to increase Line Item 1240 – “Building Inspector Salaries” by \$11,200, from \$56,179 to \$67,379 and Line Item 1241 – “Building Inspector Wages” by \$6,000, from \$49,944 to \$55,944.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Land Use Departments motion: Majority**

**PROTECTION OF PERSONS & PROPERTY:** By increasing the Protection of Persons and Property appropriation from \$2,665,822 to \$2,669,222 so as to increase Line Item 1300 – “Police Department Salaries” by \$3,400, from \$108,482 to \$111,882.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Protection of Persons and Property motion: Unanimous**

**DEBT SERVICE:** By increasing the Debt Service Appropriation from \$1,146,770 to \$1,170,090 so as to increase Line Item 2000 - “Long Term Debt – Principal – Town” by \$23,320, from \$729,895 to \$753,215.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Debt Service motion: Unanimous**

**EMPLOYEE BENEFITS:** By increasing the Employee Benefits appropriation from \$2,705,801 to \$2,720,801 so as to increase Line Item 3002 – “Unemployment Compensation” by \$15,000 from \$40,000 to \$55,000.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Employee Benefits motion: Unanimous**

And raise and appropriate the sum of \$61,920 to fund said increases; And

**SEWER ENTERPRISE:** By increasing the Sewer Enterprise appropriation from \$776,124 to \$829,610, an increase of \$53,486, and further, to fund this increase, transfer the sum of \$40,486 from Sewer Revenues Reserved for Debt Service and transfer \$13,000 from Sewer Enterprise Excess and Deficiency.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Sewer Enterprise motion: Unanimous**

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**ARTICLE 3: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND**

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

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *The Spring Town Meeting appropriated \$345,100 from the Capital Stabilization Fund to fund the FY 2011 Capital Budget. At a minimum, this amount should be returned to the Capital Stabilization Fund. The Fund has a balance of approximately \$200,000. The financial management goal is to achieve and maintain a balance in the Capital Stabilization Fund equal to 1.5% of the total annual budget. Any balance beyond the 1.5% level should be added to the Capital Stabilization Fund in conjunction with the Capital Plan to reduce overall borrowing and associated costs. The target amount for the Capital Stabilization Fund will be provided at Town Meeting.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to transfer the sum of \$345,100 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Capital Stabilization Fund.

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

**Moved and Seconded**

**Vote on Article 3 main motion: Chair declared 2/3 majority. 7 voters did not contest.**

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**ARTICLE 4: TRANSFER MONEY INTO THE STABILIZATION FUND**

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

**BOARD OF SELECTMEN**

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

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

**Mover: George Dillon**

**MOTION:** I move that the Town vote to transfer the sum of \$150,000 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Stabilization Fund.

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

**Moved and Seconded**

**Vote on Article 4 main motion: Unanimous**

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**ARTICLE 5:           OFFSET THE TAX RATE**

To see if the Town will vote to transfer a sum of money from the General Excess and Deficiency Fund (Free Cash) or from other available funds for the purpose of affecting the tax rate for the period beginning July 1, 2010, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *The intent of this article is to use a portion of Free Cash or General Stabilization Fund monies as a funding source for the FY 2011 Budget in order to lower the amount of money required to be raised from taxes or to balance a deficit budget. The amount of Free Cash and General Stabilization Fund monies available for appropriation will be provided at Town Meeting.*

**Mover: Stuart Schulman**

**MOTION A:** I move that the Town vote to transfer the sum of \$100,000 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2010.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Article 5 main motion: Majority**

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**ARTICLE 6:                   TEMPORARY TAX AMNESTY PROGRAM**

To see if the Town will vote to enact a temporary tax amnesty program, in accordance with Section 68 of Chapter 188 of the Acts of 2010, in order to encourage the payment of certain delinquent tax obligations as follows:

**TOWN OF GROTON TAX AMNESTY PROGRAM**

- Section 1.     Amnesty Period - The amnesty program shall begin on October 19, 2010 and end on June 30, 2011.
- Section 2.     Program Scope - A taxpayer who meets all eligibility requirements set forth in Section 3 shall receive a waiver of 100% of the total accrued tax title interest owed on any of the following types of tax liabilities upon full payment of the outstanding liability, by the end of the amnesty period:
- Real Estate Taxes assessed in FY1994 through FY2004.
- Section 3.     Eligibility Requirements - Each account considered for amnesty must be paid in full with a single installment before June 30, 2011. All tax title accounts having balances remaining due for the tax years, 1994 through 2004 that are paid in full will automatically receive the benefit of this amnesty program for tax title interest on those years. No amnesty benefits will be applied to balances in tax title beyond 2004.

or to take any other action relative thereto.

**TREASURER/TAX COLLECTOR**

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

**Summary:**     *Recently, Governor Patrick signed into law a Municipal Relief Package. Part of that package offers local communities the opportunity to adopt a temporary tax amnesty program in order to motivate tax payers who may be struggling to pay delinquent tax balances and added interest. The Amnesty Program would allow tax payers within strict parameters to be relieved of the interest portion of their obligation to the Town. The accounts that remain on the books with balances for the years 1994 through 2004 have accumulated an amount of interest that now exceeds the original principal. The Amnesty Program would be a way for the tax payers affected to pay off the tax obligation and get out from under an out of balance situation. The temporary window of opportunity will encourage tax payers to pay off old balances before the end of this fiscal year.*

**Mover: Stuart Schulman**

**MOTION:**     I move that the Town vote to enact a temporary tax amnesty program, in accordance with Section 68 of Chapter 188 of the Acts of 2010, in order to encourage the payment of certain delinquent tax obligations, as printed in the Warrant.



**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Article 6 main motion: Majority**

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**ARTICLE 7: FUNDS TO SUBMIT APPLICATION TO MASS WPAT**

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 preparation and submission of the initial application by the Town of Groton to the Massachusetts Water Pollution Abatement Trust (WPAT) for a low interest loan to be used for the construction of sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *The proposed expenditure is to create and submit the initial application to the Massachusetts Water Pollution Abatement Trust to determine if the town qualifies for low interest loans related to the construction of a Waste Water Treatment Facility and Collection System to service the Lost Lake Needs Area. Completion of the application package requires a good deal of sophisticated financial and complicated engineering data and is most efficiently done by an engineering firm with knowledge and experience in preparing applications of this type. Using an experienced engineering firm to complete, prepare, and submit the application significantly improves the likelihood that the application will be accepted the first time and will help minimize the elapsed time between application submission and a decision. This includes representing the town at the Department of Environmental Protection (DEP) public hearing. The State Revolving Fund (SRF) Loan Program is currently at 2 percent interest paid over a 20-year period. Obtaining relatively low interest rates and favorable loan payback durations will contribute toward keeping the costs of the project to the Town and ratepayers as low possible.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to transfer the sum of \$5,000 from the Excess and Deficiency Fund (Free Cash) for the preparation and submission of the initial application by the Town of Groton to the Massachusetts Water Pollution Abatement Trust (WPAT) for a low interest loan to be used for the construction of sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Discussion:**

- A presentation was made by the Lost Lake Sewer Committee (Appendix A)

**Vote on Article 7 main motion:      Majority**

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**ARTICLE 8:                      FUNDS TO SUBMIT APPLICATION TO USDA/ RURAL DEVELOPMENT**

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 preparation and submission of an application by the Town of Groton to the United States Department of Agriculture Rural Development (USDA RD) program for grants and/or low interest loans to be used for the design and construction of sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: *Recommended Unanimously***

**Finance Committee: *Recommended Unanimously***

**Mover: Joshua Degen**

**MOTION:**      I move that the Town vote to transfer the sum of \$12,000 from the Excess and Deficiency Fund (Free Cash) for the preparation and submission of an application by the Town of Groton to the United States Department of Agriculture Rural Development (USDA RD) program for grants and/or low interest loans to be used for the design and construction of sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee.

**Summary:**      *The proposed expenditure is to create and submit an application to the United States Department of Agriculture Rural Development program for grants and/or low interest loans related to the design and construction of a Waste Water Treatment Facility and Collection System to service the Lost Lake Needs Area. The application package consists of an application, environmental report, and engineering report. Preparation of this package requires extensive financial and complicated engineering data and is most efficiently done by an engineering firm with knowledge and experience in preparing applications of this type. Using an experienced engineering firm to complete, prepare, and submit the application package significantly improves the likelihood that the application will be accepted the first time and will help minimize the elapsed time between application submission and a decision. The interest rates associated with this Federal government program are determined at the time of loan closing, with the Town receiving the agency's lowest rate at that point in time. Obtaining outright grants and relatively low interest rates with favorable loan payback durations will contribute toward keeping the costs of the project to the Town and rate payers as low possible.*

**Quantum of Town Meeting Vote:      Majority**

**Moved and Seconded**

**Discussion:**

- 30% grant is possible

**Vote on Article 8 main motion:      Majority**



**ARTICLE 9:                      FUNDS FOR THE DESIGN OF LOST LAKE SEWER DISTRICT**

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 engineering, preliminary design, design and contractor bidding services, and all other costs related to the construction of a sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommendation: postpone the Article indefinitely**  
**Finance Committee: Recommendation: postpone the Article indefinitely**

**Summary:**     *The proposed expenditure is for engineering, design and bidding services related to creation of a Waste Water Treatment Facility and Collection System to service the Lost Lake Needs Area. This expenditure will provide the Town with a shovel-ready project and includes preliminary and final design; land surveys, including boring samples; municipal, State and Federal permitting; and contractor bidding services. The contractor bidding services include system design, bid solicitation (including sub-bids), preparation of contract documents, review of bids, assistance in contractor selection process. At the end of this process the Town of Groton enters into appropriate agreements.*

**Mover: Stuart Schulman**

**MOTION A:**    I move that the Town vote to raise and appropriate, transfer from available funds and/or borrow a sum or sums of money for engineering, preliminary design, design and contractor bidding services, and all other costs related to the construction of a sewer infrastructure in the Lost Lake Needs Area, said appropriation to be expended by the Board of Selectmen, on behalf of the Lost Lake Sewer Advisory Committee.

**Moved and Seconded**

**MOTION B:**    I move that Article 9 be indefinitely postponed.

**Quantum of Town Meeting Vote:      Majority**

**Vote on motion to indefinitely postpone Article 9:                      Unanimous**



**ARTICLE 10:                      COMMUNITY PRESERVATION COMMITTEE FUNDING ACCOUNTS**

To see if the Town will vote to amend the vote taken under Article 10 of the 2010 Spring Town Meeting Warrant by amending the Fiscal Year 2011 allocation to the Community Preservation Committee's sub accounts as follows:

	<u>Original Allocation</u>	<u>Revised Allocation</u>
CPC Operating Expenses:	\$ 26,000	\$ 36,000
Open Space Reserve:	\$ 52,000	\$ 72,000
Historic Resource Reserve:	\$ 52,000	\$ 72,000
Community Housing Reserve:	\$ 52,000	\$ 72,000
Unallocated Reserve:	\$338,000	\$468,000

or to take any other action relative thereto.

**COMMUNITY PRESERVATION COMMITTEE**

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

**Summary:** *When the original allocation took place at the Spring Town Meeting, the amount of reimbursement from the Commonwealth was not known and the allocation was based solely on the Town's Community Preservation Fund revenues. The purpose of this article is to account for the additional state Community Preservation Reimbursement and make the appropriate allocations to the various sub-accounts. Please note, that with the exception of the CPC Operating Expenses, none of these funds will be spent without approval at Town Meeting.*

**Mover:** Peter Cunningham

**MOTION:** I move that the Town vote to amend the vote taken under Article 10 of the 2010 Spring Town Meeting Warrant by amending the Fiscal Year 2011 allocation of revenues to the Community Preservation Fund to the Community Preservation Committee's sub accounts as follows:

	<u>Original Allocation</u>	<u>Revised Allocation</u>
CPC Operating Expenses:	\$ 26,000	\$ 35,379
Open Space Reserve:	\$ 52,000	\$ 72,000
Historic Resource Reserve:	\$ 52,000	\$ 72,000
Community Housing Reserve:	\$ 52,000	\$ 72,000
Unallocated Reserve:	\$338,000	\$468,000

**Quantum of Town Meeting Vote:** Majority

**Moved and Seconded**

**Vote on Article 10 main motion:** Chair declares Majority Vote

**ARTICLE 11: CPC PROJECT RECOMMENDATION**

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2011, and further, vote to implement such recommendations by appropriating the following sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws:

CPC Proposal A:                      Millstone Field Project:    \$20,000

or to take any other action relative thereto.

**COMMUNITY PRESERVATION COMMITTEE**

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

**Summary:** *The Groton Parks Commission has requested funds to prepare a Division of Conservation Services PARC Grant Application and a property appraisal to acquire a 15.5 acre parcel (more or less) on Cow Pond Brook Road adjacent to the Groton Department of Public Works Garage for the purpose of creating multi-use playing fields.*

**Mover: Peter Cunningham**

I move that the Town vote, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, to appropriate the sum of \$20,000 from the Community Preservation Fund Unallocated Reserve to fund Community Preservation Application 2011-05 "Millstone Field Project."

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Discussion:**

- Unanimous support by the Planning Board
- Unanimous support by the Finance Committee
- Unanimous support by the Board of Selectmen
- Park Commission grant supports this project

**Vote on Article 11 main motion: Majority**

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**ARTICLE 12:                      ESTABLISH BUDGET FOR THE GROTON COUNTRY CLUB**

To see if the Town will vote to amend the Fiscal Year 2011 Town Operating Budget and appropriate and/or transfer a sum or sums of money from the Receipts Reserved for the Groton Country Club to new budget line items 1700-1703 to be established within the Library and Citizens' Services division of the budget, as detailed below, for Groton Country Club operations, each item to be considered a separate appropriation for the purposes voted:

1700	Salaries:	\$107,150
1701	Wages:	\$ 46,750
1702	Expenses	\$162,550

1703	Minor Capital	<u>\$ 20,000</u>
	Total	\$336,450

or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: *Recommendation – Unanimous***  
**Finance Committee: *Recommended (6 In Favor – 1 Against)***

**Summary:** *With the dissolving of the authorization of the Groton Country Club and Recreation Authority, and the expiration of the lease agreement between the Town and the Authority, the Town needs to establish a funding mechanism and authorization for the Country Club to continue to operate. The purpose of this article is to establish a line item budget for the Country Club from October 18, 2010 through June 30, 2011. User fees from the Country Club will be added to the Town’s Local Receipts in order to fund the appropriation.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to amend the Fiscal Year 2011 Town Operating Budget and appropriate and transfer the sum of \$336,450 from the Receipts of the Groton Country Club to new budget line items 1700-1703 to be established within the Library and Citizens’ Services division of the budget, as detailed below, for Groton Country Club operations for the period covering November 1, 2010 to June 30, 2011, each item to be considered a separate appropriation for the purposes voted:

1700	Salaries:	\$107,150
1701	Wages:	\$ 46,750
1702	Expenses	\$162,550
1703	Minor Capital	<u>\$ 20,000</u>
	Total	\$336,450

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Discussion:**

- Mr. DiFranco read a Finance Committee minority report, written by Mr. Prager (who could not attend) into the record (Appendix B).
- Mr. Shulman: No appropriation is being requested. The CC loan has been paid.
- Mr. Webber: Supports the article as the operation of the club keeps the property being used, and in a usable state.
- Board of Selectmen: Unanimous support for the article
- Mr. Manugian: This is an “accounting article”. Favors keeping budgets separate in order to track performance.
- Mr. Hopper: A break-even operation is different than a “for profit” operation. The Club has returned \$70,000 every year during the life of the bond, except last

year. There are others benefits to a community club such as the savings for free play by the school team.

- Mr. Boles: The Country Club could be seen as, essentially, an enterprise fund, but within the town.
- Mr. Hargraves: Supports the article..Favors the transparent budget.
- Mr. DiFranco: Supports the article
- Member of the Public: This is a community facility and provides benefits in community socializing. Supports the article.

**Motion to Move the Question**

**Quantum of vote: 2/3s majority**

**Vote on the Motion to Move the Question: Unanimous**

**Vote on Article 12 Main Motion: Majority**

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**ARTICLE 13: APPROPRIATION TO FUND TOWN FOREST EXPENSES**

To see if the Town will vote to appropriate a sum or sums of money from Receipts Reserved for the Town Forest to Town Forest Expenses, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *The Town Forest Committee anticipates certain operational expenses to occur over the next several years and this appropriation allows a small amount of funds to be readily available for those expenses. The funds will remain in a special account and be used only for Town Forest operational expenditures.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to transfer the sum of \$5,000 from Receipts Reserved for the Town Forest to Town Forest Expenses.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Vote on Article 13 main motion: Unanimous**

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**ARTICLE 14: AMEND ZONING BYLAW §218-26 - FLEXIBLE DEVELOPMENT**

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218, Zoning, by deleting in its entirety Subsection 218-26F that reads as follows:

- F. Modification of lot requirements. The Planning Board encourages applicants for flexible development to modify lot size, shape, building setback and other dimensional requirements for lots within a flexible development, subject to the following limitations: [Amended 4-30-2007 ATM, Art. 26]
- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the flexible development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

And by inserting in its place the following new Subsection 218-26F:

- F. Modification of lot requirements. Consistent with the purpose of this section, flexible development may vary from the dimensional requirements of Section 218-20 in order to promote more sensitive siting of buildings and better overall site planning. The Planning Board may waive the requirements of Section 218-20 where it finds such a waiver is consistent with the purpose of this section and is not detrimental or injurious to public health, safety and welfare as follows:
- (1) Lots having reduced area or frontage shall not have frontage on a street other than a street created by the flexible development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
  - (2) The Planning Board may waive the dimensional requirements when requested to do so by the applicant, who shall provide specific alternative dimensional requirements and the justification and public purpose of the waivers requested.
  - (3) Such waivers may be incorporated as part of the special permit granted in connection with an application filed under this section or as an amendment to a special permit previously granted under this section.

or to take any other action relative thereto.

### **PLANNING BOARD**

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

**Summary:** *The proposed amendment clarifies that a Flexible Development enables the Planning Board to grant waivers from dimensional requirements through the special permit process, provided that the grant of such a waiver results in better site design and is consistent with the purposes of the Zoning Bylaw's Flexible Development provisions.*

**Mover: Joshua Degen**



**MOTION:** I move that the Town vote to amend the Code of the Town of Groton, Chapter 218 Zoning, by deleting Subsection 218-26F in its entirety and by inserting in its place a new Subsection 218-26F as set forth in the Warrant.

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

**Moved and Seconded**

**Discussion:**

- An oral Planning Board report was submitted in favor of this article, based upon their public hearing

**Vote on Article 14 main motion: Unanimous**

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**ARTICLE 15: AMEND THE SIGN BYLAW**

To see if the Town will vote to amend Chapter 196, "Signs" of the Code of the Town of Groton by deleting the current Chapter 196 in its entirety, and replacing it with a new Chapter 196, "Signs," as set forth in Appendix A to this warrant, or to take any other action relative thereto.

*Editor's note: The Sign Bylaw is attached to these minutes as Appendix C*

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: No Position**

**Summary:** *This article replaces the unwieldy, inflexible Sign By-Law with simplified language that includes several improvements. The proposed bylaw introduces a user-friendly sign application process centered in the Land Use Department, a provision to address unforeseeable and unique circumstances, and an appeals process for denied permit applications. Passage of the new bylaw will not require any changes to existing, permitted signs.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to amend Chapter 196, "Signs" of the Code of the Town of Groton by deleting the current Chapter 196 in its entirety, and replacing it with a new Chapter 196, "Signs," as set forth in Appendix A of the Warrant.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Discussion:**

- Presentation by the Sign Committee (Appendix D)
  - The bylaw adds an appeals process
  - The bylaw streamlines the application process
  - Exceptions can be considered for unique and special circumstances
  - Temporary signs are clarified
  - Enforcement responsibilities are clarified

- Existing permanent signs are grandfathered
- Historic Districts Commission supports Article 15
- Planning Board supports Article 16

**Vote on Article 15 main motion: Majority**

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**ARTICLE 16: LAND ACQUISITION – OLD DUNSTABLE ROAD**

To see if the Town will vote to authorize the Conservation Commission to acquire, on behalf of the Town, a certain parcel of land located on Old Dunstable Road, shown as a portion of Parcel 91 on Groton Assessors’ Map 243 containing approximately 52.4 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; to transfer or appropriate from the Conservation Fund a sum of money therefor, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program (formerly Self-Help) grant with said proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND grant for such acquisition pursuant to Section 11 of Chapter 132A of the General Laws and to act as the official representative for such application; to authorize the Board of Selectmen to petition the General Court for any special legislation necessary for such acquisition; and to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all actions necessary in connection with such acquisition, or to take any other action relative thereto.

**CONSERVATION COMMISSION**

**Board of Selectmen: 2 in favor 3 against**  
**Finance Committee: Not Recommended Unanimously**

**Summary:** *Applying for a state grant will enable the Town to leverage funds already set aside in the Conservation Fund for the acquisition of conservation land through a fee simple purchase. The land is a portion of New England Forestry Foundation’s Wharton Plantation which has frontage on both sides of Old Dunstable Rd. and Rocky Hill Rd. It is the site of a seasonal cottage that is to be razed prior to acquisition of the parcel. Extensive frontage on the east shore of Baddacook Pond is included. Approval of this project would permanently preserve and protect 52.4 acres of an area that is a known habitat of rare species identified by the state Natural Heritage & Endangered Species Program.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to authorize the Conservation Commission to acquire, on behalf of the Town, by gift, purchase, or eminent domain, a certain parcel of land located on Old Dunstable Road, shown as a portion of Parcel 91 on Groton Assessors’ Map 243 containing approximately 52.4 acres, said land to be managed and controlled by the Conservation Commission for conservation and passive recreation purposes pursuant to Section 8C of Chapter 40 of the General Laws; to transfer from the Conservation Fund the sum of \$393,500 for said acquisition and costs related thereto, in advance of a Massachusetts Local Acquisition for Natural Diversity (LAND) Program (formerly Self-Help) grant of a portion of said costs, with said grant proceeds to be returned to the Conservation Fund; to authorize the Conservation Commission to apply for a LAND grant for such acquisition pursuant to Section 11

of Chapter 132A of the General Laws and to act as the official representative for such application; to authorize the Board of Selectmen to petition the General Court for any special legislation necessary for such acquisition; and to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all actions necessary in connection with such acquisition.

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

**Moved and Seconded**

**Discussion:**

- Presentation by the Conservation Commission (Appendix E)
- 70% of the land is wetlands and unbuildable
- Mr. Degen: Against this article; only 1 house lot is possible. The bulk of the land is wetlands and can't be built.
- Planning Board is in support of Article 16
- Finance Committee does not support, citing the extent of wetlands
- Public: This is the sight of a potential town well (fourth on the list of four). Obtain the sight when it's available
- Community Preservation Committee: Two to one in support; one abstain
- Board of Water Commissioners: Unanimous support
- Mr. Cunningham: It is too expensive for someone to develop this property because of legally clouded access to the sight.
- Note: It was announced at the re-convened meeting on October 25 that he DCS grant in the amount of \$230,000 was approved.

**Vote on Article 16 main motion:**

**104 in favor    48 Against    Article 16 is passed by 2/3 Majority**

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**Motion was made to adjourn the meeting**

**Quantum:    Majority**

**Moved and Seconded**

**Vote on motion to adjourn: Majority**

**Meeting was adjourned at 10:00 PM    October 18, 2010**

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## **ADJOURNED SESSION OF FALL, 2010 TOWN MEETING**

**Meeting convened at 7:01 PM on October 25, 2010**

**Announcement:** The LAND grant discussed in Article 16 in the amount of \$230,000 was approved by DCS.

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**ARTICLE 17: LAND ACQUISITION – STATION AVENUE**

To see if the Town will vote to appropriate a sum or sums of money and authorize the Board of Selectmen to acquire by purchase, lease, gift, eminent domain, or otherwise the following two parcels of land located on Station Avenue for the purpose of relocation of the existing Office and Garage facility of the Groton Electric Light Department in their entirety, said parcels being described as follows:

Parcel 1 - A certain parcel of land located on Station Avenue, Groton, Massachusetts, containing .12 acres, more or less, record title standing in the name of James G. Downes, Jr. and Shirley May Downes, as described in a deed recorded with the Middlesex South District Registry of Deeds in Book 12712, Page 664, said parcel being shown on Groton Assessors' Map 113, as Parcel 51;

Parcel 2 – A certain parcel of land located on Station Avenue, Groton, Massachusetts, containing .17 acres, more or less, record title standing in the name of Shirley May Downes, as described in a deed recorded with the Middlesex South Registry of Deeds in Book 12541, Page 406, said parcel being shown on Groton Assessors' Map 113, as Parcel 52;

or to take any other action relative thereto.

**ELECTRIC LIGHT COMMISSIONERS**

**Board of Selectmen: *Recommended Unanimously***  
**Finance Committee: *Recommended (4 in Favor – 1 Against)***

**Summary:** *The Groton Electric Light Department has investigated several scenarios for the relocation of its current office facilities located on Station Avenue. After much deliberation, it was determined that rebuilding on Station Avenue is the best option. In order to construct the best facility with minimal impact on the Station Avenue neighborhood, it appears that acquiring land adjacent to the current facilities would be in the Department's best interest. The purpose of this article is to authorize the Board of Selectmen to acquire these two parcels on behalf of the Electric Light Department. The funds for these purchases will come from the revenues of the Electric Light Department.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to authorize the Board of Selectmen to acquire by purchase, lease, gift, eminent domain, or otherwise the two parcels of land located on Station Avenue, and described as Parcel 1 and Parcel 2 as printed in Article 17 of the Warrant for this Town Meeting, for the purpose of relocation of the existing Office and Garage facility of the Groton Electric Light Department in their entirety.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Groton Electric Light, Mr. Lindemer: this project will not raise electric rates or impact property taxes. GELD land along the rail trail will be declared excess. This is not the lowest cost option, but is the best option and an option that best

supports the Town's Master Plan. This option allows GELD to build along Station Ave at a lower cost and help the revitalization of Station Ave.

- Mr. Downes (owner of property to be acquired): The Downes are in full agreement with the sale of the property under these terms.

**Vote on Article 17 main motion: Majority**

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**ARTICLE 18: FUNDING FOR ELECTRIC LIGHT DEPARTMENT LAND PURCHASE**

To see if the Town will vote to use such sum or sums of money, as may be appropriated by the Electric Light Department, whether from the proceeds of the sale of the land and buildings at Station Avenue, Groton, Massachusetts, which property is presently occupied by the Electric Light Department garages, or other Electric Light Department funds, for the payment of the purchase price and expenses in connection with the purchase of the land adjacent to the existing Electric Light Department office and operations facility and described in the previous Article, or to take any other action relative thereto.

**ELECTRIC LIGHT COMMISSIONERS**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended (4 in Favor – 1 Against)**

**Summary:** *To appropriate the funds for purchase of the land described in the previous article from the Groton Electric Light Department available funds.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to use such sum, or sums or money, as may be appropriated by the Electric Light Department, whether from the proceeds of the sale of the land and buildings at Station Avenue, Groton, Massachusetts, which property is presently occupied by the Electric Light Department garages, or other Electric Light Department funds, for the payment of the purchase price and expenses in connection with the purchase of the land adjacent to the existing Electric Light Department office and operations facility and described in the Article 17 of the Warrant for this 2010 Fall Town Meeting.

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

**Moved and Seconded**

**Vote on Article 18 main motion: 2/3 Majority**

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**ARTICLE 19: BORROWING AUTHORIZATION TO CONSTRUCT NEW OFFICES**

To see if the Town will vote to authorize the Groton Electric Light Department to borrow a sum or sums of money, to construct new office and garage facilities for the Electric Light Department and all costs associated and related thereto, provided that the total amount to be borrowed not exceed the sum of two million dollars (\$2.0 million), or to take any other action relative thereto.

**ELECTRIC LIGHT COMMISSIONERS**

**Board of Selectmen: *Recommended Unanimously***  
**Finance Committee: *Recommended (4 in Favor – 1 Against)***

**Summary:** *The purpose of this article is to appropriate the funds needed for the construction of new office and garage facilities for the Electric Light Department. These funds will be paid entirely from Light Department funds. Total project costs are not to exceed \$4.0 million and the amount borrowed shall not exceed \$2.0 million.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to authorize the Groton Electric Light Department to borrow a sum or sums of money, to construct new office and garage facilities for the Electric Light Department and all costs associated and related thereto, provided that the total amount to be borrowed not exceed the sum of two million dollars (\$2.0 million).

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

**Moved and Seconded**

**Minutes:**

- This borrowing authorization is for GELD construction
- Paid by GELD
- Total of construction not to exceed \$4m; borrowing maximum is \$2m

**Vote on Article 19 main motion: Unanimous**

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**ARTICLE 20: TRANSFER OF LAND BETWEEN TOWN AND LIGHT DEPARTMENT**

To see if the Town will vote to approve and authorize the transfer of custody of land between the Groton Electric Light Department (GELD) and the Town of Groton, said land being a portion of Assessors' parcel 113-55 (GELD owned 2.1 acres) for a portion of Assessors' parcel 113-53 (Town owned .25 acres) and a portion of Assessors' parcel 113-54 (Town owned .8 acres); said transfer to be approximately .9 acres of GELD land for approximately .9 acres of Town land to permit the construction of a new office and garage facilities by GELD, or to take any other action relative thereto.

**BOARD OF SELECTMEN  
ELECTRIC LIGHT COMMISSIONERS**

**Board of Selectmen: *Recommended Unanimously***  
**Finance Committee: *Recommended (4 in Favor – 1 Against)***

**Summary:** *To swap control of Town owned land so that the new office and garage facilities for the Electric Light Department can be built away from the rail trail and to allow for the development of the land along the rail trail.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to approve and authorize the transfer of custody of land between the Groton Electric Light Department (GELD) and the Town of Groton, said land being a portion of Assessors' parcel 113-55 (GELD owned 2.1 acres) for a portion of Assessors' parcel 113-53 (Town owned .25 acres) and a portion of Assessors' parcel 113-54 (Town owned .8 acres); said transfer to be approximately .9 acres of GELD land for approximately .7 acres of Town land to permit the construction of a new office and garage facilities by GELD.

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

**Moved and Seconded**

**Minutes:**

- Question on the definition of the "excess land" mentioned in previous discussion
  - Land is defined in the map of the area regarding this transaction, as is the "swap land" with the Town
- Mr. Jackson (abutter): has "no problem" with the land swap

**Vote on Article 20 main motion: 2/3 Majority**

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**ARTICLE 21: PETITION TO THE GENERAL COURT - GROUP INSURANCE**

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

An Act Authorizing the Town of Groton to Provide for Group Insurance

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1**

Notwithstanding the provisions of chapter 32B and chapter 150E of the General Laws or any other general or special law to the contrary, the Town of Groton is authorized to negotiate and purchase group insurance policies for Employees, Retirees and Dependents without being subject to collective bargaining as defined in chapter 150E of the General Laws.

**SECTION 2**

Further, the Town of Groton is also authorized to alter current and future group insurance plan design features, and such action shall not be subject to collective bargaining as defined in chapter 150E of the General Laws.

**SECTION 3**

Further, the Town of Groton is also authorized, but not mandated, to participate in, and/or join the Group Insurance Commission ("GIC") established pursuant to chapter 32A of the General

Laws, and such action shall not be subject to collective bargaining as defined in chapter 150E of the General Laws.

#### SECTION 4

The provisions of this act shall not affect any obligation under any collective bargaining agreement(s) to which the Town of Groton is a party, while such agreements are in effect.

#### SECTION 5

This act shall take effect upon its passage.

or to take any other action relative thereto.

### **BOARD OF SELECTMEN**

**Board of Selectmen: *Recommended (4 in Favor – 1 Against)***

**Finance Committee: *Recommended Unanimously***

**Summary:** *For the past several years, there have been attempts in the State Legislature to amend chapter 150E to allow municipalities to negotiate and purchase group insurance policies for Employees, Retirees and Dependents without being subject to collective bargaining. Currently, any changes in plan design, co-pays, deductibles and cost sharing are subject to collective bargaining. This severely limits the Town's ability to make meaningful changes in health insurance costs to get them under control. The City of Lowell City Council passed a home rule petition that would give the City the right to make these changes without being subject to collective bargaining. The City has requested that all other municipalities petition for similar legislation to put pressure on the State Legislature to finally address this important concern to every city and town in Massachusetts. The purpose of this article is to petition the Legislature through a Home Rule Petition to allow the Town of Groton to make these changes without being subject to collective bargaining under Chapter 150E of the General Laws of the Commonwealth.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act entitled "An Act Authorizing the Town of Groton to Provide for Group Insurance" substantially as printed in the Warrant.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Mr. Hargraves: The Mass Municipal Association expressed support for this to become state law. Currently, state unions are exempt from collective bargaining



for health insurance. Will save the towns of the Commonwealth millions of dollars.

- Mr. Downes: How will this bill affect retirees?
  - Mr. Schulman: No affect. This only removes health care from collective bargaining.

**Vote on Article 21 main motion: Majority.**

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**ARTICLE 22: SALE OR LEASE OF TARBELL SCHOOL**

To see if the Town will vote to authorize the Board of Selectmen to sell and/or lease, for a period not to exceed 99 years, the building known as the Tarbell School which is 8,300 square feet on 1.44 acres of land located at 73 Pepperell Road, West Groton, Massachusetts, to take all necessary action to comply with the General Laws of the Commonwealth for the disposal of said building, and to petition the General Court for any necessary special legislation, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: *Recommended to postpone the Article indefinitely***

**Finance Committee: *Recommended to postpone the Article indefinitely***

**Summary:** *The Tarbell School has been vacant for the past two years. Prior to vacating the property, the Groton-Dunstable Regional School Committee conducted several public hearings on the re-use of the Building. A report was drafted and the School Committee recommended that the Board of Selectmen develop an RFP requesting developers to submit proposals that will create either affordable housing or a retail use that is compatible with the neighborhood in West Groton. The Selectmen have issued an RFP and will present a proposal to Town Meeting based on the best proposal received.*

**Mover: Stuart Schulman**

**MOTION A:** I move that the Town vote to transfer to the Board of Selectmen, for the purpose of sale or lease, the property known as the Tarbell School and authorize the Board of Selectmen to sell and/or lease, for a period not to exceed 99 years, the building known as the Tarbell School which is 8,300 square feet on 1.44 acres of land located at 73 Pepperell Road, West Groton, Massachusetts, to take all necessary action to comply with the General Laws of the Commonwealth for the disposal of said building, and to petition the General Court for any necessary special legislation.

**Moved and Seconded**

**MOTION B:** I move that Article 22 be indefinitely postponed.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Article is requested to be postponed because there have been no responses to the RFP
- Another RFP will be issued

**Vote on motion to indefinitely postpone Article 22: Unanimous**

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**ARTICLE 23: ACCEPT SECTION 9D OF CHAPTER 32B OF THE GENERAL LAWS**

To see if the Town will vote to accept the provisions of section 9D of Chapter 32B of the General Laws, which provides for Town payment of 50% of the health insurance premiums of surviving spouses of Town employees or retired employees, or take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *This article seeks to ratify the long-standing past practice of continuing health insurance for the surviving spouses of town employees and retirees. Our research indicates that the Town never accepted the appropriate section of the state law that defines coverage for these individuals. This article is intended to make legal the current practice of allowing surviving spouses access to the Town's health plans at the mandated 50% coverage. This article should be passed in conjunction with the following article, which will make the Town's higher contribution consistent with the past practice.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to accept the provisions of section 9D of Chapter 32B of the General Laws, which provides for Town payment of 50% of the health insurance premiums of surviving spouses of Town employees or retired employees.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Chapter 32B Section 9E had been previously approved by the Town. It had mistakenly been applied to "surviving spouses" of retirees and town employees.
- It was pointed out that this would now apply to every surviving spouse of a town retiree or town employee.
- Employees have been led to believe that they would receive this benefit as a result of past practice.
- At age 65, the person must enroll in Medicare, so this benefit would become a supplement.

**Motion to Move the Question**

**Quantum: 2/3s Majority**

**Moved and Seconded**  
**Vote on Motion to Move: Unanimous**

**Vote on Article 23 main motion: Majority**

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**ARTICLE 24: ACCEPT SECTION 9D½ OF CHAPTER 32B OF THE GENERAL LAWS**

To see if the Town will vote to accept the provisions of section 9D½ of Chapter 32B of the General Laws, which provides for Town payment of an additional percentage, above 50%, of the health insurance premiums of surviving spouses of Town employees or retired employees, or take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously to remove the clause “and to set the rate at 65%”**

**Finance Committee: Not Recommended Unanimously**

**Summary:** *This article proposes to set the Town’s contribution for surviving spouses at 65%, consistent with current practice.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to accept the provisions of section 9D½ of Chapter 32B of the General Laws, which provides for Town payment of an additional percentage, above 50%, of the health insurance premiums of surviving spouses of Town employees or retired employees.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Mr. Hartnett: There are 9 people affected by this now. The Town has been paying 65% since 2001.
- Mr. Cunningham: The Article does not set the rate. The Board of Selectmen has the prerogative to set the rate.
- Ms. Gaskins: Would the rate be applied to individuals or to the group of retiree spouses? (It would apply to all.)
- Mr. Hersh: this is not done in the private sector. This is more expensive to the taxpayer.
- Amendment offered by Ms. Collette:

**Amendment (Ms. Collette):**

**I move to amend the main motion by adding “and to set that percentage at 65%” as printed in the town meeting packet**

**Quantum: Majority**

**Moved and Seconded**

**Discussion:**

- Mr. Doneski (Town Counsel): The rates are set by the executive. The amendment would not be binding. The Board of Selectmen set the rate. Town meeting approves the money.
- If the amendment is not legal, what is the impact?
  - Town Counsel: The amendment is “directionary” not “mandatory”. The Selectmen are not bound by the amendment
- Mr. Hartnett: The total bill now is \$9,000. This is not a large exposure.
- Mr. Pine: Can the current 9 surviving spouses be grandfathered at 65%, and not add anyone else? (MGL does not provide for this. It would require a special act off the legislature.)
- Mr. Lindemer: Not passing Article 24 would take away 15% of the benefit to the surviving spouses which the town currently pays.

**Vote on motion to amend (Ms. Collette): 71 in favor 59 against  
Amendment carries**

**Amendment (Mr. Giger):**

**I move to postpone Article 24 indefinitely.**

**Quantum: Majority  
Moved and Seconded**

**Motion to Move the Question (Amendment to postpone indefinitely)**

**Moved and Seconded**

**Quantum: 2/3s Majority**

**Vote on motion to move: 2/3s Majority**

**Vote on amendment to postpone: Defeated**

**Vote on Article 24 main motion, as previously amended by Ms. Collette (65% rate):  
Majority**

**Note: Final motion passed by majority vote, and as amended, reads as follows:**

**MOTION:** I move that the Town vote to accept the provisions of section 9D½ of Chapter 32B of the General Laws, which provides for Town payment of an additional percentage, above 50%, of the health insurance premiums of surviving spouses of Town employees or retired employees and to set that percentage at 65%.

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**ARTICLE 25: ACQUISITION AND ACCEPTANCE OF TRAIL EASEMENT**

To see if the Town will vote to acquire and accept an easement over land running between Hill Road and Fitch’s Bridge Road and shown on Town of Groton Assessors’ Maps as Parcels 104-32 and 213-66; to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all action necessary in connection therewith; and to appropriate a sum of money for such purpose, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: *Recommended Unanimously***

**Finance Committee: *Recommended Unanimously***

**Summary:** *This article seeks approval for acquisition of an easement over land currently owned by the Boston and Maine Corporation, which is the subject of a right of first refusal previously given to the Town by the Massachusetts Executive Office of Transportation under Chapter 161C of the General Laws and which has been the subject of litigation regarding the Town's exercise of the right of first refusal. Acquisition of the easement will take place in connection with settlement of the litigation.*

**ACQUISITION AND ACCEPTANCE OF EASEMENT Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to acquire and accept an easement over land running between Hill Road and Fitch's Bridge Road and shown on Town of Groton Assessors' Maps as Parcels 104-32 and 213-66; and to authorize the Conservation Commission and the Board of Selectmen to execute all documents and take all action necessary in connection therewith.

**Quantum of Town Meeting Vote: Majority**

**Moved and Seconded**

**Minutes:**

- Mr. Cunningham: Expressed thanks to the Shattuck family for agreeing to this easement.
- Mr. Easom: Conservation Commission supports this article.
- Greenway Committee supports this article.
- Mr. Giger: Planning Board supports this article

**Vote on Article 25 main motion: Majority**

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**ARTICLE 26: LEGAL AND SURVEY EXPENSES – JENKINS ROAD**

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 legal and surveying expenses to locate the borders of Jenkins Road as they are related to Parcels I-37 and I-37B as shown on the former Groton Assessors' maps, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: *Recommended Unanimously***

**Finance Committee: *Recommended Unanimously***

**Summary:** *This article seeks funding for the Board of Selectmen and Trails Committee to conduct a survey and seek a judicial decision on the legal status and rights of public access over Jenkins Road from Farmers and Mechanics Property to Fitch's Bridge. These actions are for the purpose of allowing the Town to protect its property rights in Jenkins Road and provide important public access along the Nashua River.*

**Mover:** Anna Eliot

**MOTION:** I move that the Town vote to transfer the sum of \$6,000 from the Excess and Deficiency Fund (Free Cash) for surveying expenses to locate the borders of Jenkins Road as they are related to Parcels I-37 and I-37B as shown on the former Groton Assessors' maps.

**Quantum of Town Meeting Vote:** Majority

**Moved and Seconded**

**Minutes:**

- Presentation by the Trails Committee
- Conservation Commission will contribute \$10,000 in addition
- Planning Board supports by unanimous vote
- Board of Selectmen is 4 to 1 in favor. The Board needs the information from this survey to decide upon a course of action.
- Finance Committee does not support this article

**Vote on Article 26 main motion:** Majority

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**Meeting adjourned at 9:03 PM (October 25, 2010)**

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

Given under our hands this 27<sup>th</sup> Day of September in the year of our Lord Two Thousand Ten.

Stuart M. Schulman

Stuart M. Schulman, Chairman

Anna Eliot

Anna Eliot, Vice-Chairman

George F. Dillon, Jr.

George F. Dillon, Jr., Clerk

Peter S. Cunningham

Peter S. Cunningham, Member

Joshua A. Degen  
Joshua A. Degen, Member

OFFICERS RETURN  
Groton, Middlesex

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

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date Duly Posted

\_\_\_\_\_