

WARRANT, MINUTES AND VOTES

TOWN OF GROTON



SPECIAL TOWN MEETING

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

Beginning Monday, February 28, 2011 @ 7:00 PM

**SPECIAL TOWN MEETING
February 28, 2011**

Town Moderator:

Robert L. Gosselin, Sr.

Town Clerk:

Michael F. Bouchard

Deputy Town Moderator

Jason Kuappi

Finance Committee:

Jay M. Prager, Chairman

Joseph Crowley

Georganna B. Cochran

Peter J. DiFranco

Michael F. Flynn

Steven Webber, Vice Chairman

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 7:11 PM on February 28, 2011. Deputy Moderator Jason Kuappi presided.

This being a Special Town Meeting, a quorum of 147 registered voters was needed. At 7:10 PM, 200 registered voters were in attendance.

Mr. Dillon led the Pledge of Allegiance.

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

MOTION

Mover: Mr. Scott Harker

I move that the members of this Special Town Meeting vote to re-align the Articles given in the Warrant for this Meeting as follows:

That the positions of the current Article One and Article Three be reversed. That is the current Article One be replaced by the current Article Three, the current Article Three be replaced by the current Article One, thereby making the new Article One the current Article Three and the new Article Three the current Article One.

Seconded

Quantum of vote: Majority

Vote: Majority vote on the motion to realign the Special Town Meeting Articles.

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-eighth day of February, 2011 at Seven O'clock in the evening, to consider the following:

**ARTICLE 1: PURCHASE NEW AMBULANCE
(formerly Article 3)**

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 purchase a new ambulance for the Fire Department, and all other costs associated with such a purchase, or to take any other action relative thereto.

BOARD OF SELECTMEN

**Board of Selectmen: RECOMMENDED UNANIMOUSLY
Finance Committee: RECOMMENDED UNANIMOUSLY**

Summary: *Funding for this purchase will come from the "Ambulance Receipt Account". The ambulance scheduled for replacement is a 2001 Ford F-450. This vehicle is needed by the Fire Department to respond to the number of medicals in Town and also for mutual aid. The current replacement plan for the ambulances in the fleet is every 8-10 years. This ambulance will be 11 years old in 2012.*

Mover: Anna Eliot

MOTION: I move that the Town vote to appropriate from Emergency Medical Services Receipts Reserved the sum of \$245,000 to purchase a new ambulance for the Fire Department, and all other costs associated with such a purchase.

Seconded

Quantum of Town Meeting Vote: Majority

Vote on Article 1 Main Motion: Unanimous

ARTICLE 2: 122 OLD AYER ROAD – CONNECTION TO TOWN SEWER

To see if the Town will vote to extend the "Groton Center Sewer System" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 14 of the Annual Town Meeting of April 25, 2005, to include the property shown on Assessors' Lot 222-55 (122 Old Ayer Road) but only for the exclusive use of Thomas More College, which is proposed to be relocated to that location,

provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

**BOARD OF SELECTMEN
BOARD OF SEWER COMMISSIONERS**

Board of Selectmen: RECOMMENDED UNANIMOUSLY
Finance Committee: RECOMMENDED UNANIMOUSLY

Summary: *This article requests authorization from the Town Meeting to expand the Central Sewer District to include 122 Old Ayer Road. The Town is currently working with Thomas More College to relocate to Groton. This article, if approved, will provide Sewer Capacity for the exclusive use of Thomas More College. In order to make this a viable project, expansion of the Central Sewer District is necessary. The Board of Sewer Commissioners has reviewed the issue and has voted to allocate the sewer capacity that meets current needs to accommodate this proposed relocation. Should the College not relocate to this location, the connection to the Town Central Sewer System will be rescinded. More information will be provided at the Town Meeting.*

Mover: George Dillon

MOTION: I move that the Town vote to extend the "Groton Center Sewer System" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 14 of the Annual Town Meeting of April 25, 2005, to include the property shown on Assessors' Lot 222-55 (122 Old Ayer Road) but only for the exclusive use of The Thomas More College of Liberal Arts, which is proposed to be relocated to that location, and its successors or assigns, and only as long as the entirety of said property currently shown on Assessors' Lot 222-55 is used as an educational facility by a non-profit college or university, otherwise the sewer system extension shall terminate and be null and void; and provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise; and provided further that said extension shall be subject to the terms of any agreement relating thereto, and consistent with this vote, between the Town and The Thomas More College of Liberal Arts, which agreement or agreements the Board of Selectmen and the Board of Sewer Commissioners are hereby authorized to enter into.

Seconded

Quantum of Town Meeting Vote: Majority

Discussion:

- Dr. William Fahey, President of The Thomas More College:
 - The college is interested in relocating to Groton. This article facilitates relocation to town, but much more needs to be done.

- The curriculum supports students to integrate the classroom, environment and community with positive impact. Because of the town's character, Groton has been on Thomas More's "short list" of relocation sites.
- Costs of sewer extension to be born by The Thomas More College of Liberal Arts
- The college has agreed to payments in lieu of taxes. Dr. Fahey stated that the college commits to "payments in lieu" following the traditions of working cooperatively with the town.
- Zoning: Educational institutions are exempt from review in RA zoning districts, but are still subject to Site Plan Review by the Planning Board, as well as reviews by other town agencies (Conservation Commission, Sewer Commission, Board of Health) The College will be represented by Robert Collins.
- What will happen if the sewer is installed , but the college does not relocate?
 - Thomas More College (TMC) will own the target property at 122 Old Ayer Rd before sewer construction begins.
 - As regards "successors and assigns", the town is voting to authorize sewer capacity for TMC. The town, through town meeting, will have the right to terminate, or the authority to permit, sewer facilities for another entity.
- Can other houses tie into this sewer extension?
 - Because this extension will be a "force main", other tie-ins are not possible. It is believed that there is only one house situated along the sewer extension route.
- What impact does this extension have on overall sewer capacity? How would the sewer extension affect Groton's reserve sewer capacity?
 - The town has the capacity to handle the town's needs and a capacity for emergency needs.
 - TMC would use approximately 1/3rd of the reserve capacity
 - If TMC exceeds the assigned sewer capacity, the additional needs would have to be addressed privately by the college.
- What timeframes would be involved in extending the sewer line?
 - Estimated at 12-14 months to design, plan, permit and install.
- What is the legal standing of the sewer restriction?
 - This is the third time the town has granted a restricted sewer extension. This is most similar to the connection to the high school.
 - Town Counsel is not aware of any challenges to this type of agreement.
- Several abutters voiced support for the idea of having the college as a neighbor.
- What is the status of TMC's accreditation? Would there be any issue with TMC's financial viability?
 - Dr. Fahey states that TMC is accredited nationally and regionally. Accreditation consists of meeting 11 standards. Recently, 1 of the 11 standards (financial) was warned by regional accreditation. Those issues have been addressed and TMC expects the accreditation to be restored.
 - In a recent fundraiser hoping to raise \$900k, the college raised \$1.3m in a 5 week period.
- Would the town need to install a sidewalk from the college to Route 119?
 - While this will be determined when specific plans are identified, there is no anticipated need for a sidewalk. The rail trail does provide walking access to both Groton and Ayer centers.
- How are the students supervised "off hours"?

- While the faculty is not resident, there is a system of student proctors to supervise the 83 (current) students.
- Has there been a history of problems at TMC?
 - Police Chief Palma stated that his due diligence with the Merrimack NH police chief results in a finding that the college makes good neighbors and are good citizens. The Merrimack Police Chief described the college as “boring” (in a good police sense).

MOTION to Move the Question

Seconded

Quantum of vote: Majority

Vote on motion to move the question: Unanimous

Vote of Article 2 Main Motion: Majority

**ARTICLE 3: PURCHASE MAIN STREET PARCELS FROM ROMAN CATHOLIC CHURCH
(Formerly Article 1)**

To see if the Town will vote to authorize the Board of Selectmen to acquire from the Roman Catholic Archbishop of Boston, by gift, purchase, or eminent domain, for general municipal purposes, including, without limitation, for use as a fire station, the following three (3) parcels of land located on Main Street: (a) a parcel located at 271 Main Street, shown on Assessors Map 112 as Parcel 60, described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3649, Page 136, (b) a parcel located at 279 Main Street, shown on Assessors Map 112 as Parcel 61, described in a deed recorded in Book 3119, Page 208, and (c) a parcel located at 271 Main Street, shown on Assessors Map 112 as Parcel 62, described in a deed recorded in Book 10317, Page 127, containing 1 acre, more or less, in the aggregate, and to raise and appropriate, transfer from available funds, or borrow, or any combination of the foregoing, a sum or sums of money for such acquisition and costs related thereto, and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article, or to take any other action relative thereto.

BOARD OF SELECTMEN

Board of Selectmen: RECOMMENDED UNANIMOUSLY

Finance Committee: RECOMMENDED UNANIMOUSLY

Summary: *The Board of Selectmen and Town Manager have been working with the Roman Catholic Archbishop of Boston to purchase the three lots on Main Street that were the former home of the Sacred Heart Church. They agreed to purchase price is \$475,000. The plan is to use this site in the future to construct a new Central Fire Station to replace the one on Station Avenue. The Town Manager is working on a plan to relocate the former Church Building and will provide the Town Meeting with an update at Town Meeting.*

Mover: Peter Cunningham

MOTION: I move that the Town vote to authorize the Board of Selectmen to acquire from the Roman Catholic Archbishop of Boston, by gift, purchase, or eminent domain, for general municipal purposes, including, without limitation, for use as a fire station, the following three (3)

parcels of land located on Main Street: (a) a parcel located at 279 Main Street, shown on Assessors Map 112 as Parcel 60, described in a deed recorded with the Middlesex South District Registry of Deeds in Book 3649, Page 136, (b) a parcel located at 279 Main Street, shown on Assessors Map 112 as Parcel 61, described in a deed recorded with said Registry in Book 3119, Page 208, and (c) a parcel located at 279 Main Street, shown on Assessors Map 112 as Parcel 62, described in a deed recorded with said Registry in Book 10317, Page 127, containing 1 acre, more or less, in the aggregate, and to transfer from the Stabilization Fund the sum of \$300,000 and appropriate from Emergency Medical Services Receipts Reserved the sum of \$175,000, for a total of \$475,000 for such acquisition and costs related thereto, and further to authorize the Board of Selectmen to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the acquisition of said parcels of land.

Seconded

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

Discussion:

- Presentation and video by Fire Chief Joe Bosselait on the current central fire station locate on Station Ave.
 - The presentation demonstrated significant inadequacies with the current central fire station.
 - The major issues with the existing fire station are:
 - Equipment bays have been outgrown by the size of current fire equipment. Head clearance is very tight, even requiring snow to be shoveled in front of the door before a vehicle can enter/exit. Side clearances require mirrors to be pulled in for passage. The vehicle doors open less than 50%. Addressing these issues with each fire call takes precious seconds and minutes away from the rescue effort. Equipment has gotten bigger to comply with modern firefighting standards (e.g. ladder size, amount of water carried). Groton has been ordering "smaller" trucks, at an additional cost, to fit into these bays.
 - Related to the bays, mutual aid equipment (from other towns) are parked outside during coverage. In cold weather, water tank freezing and similar issues must be managed.
 - Station Ave/Main St intersection is a traffic congestion point, and needs to be travelled when responding to an emergency. Traffic can take time away from a response.
 - The general condition of the building is not very good. There are many issues which need to be addressed, some of which are building safety concerns.
 - Currently, ambulances and fire equipment are necessarily garaged at different locations. In certain circumstances, the logistics of people/equipment can cause delays in response times. It would be much better from a public safety standpoint to house all emergency equipment in the same location.
 - Various comments throughout the night indicated overwhelming agreement that a new fire station is needed.
- 279 Main Street as a new location:
 - 1 acre lot (four times the Station Ave lot size)
 - Corner lot with access on Main St. and West St.

- A new facility would be built to modern equipment standards
- The new facility would have 8 bays, allowing co-location of ambulances and fire equipment.
- The 279 Main St. lot would require the removal of the Sacred Heart Church, currently located on the premises.
- General discussion points:
 - The question before the town is if the purchase of this land is a good investment for the town at this time.
 - Many expressed these concerns:
 - \$475k for the land was thought to be expensive
 - Concern about the town's role and responsibilities in removal or demolition of the church
 - Adequacy of the location (traffic and West St. road quality for large trucks)
 - Noise in a residential area
 - Process to choose this location seemed rushed
 - How would the town pay for the land and the new fire station?
 - Virtually all speakers expressed support for a new fire station
 - Lynwood Prest (background in structural engineering): This is a 1900's era building. There is no room for height expansion. Would probably cost as much or more to rehab this building as to build a new building.
 - Brooks Lyman: Does not support the 279 Main St site. The land is expensive and not an ideal location. There is still a traffic congestion concern. Recommended consideration of other sites.
 - Sites mentioned and previously considered:
 - Renovation of Station Ave Fire Station – Small lot; storage of equipment during a renovation; Broadmeadow Road is a "floating" road and not suitable for regular usage by heavy equipment.
 - Prescott School – narrow drive; too close to wetlands to build behind
 - Co-locate at an expanded 99 Pleasant St.
 - The town is purchasing the land only. The town's responsibility for the church building would be \$10,000 towards demolition expenses. The Archdiocese of Boston is responsible for the disposition of the building. Thomas More College is interested in obtaining the building for its use.
 - It is anticipated that 279 Main Street will become taxable, as it appears not to be used for religious purposes any more.
 - Becky Pine: What is missing is a committee to be looking at alternatives, and to involve the public more thoroughly.

MOTION offered by John Giger

I move that we postpone the article indefinitely.

Seconded

Quantum of Vote: Majority

Motion to move the question to indefinitely postpone

Seconded

Quantum of vote: Majority

Vote on motion to move the question: Majority

Vote on motion to indefinitely postpone: Majority

Motion to adjourn the meeting moved and seconded
Vote: Majority

The Special Town Meeting dissolved at 9:50pm

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 14th Day of February in the year of our Lord Two Thousand Eleven.

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