

# WARRANT, MINUTES AND VOTES

## TOWN OF GROTON



## 2011 FALL TOWN MEETING

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

Beginning Monday, October 17, 2011 @ 7:00 PM

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Attention – Voters and Taxpayers

Please bring this Report to Town Meeting

**FALL TOWN MEETING WARRANT  
OCTOBER 17, 2011**

**Town Moderator:**

Robert L. Gosselin, Sr.

**Town Clerk:**

Michael F. Bouchard

**Deputy Town Moderator**

Jason Kauppi

**Finance Committee:**

Jay M. Prager, Chairman

Joseph Crowley

Gary Green

Peter J. DiFranco

Michael F. Flynn

Steven Webber, Vice Chair

Robert Hargraves

**Board of Selectmen:**

Peter S. Cunningham, Clerk

George F. Dillon, Jr., Vice - Chair

Anna Eliot, Chairman

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 7:03 PM on October 17, 2011. Moderator Robert Gosselin presided.

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

There is no quorum requirement for this Annual Town Meeting. At 7:00 PM, 131 voters were present. (Note: at 7:40 PM, 240 voters were in attendance.)

**Announcements and opening business:**

- Mr. Ben Black and Ms. Judith Sargent led the meeting in the Pledge of Allegiance. Ben joined the 13<sup>th</sup> Army Air Force in 1942 and flew 39 combat missions in WWII. He attained the rank of Captain. Judith joined the WAVES in 1944, attaining the rank of Yeoman 3<sup>rd</sup> Class. The meeting recognized their service and appreciated the leading of the Pledge. Jobs well done!

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 seventeenth day of October, 2011 at Seven O'clock in the evening, to consider the following:

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**MOTION: ADVANCE CONSIDERATION OF ARTICLES 26 AND 27**     **Mover: Joshua Degen**  
 I move that the Town postpone consideration of Articles 26 and 27 to 7:00 PM on October 24, 2011.

**Moved and Seconded**  
**Quantum of Vote:    Majority**  
**Vote on Main Motion to Advance Articles 26 and 27:    Unanimous**

**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 Water Enterprise Excess and Deficiency Fund the following sums of money for the payment of the following bills of a prior fiscal year:

R. J. Lacombe Septic Service	\$3,060
Massachusetts Water Works Association	\$ 120

for a total of \$3,180.00

**Moved and Seconded**

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

**Vote on Article 1 Main Motion: *Unanimous***

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**ARTICLE 2: *AMEND THE FISCAL YEAR 2012 TOWN OPERATING BUDGET***

To see if the Town will vote to amend the Fiscal Year 2012 Operating Budget as adopted under Article 5 of the April 25, 2011 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 2012, 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 2012 Town Operating Budget was approved at the 2011 Spring Town Meeting in April, 2011. 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 2012 Operating Budget. Handouts will be available at Town Meeting outlining any proposed changes.*

**Mover: George Dillon**

**MOTION:** I move that the Town vote to amend the Fiscal Year 2012 Operating Budget, as adopted under Article 5 of the April 25, 2011 Spring Town Meeting, as follows, each line item to be considered as a separate appropriation for the purposes voted:

**Moved and Seconded**

**GENERAL GOVERNMENT:** By increasing the General Government Appropriation from \$1,572,840 to \$1,603,840 so as to increase Line Item 1022 – “Board of Selectmen Expenses” by \$6,000, from \$1,859 to \$7,859 and Line Item 1050 “Town Accountant Salaries” by \$25,000 from \$72,000 to \$97,000.

**Quantum of Vote: Majority**  
**Vote on Article 2 General Government Motion: Unanimous**

**PROTECTION OF PERSONS & PROPERTY:** By increasing the Protection of Persons and Property Appropriation from \$2,657,966 to \$2,661,603 so as to increase Line Item 1310 – “Fire Department Salaries” by \$3,637 from \$97,763 to \$101,400.

**Quantum of Vote: Majority**  
**Vote on Article 2 Protection of Persons and Property Motion: Unanimous**

**DEPARTMENT OF PUBLIC WORKS:** By increasing the Department of Public Works Appropriation from \$1,894,629 to \$1,900,510 so as to increase Line Item 1502 - “Highway Department Expenses” by \$4,100 from \$138,200 to \$142,300 and Line Item 1540 – “Municipal Building and Property Maintenance Wages” by \$1,781 from \$72,126 to \$73,907.

**Quantum of Vote: Majority**  
**Vote on Article 2 Department of Public Works Motion: Unanimous**

**LIBRARY AND CITIZEN SERVICES:** By increasing the Library and Citizen Services Appropriation from \$1,529,841 to \$1,567,475 so as to increase Line Item 1600 – “Council on Aging Wages” by \$1,913 from \$111,014 to \$112,927 and Line Item 1622 - “Veteran’s Service Officer Veteran’s Benefits” by \$33,200 from \$15,000 to \$48,200 and Line Item 1661 “Library Wages” by \$2,521 from \$297,569 to \$300,090.

**Quantum of Vote: Majority**  
**Vote on Article 2 Library and Citizen Services Motion: Unanimous**

And to transfer the sum of \$78,152 from the Excess and Deficiency Fund (Free Cash) to fund said increases

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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 Fund has a balance of approximately \$500,000. 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 \$300,000 from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Capital Stabilization Fund.

**Moved and Seconded**

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

**Vote on Article 3 Main Motion: Unanimous**

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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: Article Withdrawn**

**Finance Committee: Article Withdrawn**

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

**Moved and Seconded**

**MOTION B:** I move that Article 4 be indefinitely postponed.

**Quantum of Town Meeting Vote: Majority (to indefinitely postpone)**

**Vote on Article 4 Main Motion B: Unanimous**

**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, 2011, 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 2012 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: Joshua Degen**

**MOTION:**    I move that the Town vote to transfer the sum of \$200,000 from the Excess and Deficiency Fund (Free Cash) for the purpose of affecting the tax rate for the period beginning July 1, 2011.

Comments:

- Tax rate would be offset from the current \$16.38 to \$16.33

**Moved and Seconded**

**Quantum of Town Meeting Vote:   Majority**

**Vote on Article 5 Main Motion:   Unanimous**

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**ARTICLE 6:                    WAGE AND CLASSIFICATION SCHEDULE – NEW POSITION**

To see if the Town will vote to amend the Fiscal Year 2012 Town of Groton Wage and Classification schedule by adding the following position:

<b>Position</b>	<b>Grade</b>
IT Desktop Support Specialist	Grade 5

and, further, to amend the Fiscal Year 2012 Town Operating Budget by creating a new line item numbered 1102, entitled "Wages," in the Informational Technology Department portion of the Budget; and to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money to fund said position in Fiscal Year 2012, or to take any other action relative thereto.

**TOWN MANAGER**  
**INFORMATION TECHNOLOGY DIRECTOR**

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

**Summary:** *The position and appropriation would create a Desktop Support Specialist in the Information Technology Department. The person will assist in day-to-day functions of the Department, including desktop support and maintenance for end users, documentation, record and asset tracking, and basic server administration. It is anticipated this would be a part-time, 19 hour per week position, which would not require any additional benefits. The amount requested in FY 2012 is \$11,000. Should the position become permanent, the anticipated FY 2013 appropriation for this position would be \$15,840.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to amend the Fiscal Year 2012 Town of Groton Wage and Classification schedule by adding the position of IT Desktop Support Specialist at Grade 5; and to amend the Fiscal Year 2012 Town Operating Budget by creating a new line item numbered 1102, entitled "Wages," in the Informational Technology Department portion of the Budget; and to transfer the sum of \$11,000 from the Excess and Deficiency Fund (Free Cash) to fund said position in Fiscal Year 2012.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**  
**Vote on Article 6 Main Motion: Unanimous**

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**ARTICLE 7: SQUANNACOOK RIVER DAM REPAIR**

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 conduct needed repairs to the Squannacook River Dam located in West Groton, and all costs associated and related thereto, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *The West Groton Dam located on the Squannacook River became the Town's responsibility when the Town took possession of the old leather board mill for tax foreclosure. Once the Town became the owner, it became subject to the regulations set forth by the Office of Dam Safety. During routine inspections, deficiencies in the dam have been noted and need to be addressed. These include concrete spalling on the face and spillway, repair of low water control, and spillway repair. The funding requested in this article (estimated to be \$25,000) will be added to funds already available through a grant for the repairs, which currently total approximately ninety thousand (\$90,000) dollars.*

**Mover: George Dillon**



**MOTION:** I move that the Town vote to transfer the sum of \$25,000 from the Excess and Deficiency Fund (Free Cash) to perform needed repairs to the Squannacook River Dam located in West Groton, and all costs associated and related thereto.

**Discussion:**

- A description of the repairs was presented to the Meeting
- Every 3 years the State requires an inspection at a cost of \$4800. The Town's ongoing responsibility will be to fix things as they come up.
- One member stated that he hoped the repairs could be done in such a way as to not preclude the possibility of generating electricity.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 7 Main Motion: Unanimous**

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**ARTICLE 8: HAZEL GROVE EXHIBITION HALL REPAIR/REMOVAL**

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 dismantling and removing the Exhibition Hall located at Hazel Grove Park in such a manner as to preserve the structure until funding can be obtained to perform the necessary repairs, and all costs associated and related thereto, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Article withdrawn**

**Finance Committee: Article withdrawn**

**Summary:** *In August of this year, a Structural Framing Review was conducted on the Exhibition Hall and Viewing Tower at Hazel Grove Park. A copy of the report is available for public inspection in the Office of the Town Manager at the Town Hall. The Exhibition Hall is in need of extensive repairs, estimated to be in the range of \$250,000. It was recommended that the Building be dismantled in such a way as to preserve it until such time as the necessary repair funding can be obtained. The estimate for this dismantling is approximately \$30,000.*

**Mover: Joshua Degen**

**MOTION A:** I move that the Town vote to transfer the sum of \$0 from the Excess and Deficiency Fund (Free Cash) for the purpose of dismantling and removing the Exhibition Hall located at Hazel Grove Park in such a manner as to preserve the structure until funding can be obtained to perform the necessary repairs, and all costs associated and related thereto.

**Moved and Seconded**

**MOTION B:** I move that Article 8 be indefinitely postponed.

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 8 Main Motion B: Unanimous**

**ARTICLE 9: REPAIR SEPTIC SYSTEM AT TARBELL SCHOOL**

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 repair the septic system for the Tarbell School Building located on Pepperell Road in West Groton, and all costs associated and related thereto, 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 has been working with the Groton Dunstable Regional School District Committee to determine the future of the Tarbell School. As part of the determination, an inspection of the septic system was performed. In order for the building to be sold or leased, the septic system needs to be repaired. Ross Engineering was hired by the Town to perform the necessary testing to determine the current system's condition. The results of the testing confirmed that there are sufficient depths of soil to provide an acceptable percolation rate. Therefore, the Town has moved forward with a design to upgrade the septic system for the School. This upgrade will allow the Town to install a system capable of serving the existing approved capacity of the property. The capacity is 700 gallons per day, which is equivalent to a 140 student school, a six bedroom house or a 9,000 square foot office building. The estimated cost to repair the system is \$35,000.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to transfer the sum of \$35,000 from the Excess and Deficiency Fund (Free Cash) to repair the septic system for the Tarbell School Building located on Pepperell Road in West Groton, and all costs associated and related thereto.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote: No vote at this time** (deferred until after discussion of Article 10)

**Moderator: Unanimous Consent given to withdraw the Main Motion under Article 9.**

*(Editor note: Motion under Article 9 withdrawn to allow motion to be heard to advance Article 10)*

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**MOTION TO ADVANCE FOR CONSIDERATION ARTICLE 10**

**Moved and Seconded**

**Vote: "Ayes have it; Article 10 is advanced."**

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**ARTICLE 10: 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 comprises approximately 8,300 square feet, and all or a portion of the 1.44 acre site on which it is 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 Unanimously***

**Finance Committee: *Recommended by Majority***

**Summary:** *The Tarbell School has been vacant for the past three 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 are 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: Anna Eliot**

**MOTION:** I move that the Town vote to transfer to the Board of Selectmen, for the purpose of sale, the property known as the Tarbell School and to authorize the Board of Selectmen to sell the property, being the 1.44 acre site located at 73 Pepperell Road, West Groton, Massachusetts, shown on Groton Assessors' Maps as Parcel 102-44, and the building thereon known as the Tarbell School, which comprises approximately 8,300 square feet, for a sum of not less than \$35,000, and to take all necessary action to comply with the General Laws of the Commonwealth for the disposal of said property, and to petition the General Court for any special legislation necessary to accomplish said sale.

#### **Discussion:**

- Robin Kane, potential buyer, introduced herself to the meeting. Ms. Kane runs the Country Kids Day Care which she would like to operate out of the Tarbell School.
  - Country Kids is a "for profit" business and is not tax-exempt
  - Estimated fit-up costs are estimated to be \$400k to \$600k
- This school is perceived to be a "win-win" for the neighborhood and the school.
- Q: How does the School District get removed from the lease?
  - A: The District will need to release it.
- Q: Why not just sell the building for \$1.00 instead of risking the liability of a higher cost for septic repair?
  - Can not transfer a building without a Title 5 Certificate
- Financials
  - Sales price: \$35,000
  - Septic Repair: \$35,000 (borne by the Town)
  - Assessed value: \$600,000
  - Repairs/Fit-up: \$400,000 to \$600,000 (borne by the buyer)
  - Estimated taxes (as a "for profit"): \$8,000 to \$10,000
- Previous efforts to sell the building have not been successful. This potential sale is to a resident with a local business. It keeps the business in town, and people employed. It is a suitable business for the location and the building.

**Moved and Seconded**

**Quantum of Town Meeting Vote: 2/3's Majority**  
**Vote on Article 10 Main Motion: Chair declared 2/3 Majority; 7 voters did not contest**

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[Editor note: After advancement and discussion of Article 10, Article 9 was re-presented to the meeting.]

**ARTICLE 9: REPAIR SEPTIC SYSTEM/TARBELL SCHOOL Mover: Anna Eliot**

**MOTION:** I move that the Town vote to transfer the sum of \$35,000 from the Excess and Deficiency Fund (Free Cash) to repair the septic system for the Tarbell School Building located on Pepperell Road in West Groton, and all costs associated and related thereto.

**Discussion:**

- Q: What if the price of the septic repair exceeds \$35,000?
  - R: The Town has estimates in hand to repair the septic at a cost of \$23,000. It is believed that there will be no cost over-run.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**  
**Vote on Article 9 Main Motion: Unanimous**

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**ARTICLE 11: FIRE DEPARTMENT - MOBILE COMPUTING EQUIPMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of sums of money to purchase computing equipment to be installed in the Town's ambulances and front line fire vehicles, and all related costs, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *This article will allow the Fire Department to purchase laptop computers for the ambulances & front line fire trucks. The State Office of Emergency Medical Services (OEMS) now requires data to be submitted for all medical runs in electronic forms and fire apparatus will be able to have the latest town maps & hydrant locations en route to calls. If the Dispatch Center receives a 9-1-1 grant and the computers are installed then it will be able to send emergency call information such as addresses, pre-plan information of the buildings and any hazards to the laptops in the vehicles that are responding to a call. Ordinarily, this item would be added to the Five (5) Year Capital Plan, however, it is being requested out of sequence based on the availability of the 9-1-1 Grant to upgrade the Dispatch Center. If approved, the Town will be purchasing five laptops and the necessary mounting equipment and software to install these in both ambulances and the three front line fire apparatus. The total cost for this purchase is estimated to be \$31,500.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to transfer the sum of \$31,500 from the Excess and Deficiency Fund (Free Cash) to purchase computing equipment to be installed in the Town's ambulances and front line fire vehicles, and all related costs.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 11 Main Motion: Unanimous**

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**ARTICLE 12: TOWN HALL RECORDS MANAGEMENT SYSTEM**

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 Records Management System for the Town Hall, and all costs associated and related thereto, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *The Town has several locations in which it stores permanent records. Currently, there are files in the attic (third floor) and basement of the Town Hall, which is very damp and a poor place to store records, along with Legion Hall. This is a very inefficient and haphazard way to store the Town's permanent records. The attic of the Town Hall is cluttered and it is very difficult to add any more files in its current condition. Recently, the Groton Police Department installed a records management system that has allowed the consolidation of all of its records in a very cohesive manner. It is the intention of this article to procure a similar system for installation in the attic (third floor) of the Town Hall. This will provide for a more efficient and organized manner to store these records. The cost of this system (off the State Bid List) is \$45,000.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to transfer the sum of \$45,000 from the Excess and Deficiency Fund (Free Cash) to purchase a Records Management System for the Town Hall, and all costs associated and related thereto.

**Discussion:**

Q: What is being purchased?

R: A physical file system to store paper records which the Town is required to keep.

Q: Why \$45,000?

R: This is the cost of the system. It is similar to what was installed in the Public Safety Building within the last couple of years.

Q: Will the weight of the system be able to be supported on the third floor of Town Hall?

R: This has been looked at and will be safe if installed according to the recommendation.

Q: Can this purchase wait? Does it need to be done now?

R: Records in Town Hall need to be organized and managed. It should be done as soon as possible.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

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

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**ARTICLE 13: IMPROVEMENTS TO THE EMERGENCY OPERATIONS CENTER**

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 make improvements to the Emergency Operations Center located at the Public Safety Building, including the purchasing of equipment and wiring of the building to accommodate these improvements, and all other costs associated and related thereto, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended Unanimously**

**Summary:** *Currently, the Town has located its Emergency Operations Center at the Public Safety Building on Pleasant Street. When activated, this Center serves as the command post for all emergency operations during an emergency event, such as a hurricane or other disaster. The Center was activated during the recent Tropical Storm Irene. While the Town was able to do an outstanding job dealing with this event, several issues arose that identified deficiencies in the current Center's configuration. The purpose of this Article is to appropriate the necessary funds to make important improvements to the EOC. Improvements are estimated to cost approximately \$30,000.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to transfer the sum of \$30,000 from the Excess and Deficiency Fund (Free Cash) to make improvements to the Emergency Operations Center located at the Public Safety Building, including the purchasing of equipment and wiring of the building to accommodate these improvements, and all other costs associated and related thereto.

**Discussion:**

- During the recent Hurricane Irene (Summer, 2011), several incompatibilities and shortages with equipment were identified.
- This request is to purchase equipment to resolve these issues.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 13 Main Motion: Chair declares a Majority vote**

*[Editor note: Articles 14, 15 and 16 are related and were presented and discussed together.]*

**ARTICLE 14:           SUBMIT APPLICATION - WATER POLLUTION ABATEMENT TRUST**

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 to the Massachusetts Water Pollution Abatement Trust for a low interest loan to be used for the construction of sewer infrastructure in the Lost Lake Area, and to update the application to the USDA-Rural Utility Service for a low interest loan and grant package for design and construction of sewer infrastructure in the Lost Lake Area, or to take any other action relative thereto.

**LOST LAKE SEWER ADVISORY COMMITTEE**

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

**Finance Committee: *Recommended by Majority***

**Summary:**   *This proposed expenditure from the General Fund, estimated to be \$10,000, is for the submission of an application to the Massachusetts Water Pollution Abatement Trust and the USDA-Rural Utility Service for low interest loans related to the construction of the Lost Lake Sewer System.*

**Mover: Anna Eliot**

**MOTION:**    I move that the Town vote to transfer the sum of \$10,000 from the Excess and Deficiency Fund (Free Cash) for the preparation and submission of an application to the Massachusetts Water Pollution Abatement Trust for a low interest loan to be used for the construction of sewer infrastructure in the Lost Lake Area, and to update the application to the USDA-Rural Utility Service for a low interest loan and grant package for design and construction of sewer infrastructure in the Lost Lake Area.

**Moved and Seconded**

**Quantum of Town Meeting Vote:   Majority**

**Discussion (encompassing Articles 14, 15 and 16):**

- A presentation was delivered by Woodard and Curran (included in the Meeting Information Packet)
- Reports:
  - Planning Board voted 3 to 1 in favor of Articles 14, 15 and 16
  - Board of Health voted unanimously in favor of the three articles with the condition that non-businesses on Forge Village Road not be allowed to connect to the system
  - Conservation Commission voted 3 in favor and 1 abstain to support all three articles
  - Finance Committee recommended by majority vote as customary and reasonable costs of the study. Abstentions were because it was felt there were not enough users to justify the total cost.
  - Lost Lake Sewer Commission is in support of all three articles

- Economic Development Committee is in support of all three articles. They felt that Four Corners commercial activity would be positively impacted with sewer availability.
- Groton Board of Trade Officers are in favor of the three articles as they believe Four Corners commercial activity will benefit.
- Q: What is being asked?
  - R: Funding for the several reports related to progressing a Lost Lake sewer System through these three articles:
    - Article 14: Free Cash to prepare an application for a low interest loans and grant application
    - Article 15: Free Cash for engineering studies to submit an Environmental Notification Form for inter-basin wastewater transfer
    - Article 16: Borrowing to complete an Environmental Impact Report related to the inter-basin transfer of waste water
  - System funding and approval is not being sought at this time. Should a system be proposed, that will occur at a future town meeting.
  - These reports will indicate the total costs of the project.
- Q: Will sewer availability allow previously unbuildable lots to be developed?
  - R: A buildable lot is subject to more criteria than only sewer capacity. Some non-conforming lots will be buildable because of sewer availability, because they also meet Zoning criteria. Not all lots will meet this criteria.. No estimate of the amount of buildable lots to be allowed is available because of the complexity involved with each situation.
- Q: How much money has been spent to date on the Lost Lake Sewer project, and how much has been recovered from the potential users?
  - R: Approximately \$400,000 has been spent, all by the Town, not the individual potential users.
- Q: Will people be required to connect to the new proposed sewer system?
  - R: Households will be required to pay the betterment fees, but not required to connect to the system.
- Q: How long will this study be valid?
  - R: This is a 20 year plan.
- Q: Doing the numbers, this will impact the area residents by approximately a \$200 per year charge. This is a low income area. Has anyone studied the impact of this to these residents?
  - R: Not specifically. It was pointed out that the estimated costs of the project do not include the offsets grants may offer, should they be awarded. Three types of grant opportunities are being sought:
    - USDA Rural Development – 30 to 40% grant and low interest loans
    - State – 2% cap on loan funds but 0% interest for loans affecting nutrient removal
    - Mass Works – 100% grant in the Four Corners area to benefit economic development
- Q: Would bringing town water to this area be less expensive and reduce the space of relocating septic systems?
  - R: Yes town water would ease the space problem in relocating septic systems, but would not necessarily but less costly and would not alleviate the lakes issue in reducing nitrogen.
- Q: How long would it take to build the sewer system?



- R: Approximately two years
- Q: What is the expected improvement in nutrient loading for the lakes?
  - R: That answer is not known at this time.
- Q: Does Ayer have the capacity to accept the wastewater from the Lakes region?
  - R: Yes
- Q: What is the fallback plan and costs should the “Ayer transport” not work out?
  - R: Not defined at this time
- Q: Have all costs been thoroughly vetted?
  - R: These studies will vet most of these costs.
- Q: Is offset mitigation required?
  - R: Unknown at this time. An offset mitigation plan would increase the chances of State approval of the inter-basin transport. Offset mitigation would have its own set of costs.
- Q: What would “offset mitigation” look like? What are realistic offsets?
  - R: The Environmental Impact Report, with funding requested under Article 16, would address these issues.
- Q: If Four Corners was excluded, could a Groton system handle the septic needs of the Lost Lake region?
  - R: No

**Motion to move the question of Article 14:**

**Quantum: 2/3<sup>rd</sup> Majority**

**Vote: Unanimous**

**Vote on the Main Motion of Article 14: Chair declared Majority vote**

**ARTICLE 15: ENGINEERING REVIEW – TRANSPORT WASTEWATER TO AYER**

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 an engineering review of transporting the wastewater generated in the Lost Lake Area to the Town of Ayer for treatment, including completion of the Comprehensive Wastewater Management Report, and submittal of an Environmental Notification Form to regulatory authorities, or to take any other action relative thereto.

**LOST LAKE SEWER ADVISORY COMMITTEE**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended by Majority**

**Summary:** *This proposed expenditure, estimated to be \$40,000, is to allow the Town’s engineer to review the viability of transporting the wastewater generated from the Lost Lake Area to Ayer for Treatment, and to complete necessary regulatory filings. The Ayer option will greatly reduce the overall project costs to the sewer users in the Lost Lake Area.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to transfer the sum of \$40,000 from the Excess and Deficiency Fund (Free Cash) for an engineering review of transporting the wastewater

generated in the Lost Lake Area to the Town of Ayer for treatment, including completion of the Comprehensive Wastewater Management Report, and submittal of an Environmental Notification Form to regulatory authorities.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 15 Main Motion: Majority**

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**ARTICLE 16: ENVIRONMENTAL IMPACT REPORT - LOST LAKE SEWER**

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 filing of an Environmental Impact Report with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, subject to approval by state regulators of an inter-basin transfer of water from the Lost Lake Area to the Ayer wastewater system, or to take any other action relative thereto.

**LOST LAKE SEWER ADVISORY COMMITTEE**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: Recommended by Majority**

**Summary:** *This proposed expenditure, estimated to be \$350,000, is to allow the Town and its engineer, Woodard and Curran, to file an Environmental Impact Report for the Lost Lake Sewer Project. The filing of this report is required due to the Inter-basin Transfer of water for wastewater treatment in the Town of Ayer.*

**Mover: Anna Eliot**

**MOTION:** I move that the sum of \$350,000 be appropriated for the purpose of financing the filing of an Environmental Impact Report with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, subject to approval by state regulators of an inter-basin transfer of water from the Lost Lake Area to the Ayer wastewater system, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen be authorized to borrow the sum of \$350,000 and issue bonds or notes of the Town therefor, pursuant to Massachusetts General Laws, Chapter 44, Section 7 and/or Chapter 29C of the General Laws, as amended; 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 amended; that the Treasurer with the approval of the Selectmen be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as amended; 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; and that the Board of Selectmen be authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project.

**Moved and Seconded**

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

**Vote on Article 16 Main Motion: Motion Carried: 115 In Favor 37 Against**

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**ARTICLE 17: SURVEY LOST LAKE/KNOPPS POND**

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 conduct an aquatic biological survey of Lost Lake/Knopps Pond, or to take any other action relative thereto.

**GREAT PONDS ADVISORY COMMITTEE**

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

**Summary:** *In order to determine the best course of action to address the weed problem in Lost Lake/Knopps Pond, an aquatic biological survey needs to be conducted to determine the extent and type of the invasive plants and the best way to address the issue. It is anticipated that the cost of this survey will be \$2,750.00. The Groton Lakes Association has already approved \$1,500 dollars for the survey. This article is requesting the remaining funds to complete the survey.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to transfer the sum of \$1,250 from the Excess and Deficiency Fund (Free Cash) to conduct an aquatic biological survey of Lost Lake/Knopps Pond.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Vote on Article 17 Main Motion: Unanimous**

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**ARTICLE 18: WATER DEPT – PURCHASE ACCESS & UTILITY EASEMENT**

To see if the Town will vote to appropriate, and authorize the Groton Water Department to expend, a sum or sums of money from the Water Enterprise Fund for the purpose of purchasing an Access and Utility Easement over and through property located at #402 Chicopee Row and shown on Groton Assessors' Maps as Parcel 231-85 for the proposed Unkety Brook Well Site, or to take any other action relative thereto.

**BOARD OF WATER COMMISSIONERS**

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

**Summary:** *The sum requested under this article will be \$25,000, in order to acquire an Access and Utility Easement on #402 Chicopee ROW so that the Groton Water Department may access the future Unkety Brook Well Site with vehicles, so that the proper underground utilities may be installed in order to operate the well.*

**Mover: Joshua Degen**

**MOTION:** I move that the Town vote to transfer the sum of \$25,000 from the Water Enterprise Excess and Deficiency Fund and authorize the Groton Water Department to expend said \$25,000 for the purpose of purchasing an Access and Utility Easement over and through property located at #402 Chicopee Row and shown on Groton Assessors' Maps as Parcel 231-85 for the proposed Unkety Brook Well Site.

**Moved and Seconded**

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

**Vote on Article 18 Main Motion: Unanimous**

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***MOTION to Adjourn the meeting until Monday October 24 at 7:00 PM***

***Moved and Seconded***

***Quantum: Majority***

***Vote on Motion to Adjourn: Majority***

***October 17 session of the 2011 Fall Town Meeting was adjourned at 10:52 PM***

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***FIRST ADJOURNED SESSION***

The first adjourned session of the 2011 Fall Town Meeting was called to order at 7:01 PM on October 24, 2011 by Moderator Robert Gosselin.

There is no quorum requirement. 174 voters were in attendance at 7:00 PM, 331 at 8:00 PM.

As voted at the October 17 session, consideration of Articles 26 and 27 was advanced to 7:00 PM on October 24. Deputy Moderator Jason Kauppi presided over Articles 26 and 27.

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***ARTICLE 26: PURCHASE MAIN STREET PARCELS - ROMAN CATHOLIC CHURCH***

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 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 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 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: *Recommendation: 4 in Favor; 3 Against***

**Summary:** *This article has been placed on the Warrant as a place holder by the Board of Selectmen. Last Spring, the Board brought this Article forward as a potential site for a new Central Fire Station. During the debate and subsequent vote at Town Meeting, one of the issues raised was that further investigation of a site on Station Avenue, controlled by the Groton Electric Light Department, needed to be completed. In addition, there were neighborhood concerns that needed to be addressed. The Board has spent the last several months working with the Electric Light Commission to determine the feasibility of the Station Avenue Site. At this time, it appears that this site is not viable as it does not have adequate room and the cost of storm water management is prohibitive. To that end, the Board has placed this Article on the Warrant for reconsideration by the 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 \$200,000 and appropriate from Emergency Medical Services Receipts Reserved the sum of \$125,000, for a total of \$325,000 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.

### **Moved and Seconded**

#### **Discussion:**

Mr. Cunningham (Board of Selectmen):

- At the previous meeting, voters requested further analysis of all options
- Groton Electric Light Commission had stated that their Station Ave “excess land” site was available. Since the last Town Meeting, an engineering study of the site in two different layouts was conducted. One layout was a combined GELD/Fire Station building; the other being two standalone buildings. The combined building was cited as being costly to build. The concept for two standalone buildings involved significant suite preparation costs due to wetlands and drainage and an access road.
- The Board of Selectmen believe 279 Main St is the best site for a new fire station. It is in the “Tier 1” response time designation, is available and is affordable to purchase and develop.

- Station Ave, Prescott School and 14 other sites were considered by the Central Fire Station Relocation Study Committee. All sites had issues, ranging purchase cost, availability and site remediation.
- Public safety concerns are driving the need for a new fire station.

Mr. Green (Finance Committee, Majority)

- With the recent financial analysis, the majority of the Finance Committee feel that financial diligence has been done.
- The risk profile is acceptable. Unknown financials on the other properties.
- It is the opinion that this site will work for the future.

Mr. Prager (Finance Committee, Minority)

- Costs of 279 Main St and of the GELD site are close , if the access road at the GELD site is not built. Opinion is that the access road is not needed. It is .3 miles longer to the same point on Broadmeadow using Main St., and is an acceptable tradeoff.
- Could the GELD site building be scaled back to work better? A larger building may cause underutilization of other facilities. The GELD site meets public safety and architectural requirements and would place most town services in close proximity.

Fire Chief Bosselait

- #1 priority is response time. Station Ave to Main St. adds time. Separate facilities delays response time when EMT equipment and fire equipment are both needed.
- The current station is antiquated. Electric and plumbing both need significant work. The bays are too small, requiring specially sized equipment. The building is not ADA compliant.
- The fire department receives 1100 calls per year – approximately 2 EMS and 1 fire call per day. There are 4 full time fire and EMT personnel. Nights and weekends are manned by call-volunteer personnel. Response time to an incident is increased with call responders as access “to” the building(s) adds to response time. 50% of the calls are Monday to Friday between 8 and 4.
- 279 Main St is the best location because it is centrally located and available to Main St. Growth for Groton is projected to 15,000 residents within 10 years, putting increased demand on fire and other public services. 279 Main St. is the most cost effective solution. It is the #1 ranked site by the Central Fire Station Relocation Committee. The available green space will be more than the current provided by the church building. There are very good site lines from the truck bays – people can see the fire equipment and the firefighters can see the street. There are two means of egress if needed. It would be a visible safe haven.

Deputy Chief Clarence Jefferson (statement read to the Meeting)

- Expressed concern about response times, especially the on-call “two way” response time.

Lieutenant Susan Daly

- A member of the Central Fire Station Relocation Committee.
- Also concerned about response time
- The CFSRC survey rating sheets ranked this site #2; the GELD site ranked #3

- The final report of the CFSRC ranked the 279 Main St site #1, GELD #2 and Prescott School #3. Further due diligence solidified this recommendation.

Police Chief Palma

- The Public Safety Building was built 17 years ago to house police, ambulance and a call fire department. The growth in town requires new space.
- If EMS moved out, the bays would be used by the police department, as much equipment is now stored outside. Additional office space would be used by emergency management services, emergency shelter and the Emergency Operations Center.

Nadia Madden (Conservation Commission)

- There has been no filing to date for a review of a Station Ave plan for a fire station and a GELD facility.
- On Aug 30, the Conservation Commission did rule that GELD could rebuild , as per their single facility plan, on this site.
- The Commission voted “no” to approve a plan based upon a drawing of a larger building and impervious surface. This , however, was not a plan filing. The concerns were flooding potential and impact to water quality.

Al Collins (Historical Commission)

- The HC is interested in retaining the Town’s character while progressing into the future. Main St. is an important aspect of the Town’s character.
- While 279 Main St. is just outside of the historical district, the Historical Commission is concerned with the impact of a fire station on the Historical District.
- With reservations, the Historical Commission supports the 279 Main St. location for a fire station, and would request to participate in an oversight committee to create a harmonic design.

Kevin Lindemer (Groton Electric Light Commission)

- Station Ave site preparation costs are higher than expected.
- Questions the need for an access road to Broadmeadow
- A fire station could be located on Station Ave, but special consideration would be needed from the Planning Board and Conservation Commission
- If the fire station is not built on Station Ave, GELD will declare the land surplus. GELD is not partial to the fire station location.

Russell Harris (Opponent to the 279 Main St. Fire Station location)

- The location of a fire station at 279 Main St. is bad planning. It will result in a building being out of proportion on the site, with no room for expansion. There will be insufficient parking. The aesthetics will degrade Main St.
- There have been many successful projects in town (e.g. Gibbet Hill, Groton Public Library, Surrenden Farms, Whitney Well, RiverCourt public/private partnership). In his view, the 279 Main St. project does not meet the standards of these efforts.
- Would like to see a concept plan identifying the need, costs and sites, reviewed in public.
- Eminent Domain should not be ruled out to acquire a site. As an example, a better site would be the land next to the Public Safety Building. The fire station

could be collocated with the police department. The land could be purchased reasonably. It would be reasonable for the Trust for Groton School and Lawrence Academy to consider a sale, as the Town did sell them Shirley Road> This would be a neighborly act.

#### Open Discussion

- Peter Cunningham – The concept plan is embedded in the Town’s Master Plan. Need to rely upon the fire professionals to specify the details.
- Michele Collette (Member of the CFSLC) – The property on Farmer’s Row, next to the Public Safety Building, was explored. The Trust was not interested in selling. Eminent Domain would be required to obtain this policy.
- Jeremy Januskiewicz (Member of the CFSLC) – Believes response time is currently a significant issue because there are two sites to work from. Supports 279 Main St. site as the most cost effective option . Believes fire station should be on Main ST. for visibility and as a safe haven.
- Brooks Lyman – Supports a combined fire station. Suggests a concept plan for a fire station is needed. Would like to further explore the use of Prescott School. Acknowledges that 279 Main St. would appear to work as a fire station site.
- Peter Cunningham – The Board of Selectmen would welcome Historical Commission and HDC input on the building committee. Pointed out that eminent domain was used for the high school land purchase with a willing seller. There is no known willing seller for fire station land. Eminent domain is very aggressive and should be a last resort.
- Chief Bosselait – The station Ave site requires a sewer line and connection. 279 Main St. has all utilities available. An egress road is very important at either site.
- Donna Burton - opposes the 279 Main St. site. Believes the land is too costly and that the town is overpaying. States that the land I worth \$200,000 without the church building, and that other costs such as tree removal and sidewalks are not considered. Observes that traffic “gridlock” in the morning on Rt. 119 makes the site poor from a response time perspective.
- Joshua Degen – The fire station has 20% coverage on the lot (8000 sf to the lot’s 44,000 sf area). Traffic is the same at 279 West Main St. as a Station Ave/Main St.
- Michael Manuguian - Is 26 parking places and an 8,000 sf building adequate for 50 years?
- Don Black – In Jan., 2011, 30 parking places and 11,000 sf were the criteria. Believes 8,000 sf is inadequate.
- Michael Manuguian – Are the selection criteria being followed? Believes the process has not consistently looked at and evaluated the criteria.
- Jay Prager – Station Ave site could be less costly if not for architectural concerns. The analyses assume these would be the same.
- Dr. Susan Horowitz – In support of the article. The Town chose the fire chief because of his expertise. He has been the point person on this analysis since the beginning. “Not said lightly”, the Town’s needs need to be considered ahead of the abutters’.
- Station One Lieutenants (Call Members) – Station One gets the most calls. It houses specialized equipment (e.g. the ladder truck). 50% of the members are cross trained as EMTs, which involves accessing the second location for ambulances. The current location has immediate issues to be addressed, including a lack of space, cold weather operation and mutual aid equipment



unable to fit in heated space. To the potential neighbors, wish to impart a message that noise is minimal and only as needed, grounds are kept and general consideration of the neighbors is a priority.

- Stuart Schulman – Also welcomes historical input to the building of the fire station. Believes a firehouse should be visible. The 279 Main St site is not perfect, but believes it is the best site.
- Paul Matisse – Preserving the beauty and character of the Town is as important as the financials in this decision. Believes the design is “way out of scale” for the area. Questions the validity of this site to serve for a 50 year period.
- Lieutenant Susan Daly – the Central Fire Station Location Study committee stated that a 7,000 sf footprint was required for a firestation. There are sidewalks across Main St. from this site for pedestrian traffic, and would not interfere with fire traffic. Main St. “gridlock” is present today, and the fire traffic is able to negotiate it.
- Scott Harker – This discussion is about the priorities of a fire station. If we don’t purchase the land, the town will have little or no control over what goes there.
- Bob Pine – Are response times from 279 Main St., Station Ave and Prescott School essentially the same?
  - Chief Bosselait – Yes. Most important aspect of response time is to be under one roof. There are some response time challenges with being on the side street (Station Ave) and behind the Prescott School. 279 Main St. is the quickest in most circumstances.

Why is the access road on Station Ave allocated to the project if we planned to build it anyway? Thinks the process has not been good. Perceives that the financials from the process are biased. Doesn’t believe that a building of this scale could be built on that site.

- Joshua Degen – An access road is required for the fire station. It will cost \$1042 per foot..
- (Unknown) – What is the liability to remove the church building?
  - R: If the church is not relocated at the relocater’s expense, the Archdiocese will pay \$25,00 towards demolition. The Town will be responsible for the balance. The Town has an estimate for \$35,000 for demolition and \$15,000 for asbestos removal.
- Q: Are there objective criteria from experts for the construction and siting of a fire station?
  - R: Yes. This process used Dorrier and Whitier’s expertise.

**MOTION TO MOVE THE QUESTION**

**Moved and Seconded**

**Quantum: 2/3rds Majority**

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

**Chair declared 2/3 vote; 7 voters did not contest**

**VOTE ON ARTICLE 26 MAIN MOTION**

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

**Vote: 199 In Favor 112 Against Motion is Defeated**

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**ARTICLE 27:**

**DESIGN FUNDING FOR A NEW CENTER FIRE STATION**

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 be expended by the Town Manager, for the purpose of hiring an architect and/or engineer, pursuant to the Designer Selection Guidelines adopted by the Board of Selectmen in December, 2010, for the design of a new Center Fire Station, and all costs associated and related thereto, or to take any other action relative thereto.

### **BOARD OF SELECTMEN**

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

**Finance Committee: *Recommendation – None taken due to postponement of article***

**Summary:** *This Article has also been placed on the Warrant by the Board of Selectmen as a place holder. Should the Town Meeting vote to authorize the purchase of the property at 279 Main Street for a new Fire Station, or if another site is determined to be viable, this Article will serve to request the necessary funding to design the new Center Fire Station on the selected site and advertise the project for construction. The Project will be brought back to a future Town Meeting (either next Spring or Fall) for construction funding. More information will be provided at Town Meeting.*

**Mover: Joshua Degen**

**MOTION:** I move that the sum of \$500,000 be appropriated, to be expended by the Town Manager, for the purpose of hiring an architect and/or engineer, pursuant to the Designer Selection Guidelines adopted by the Board of Selectmen in December, 2010, for the design of a new Center Fire Station, and all costs associated and related thereto; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen be authorized to borrow the sum of \$500,000 and issue bonds or notes of the Town therefor, pursuant to Chapter 44, Section 7 of the General Laws as amended and supplemented, or any other enabling authority.

**Moved and Seconded**

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

**MOTION: I move to postpone Article 26 Indefinitely**

**Moved and Seconded**

**Discussion:**

- Q: Floor member suggested amending the article to fund a concept plan for the fire station
  - R: The Moderator and Town Counsel both ruled that the proposal was beyond the scope of the article.

**Motion to Move the Question**

**Moved and Seconded**

**Quantum: 2/3<sup>rd</sup> Majority**

**Vote on Motion to Move the Question: Chair declares 2/3<sup>rd</sup> Majority**

**Vote on Motion To Postpone Indefinitely: Majority**

**ARTICLE 19: DESIGN GUIDELINES - TOWN CENTER OVERLAY 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 to fund the preparation of design guidelines for the redevelopment of the Town Center Overlay District, said guidelines to be prepared as part of the contract for the Comprehensive Master Plan Phase II Implementation, or to take any other action relative thereto.

**PLANNING BOARD**

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

**Summary:** *The Planning Board is requesting funding in the amount of \$15,000 to prepare design guidelines for the Town Center Overlay District, which was created by vote of the 2011 Spring Town Meeting. The process will include a series of workshops and forums with stakeholders and the general public.*

**Mover: Anna Eliot**

**MOTION:** I move that the Town vote to transfer the sum of \$15,000 from the Excess and Deficiency Fund (Free Cash) to fund the preparation of design guidelines for the redevelopment of the Town Center Overlay District, said guidelines to be prepared as part of the contract for the Comprehensive Master Plan Phase II Implementation.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**

**Discussion:**

- Planning Board – Design guidelines provide a frame of reference for cohesive development of the town center
- Finance Committee – Not recommended as it is a lot of money. Recommends that the town use internal expertise to develop these guidelines
- Comment: Supporter of the article does not agree that town hall expertise is appropriate to develop the guidelines.
- Q: Are these guidelines binding?
  - R: These are not standards and are not binding. However, these guidelines will let developers know what's being asked.
- Comment: Local developer has spent over 50 hours interpreting the current guidelines for use in the town center. Expertise is needed to develop new guidelines.
- Comment: Updating the guidelines is necessary. Is spending the additional dollars necessary?
- Q: Is the town center defined?
  - R: No. that is the first step.
- Q: Will the Historic District Commission and Historical Commission be involved?
  - R: Yes
- Would these new guidelines affect the 134 Mian ST project?
  - R: No
- Will these guidelines impact what replaces the Gorton Inn?
  - R: Yes

**Motion to Amend                      Mover: Rodney Hersch**

I move that all town departments shall be exempt from any guidelines that are more limiting than those imposed by the State.

**Ruling: Town Counsel ruled that this amendment is outside the scope of Article 19**

**Vote on Article 19 Main Motion: Majority**

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**ARTICLE 20:                      26 ANTHONY DRIVE – CONNECTION TO TOWN SEWER**

To see if the Town will vote to extend the “Groton Center Sewer System”, as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include the property shown on Groton Assessors’ Maps as parcel 216-10, 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 – General Benefits Facility Charge, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

**BOARD OF SEWER COMMISSIONERS**

**Board of Selectmen: Recommended (4 In Favor, 1 Against)**

**Finance Committee: No Position**

**Summary:**     *This article seeks approval to extend the Center Sewer System to include the property shown as Assessors’ Parcel 216-10 to allow the property to connect to the Town Sewer system.*

**Mover: Peter Cunningham**

**MOTION:**     I move that the Town vote to extend the “Groton Center Sewer System”, as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include the property shown on Groton Assessors’ Maps as parcel 216-10, 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 – General Benefits Facility Charge, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise.

**Moved and Seconded**

**Quantum of Town Meeting Vote:     Majority**

**Vote on Article 20 Main Motion:     Majority**

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**ARTICLE 21:                      21 ARLINGTON STREET – 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, to include the property

shown on Groton Assessors' Maps as Parcel 110-10, 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 – General Benefits Facility Charge, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

#### **BOARD OF SEWER COMMISSIONERS**

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

**Summary:** *This article seeks approval to extend the Center Sewer System to include the property shown as Assessors' Parcel 110-10 to allow the property to connect to the Town Sewer system.*

**Mover: Peter Cunningham**

**MOTION:** I move that the Town vote to extend the "Groton Center Sewer System", as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, to include the property shown on Groton Assessors' Maps as Parcel 110-10, 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 – General Benefits Facility Charge, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**  
**Vote on Article 21 Main Motion: Unanimous**

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#### **ARTICLE 22: AMEND PERSONNEL BYLAW**

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

#### **BOARD OF SELECTMEN**

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

**Summary:** *During the annual appointments this past year, the Board of Selectmen voted unanimously to disband the Personnel Board. It was determined that with the change in Town governance and the hiring of a full time Town Manager and Human Resources Director, the duties of the Personnel Board were otherwise outlined in the Town Charter. The purpose of this article is to remove all references to the Personnel Board from the Bylaw. These duties will be divided among the Board of Selectmen, Town Manager and Human Resources Director.*

**Mover: George Dillon**

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

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**

**Discussion:**

- The Board of Selectmen have previously voted to eliminate the Personnel Board. Most of the functions of the Board are defined in the Town Charter to be those of the Town Manager.
- Members stated that the bylaw eliminates a grievance procedure for bylaw employees.
  - R: The grievance procedure under the new bylaw would be the same as that for union employees.
- Comment: There is no independent grievance body. Checks and balances are not present.

**MOTION to Move the Question:**

**Moved and Seconded**

**Quantum: 2/3<sup>rd</sup> Majority**

**Vote on the Motion to Move the Question: Chair declared 2/3<sup>rd</sup> vote**

**Vote on Article 22 Main Motion: Does not pass**

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**ARTICLE 23: ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 140, SECTION 147A**

To see if the Town will vote to accept the provisions of Section 147A, Chapter 140 of Massachusetts General Laws to empower the Town to enact by-laws relative to the regulation of dogs, or to take any other action relative thereto.

**DOG CONTROL BYLAW COMMITTEE**

**Board of Selectmen: Recommended Unanimously**

**Finance Committee: No Position**

**Summary:** *Acceptance of MGL chapter 140, section 147A will empower the Town to enact additional bylaws regulating dogs, and to enact fines in excess of fifty dollars. The acceptance of section 147A is necessary to implement the fees and fines proposed in the article in this warrant seeking to revise Chapter 128, Dogs, of the Code of Groton.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to accept the provisions of Section 147A, Chapter 140 of Massachusetts General Laws to empower the Town to enact by-laws relative to the regulation of dogs.

**Moved and Seconded**

**Quantum of Town Meeting Vote: Majority**  
**Vote on Article 23 Main Motion: Majority**

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**ARTICLE 24: AMEND DOG CONTROL BYLAW**

To see if the Town will vote to amend Chapter 128, "Dogs," of the Code of the Town of Groton by deleting the current Chapter 128 in its entirety, and replacing it with a new Chapter 128, "Dogs," as set forth in Appendix A to this warrant, or to take any other action relative thereto.

**DOG CONTROL BYLAW COMMITTEE**

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

**Summary:** *The proposed revisions to Chapter 128 include the addition of a "Dangerous Dogs" article, increased fines and general clarifications. The amendment also incorporates Selectmen's Regulation Chapter 223, which addresses dog bites, into the general bylaw.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to amend Chapter 128, "Dogs," of the Code of the Town of Groton by deleting the current Chapter 128 in its entirety, and replacing it with a new Chapter 128, "Dogs," as set forth in Appendix A to the Warrant for the October 17, 2011 Fall Town Meeting, with the following exception: substitute the figure of \$300.00 for the figure of \$500.00 in paragraphs 4 and 5 of section 128-8.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**

**Motion to Amend #1 Mover: Paula Martin**  
I move to amend Section 128-3.1 License Required Penalty by adding the words at the end " , unless identified as a Dangerous Dog."

**Moved and Seconded**  
**Quantum: Majority**  
**Vote on Motion to Amend #1: Majority**

**Motion to Amend #2 Mover: Paula Martin**  
I move to amend Section 128-4 Violations and Penalties by changing the words in parenthesis to "non-dangerous dogs only".

**Moved and Seconded**  
**Quantum: Majority**  
**Vote on Motion to Amend #2: Unanimous**

**Motion to Amend #3 Mover: Paula Martin**

I move to amend Section 128-4 Violations and Penalties Section D which reads "Late Registration Fines (per dog in addition to registration fee)" by changing the word "registration" to "licensing".

**Moved and Seconded**  
**Quantum: Majority**  
**Vote on Motion to Amend #3: Unanimous**

**Motion to Amend #4 Mover: Paula Martin**

I move to Amend Section 128-6 by adding a Section D to read

"D. In the event of a report of a bite between a dog and its adult owner n the owner's property from a mandatory reporting authority, the Dog Officer shall decline the enforcement procedure stated in Section 128-5.

**Moved and Seconded**  
**Quantum: Majority**  
**After some discussion: Unanimous Consent granted for the Mover to withdraw Motion #4. Motion #4 was withdrawn.**

**Vote on Article 24 as amended with Motions 1, 2 and 3: Majority**

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**ARTICLE 25: LEGISLATION - PILOT FOR SOLAR ENERGY GENERATORS**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes (PILOT) agreement or agreements for property within the Town on which solar electricity generation facilities are constructed, and to petition the General Court of the Commonwealth of Massachusetts for any special legislation necessary for such agreement or agreements, or to take any other action relative thereto.

**BOARD OF SELECTMEN**

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

**Summary:** *The purpose of this Article is to authorize the Town to enter into agreements with solar power generation companies. A PILOT (payment in lieu of taxes) program allows an agreement between the Town and the company that specifies the amount to be paid to the Town in place of real estate taxes. A major electric industry restructuring law was put in place in 1997 when electric distribution companies were forced to divest themselves of their generation capabilities. For 12 years thereafter certain transition conditions were set up. The installation of a solar field would be impractical at normal personal property tax rates. However with a PILOT in place, the Town could gather significant additional tax revenue that it would not otherwise be able to receive. Locally generated electricity has the obvious advantage of protection against more global failures. This would help our municipal light department set better rates based on the "peak hour" value used for the hot summer days. The local generation would be renewable.*

**Mover: Stuart Schulman**

**MOTION:** I move that the Town vote to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes (PILOT) agreement or agreements for property within the



Town on which solar electricity generation facilities are constructed, which PILOT agreement or agreements may grant reductions or exemptions from the level of taxes otherwise due, in amounts negotiated by the Board, and subject to such further vote of the Town as may be required by law; and to petition the General Court of the Commonwealth of Massachusetts for any special legislation necessary for such agreement or agreements.

**Moved and Seconded**  
**Quantum of Town Meeting Vote: Majority**

**Discussion:**

Q: Is this a Home Rule Petition or enabling legislation?

R: Implementing this PILOT program may require a Special Act of the Legislature.

Comment: This is a real opportunity to support alternative energy.

**Motion to Postpone Indefinitely Mover: Stuart Schulman**  
**Moved and Seconded**  
**Quantum: Majority**

Discussion: Federal legislation enabling this program expires on December 31, 2011. If the Motion is postponed indefinitely, we will not be able to take advantage of it.

**Motion to amend Article 25 Main Motion Mover: Stuart Schulman**

I move to amend the main motion by inserting the words "personal property" in the fourth line following the words "exemption from the level of". The Motion to now read:

I move that the Town vote to authorize the Board of Selectmen to negotiate and enter into a payment in lieu of taxes (PILOT) agreement or agreements for property within the Town on which solar electricity generation facilities are constructed, which PILOT agreement or agreements may grant reductions or exemptions from the level of personal property taxes otherwise due, in amounts negotiated by the Board, and subject to such further vote of the Town as may be required by law; and to petition the General Court of the Commonwealth of Massachusetts for any special legislation necessary for such agreement or agreements.

**Moved and Seconded**  
**Quantum: Majority**  
**Vote on Motion to Amend Article 25: Unanimous**

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

**Vote on Article 25 Main Motion as amended: Majority**

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**Motion to Adjourn the 2011 Fall Town Meeting**

**Moved and Seconded**  
**Quantum: Majority**  
**Vote: Majority**

**The 2011 Fall Town Meeting was adjourned at 12:10 AM on October 25, 2011.**

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 26<sup>th</sup> Day of September in the year of our Lord Two Thousand Eleven.

Anna Eliot

Anna Eliot, Chairman

George F. Dillon, Jr.

George F. Dillon, Jr., Vice-Chairman

Peter S. Cunningham

Peter S. Cunningham, Clerk

Joshua A. Degen

Joshua A. Degen, Member

Stuart M. Schulman

Stuart M. Schulman, 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

## APPENDIX A

### CHAPTER 128 – DOGS

#### § 128-1. Definitions

Article I        Public Nuisance

§ 128-2. Public nuisances prohibited.

§ 128-3. Enforcement.

Article II        Violations and penalties

§ 128-3.1. License required; penalty.

§ 128-4. Violations and penalties.

Article II        Dog Bites

§ 128-5. Enforcement procedure – Dog Bites.

§ 128-6. Bites subject to enforcement procedure.

Article IV Dangerous Dogs

§ 128-7. Dangerous Dogs.

§ 128-8. Enforcement procedure – Dangerous Dogs.

#### **§ 128-1. Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

- Abandon -**            A dog is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.
- Agent -**                One who is acting for or in place of the Owner.
- At Large -**            Off the premises of the owner and not under the physical control of the owner or authorized agent of the owner.
- Bite**                    The clamping of skin and subjacent soft tissues between the upper and lower mandible of a canine.
- Complaint**            A formal written report of a dog incident using the Groton Dog Incident Complaint Form.

<b>Complainant</b>	Any person, including the Dog Officer, who makes a complaint regarding an animal committing a violation under this chapter. In the case where the complaint is from other than the Dog Officer, it shall be in writing, using the Groton Dog Incident Complaint form.
<b>Owner</b>	Any person, group of persons or corporation owning, keeping or harboring a dog or dogs. The owner is responsible for a dog's actions at all times.
<b>License</b>	A valid and current municipal dog license and dog license tag.
<b>Physical Control</b>	Control of a dog with a restraint.
<b>Public Nuisance</b>	<p>Any dog shall be deemed a public nuisance when such dog is engaged or has engaged in any combination of one or more of the following activities. Each instance of a public nuisance is considered to be a violation. Each day of a violation is determined to be a separate violation.</p> <p>A. Attacking, threatening, harassing or menacing, as determined by the Dog Officer following an appropriate investigation, persons, fowl, livestock or other domestic animals, such as cats, dogs or other household pets while outside the property of its owner, whether under such owner's control or not.</p> <p>B. Destroying, disturbing or otherwise molesting the property, including refuse, of another while outside the property of its owner, whether under such owner's control or not.</p> <p>C. Being upon any public park, playground, schoolyard, beach or in any place to which the public has a right of access while not under the physical control of its owner or agent. The determination of physical control shall be that of the Dog Officer.</p> <p>D. Being a dog which is permitted to run unrestrained at large. The running of hunting dogs, certified service dogs and search and rescue dogs shall not constitute a public nuisance hereunder. The exercising of other dogs which are under the immediate control of their owner or agent, shall not constitute a public nuisance hereunder, providing permission of the landowner has been obtained.</p> <p>E. Being upon any public way or in any place to which the public has a right of access, chasing motor vehicles, bicycles or pedestrians.</p> <p>F. As determined by the Dog Officer, continuous or prolonged barking or making other objectionable noise, such as howling, crying or scratching which disturbs the peace and quiet of any neighbor for more than a reasonable period of time.</p> <p>G. Being an unspayed female or unneutered male at large.</p> <p>H. Being over the age of six months and not wearing a suitable collar and current municipal dog license tag issued for it and while not on the property of the owner.</p> <p>I. Being a dog which has been abandoned.</p> <p>J. Being a dog which deposits solid waste not removed or improperly disposed of by the dog's owner or agent upon any public park,</p>

playground, schoolyard, beach, public or private way, sidewalk, in any place to which the public has a right of access or any property other than that of its owner.

**Restraint** The control of a dog by physical means, such as a leash, fence or other means of physically confining or restraining a dog.

**Restraint Order** Order to confine or restrain a dog with conditions determined by the Dog Officer.

**Serious Bodily Injury** Serious bodily injury shall mean bodily injury which creates a substantial risk of death or which involves either total disability, protracted and obvious disfigurement or the loss or substantial impairment of some bodily function, member, organ or mental faculty for a substantial period of time.

## **ARTICLE I Public Nuisance**

### **§ 128-2. Public nuisances prohibited.**

No owner of any dog shall, while such dog is within the confines of the Town of Groton, allow such dog to be a public nuisance as defined above.

### **§ 128-3. Enforcement.**

Nothing contained in this bylaw shall prevent the Board of Selectmen from passing any orders authorized by law at such times as the Board shall deem it necessary to safeguard the public.

A. In all cases it shall be the duty of the duly appointed Dog Officer to investigate any violation under this chapter either witnessed by a police officer or the Dog Officer, or reported in a written and sworn complaint. The Dog Officer shall provide the dog owner and the complainant with a written copy of the complaint and investigation report not more than seven days after the conclusion of the investigation, but in any event, not more than 30 days after receiving the complaint.

B. If, after the Dog Officer's investigation of an alleged violation under this chapter, such officer has reason to believe that the described violation did in fact occur as set forth in said written complaint or as witnessed by him/her or a police officer, it shall be the Dog Officer's duty to issue the owner, in writing, the appropriate order and/or to impose the appropriate fine designed to prevent a recurrence or continuation of such violation. The period of time during which the order shall be in effect shall be on the order. If the complainant and the owner involved are in agreement with the order so issued, then the matter respecting that particular violation under this chapter shall be considered resolved. If the parties are not in agreement, then recourse can be had to the remedies of each under provisions of applicable law.

C. In all cases it shall be the duty of the Dog Officer, if, in his/her opinion, appropriate action is necessary to prevent further or continued violations of this chapter pending a complete investigation, to take the following action:

(1) Notify the owner, if known and available, of the alleged violation and issue a preliminary order, in writing, requiring the owner to take appropriate action, pending a complete investigation.

(2) If the owner is not known or, if known, is not immediately available:

(a) Take the dog into custody in the most humane manner possible.

(b) Confine the dog in a suitable facility.

(c) Use every means available to identify and make contact with the owner.

(d) Take such further action as is allowed by law.

D. It shall be the responsibility of the owner of any dog impounded under the provisions of Subsection [C\(2\)\(b\)](#) to reclaim such dog subject to the following criteria:

(1) The owner shall pay the Dog Officer such sum as is established by the Board of Selectmen by regulation for taking the dog into custody and a further sum for room and board as determined by regulations promulgated by the Board of Selectmen.

(2) The owner of the dog shall also be responsible for costs incurred by the Town or Dog Officer for reasonable and customary care of the dog while in the custody of the Dog Officer.

(3) The owner shall have in his possession a License and related tag for the dog, both of which shall have been issued with respect to the dog. The license tag shall be attached to the dog by a suitable collar before the dog is released from the custody of the Dog Officer.

E. Disposition of dogs - If an unclaimed dog has been in the custody of the Dog Officer for more than 10 days, the Dog Officer may dispose of the dog in accordance with applicable provisions of Massachusetts law. The owner shall be responsible for any costs incurred in the keeping and disposition of the dog.

### **§ 128-3.1. License required; penalty.**

A. Pursuant to Chapter 140, § 173, of the Massachusetts General Laws, any person who fails to register, number, describe and license his or her dog annually by January 1 in the Town of Groton, Middlesex County, and pay the fees and charges under rules and regulations pursuant to Chapter 140, § 139, will be required to pay to the Town of Groton a penalty after the last day of February annually, in accordance with a Fee / Fine Schedule established by the Board of Selectmen. By virtue of the Town's acceptance of the applicable provision of Section 139 of Chapter 140 of the General Laws, no fee shall be charged for a License for a dog owned by a person aged 70 years or over.

**[Amended 10-25-2004 STM, Art. 14]**

B. Failure to comply with this section shall constitute a violation of § [128-2](#) and may subject the owner of any unlicensed dog to financial penalties as are allowed by this chapter or as provided for in regulations promulgated by the Board of Selectmen.

C. All monies received by the Town Clerk's office for the issuance of dog licenses or other fees, fines, charges, and penalties under § 147 of Chapter 140 of the Massachusetts General Laws and this chapter shall be paid into the treasury of the Town.

**[Added 10-20-1997 ATM, Art. 13]**

## ARTICLE II Violations and Penalties

### § 128-4. Violations and penalties.

A. Except as otherwise provided by existing statute or in this chapter, any person who violates this chapter shall be subject to the payment of a penalty in the amount of \$50 for each violation and for each day of violation, to be recovered for the use of the Town.

B. The owner of any dog which is in violation of § [128-2](#) may be subject to this penalty whether such dog is in the custody of the Dog Officer or not. As an alternative to criminal prosecution, the Dog Officer and Town Police Officers, as enforcing persons under this chapter, may enforce this chapter and orders issued hereunder pursuant to the noncriminal disposition statute, M.G.L. c. 40, § 21D and the Town Code, Chapter 1, Article I, § [1-4B\(2\)](#). When so enforced, the fines shall be as follows:

#### [Amended 12-4-1996 STM, Art. 29]

A.	Penalties for Public Nuisance Violations	
a.	First violation	\$50
b.	Second violation	\$75
c.	Third and subsequent violations	\$100
B.	Fees for dogs in the custody of the Dog Officer	
a.	Fee for dog pick up	\$25
b.	First calendar day board	\$25
c.	Second and subsequent calendar day board	\$40
C.	Annual dog licensing Fee (between January 1 and February 28)	
a.	Neutered or spayed dogs	\$10
b.	Unaltered dogs	\$15
c.	Kennel license:	
	i. Up to 4 dogs	\$40
	ii. 5 to 9 dogs	\$70
	iii. 10 or more dogs	\$100
d.	Dangerous Dog license	\$500
e.	Dog owners over 70 years old	free (registrations only)
D.	Late registration fines (per dog, in addition to registration fee)	
a.	Between March 1 and May 31	\$10
b.	June 1 or later	\$15
c.	Failure to report or license a Dangerous Dog	\$500
E.	Replacement Dog Tag	\$3

## ARTICLE III. Dog Bites

### [Adopted 9-12-1988]

### **§128-5. Enforcement procedure - Dog Bites.**

As provided by the Massachusetts General Laws, the following enforcement procedure shall apply to dog bites in the Town of Groton:

A. First bite: minimum thirty-day restraint order, which will not expire until proof of rabies shot and verification that the dog is not demonstrating symptoms of rabies. Notice will be sent to the owner or agent by registered or certified mail or hand delivery. The person bitten will receive a copy of the order.

B. Second bite: permanent restraint order. Notice will be sent to the owner or agent by registered or certified mail or hand delivery. The owner and the person bitten will be advised that a hearing to appeal the order can be requested by either party.

C. Violation of restraint order. A hearing will be held in order to review the facts related to bite incidents and restraint order violation(s). All parties (owner, agent, complainants and witnesses) connected with incidents involving the dog will be requested to attend, with the owner or agent notified by registered or certified mail or hand delivery. Upon review of the facts, if it is shown that the dog has bitten twice and has violated the permanent restraint order, the Board of Selectmen shall order a remedy, which may include that the dog shall be ordered destroyed.

### **§ 128-6. Bites subject to enforcement procedure.**

The following dog bites are subject to the Section 128-5 enforcement procedure. Bites shall be reported using the Groton Dog Incident Complaint form.

A. Bites reported to the Board of Selectmen by the Animal Inspector, Dog Officer, Police Department, Groton Board of Health or Nashoba Board of Health, determined not to be committed by a Dangerous Dog, as defined in this Bylaw.

B. Bites reported directly to the Board of Selectmen or Police Department and verified by an investigation by the Dog Officer or Animal Inspector determined not to be committed by a Dangerous Dog.

C. In the event the Dog Officer determines that a dog reported or observed to have bitten was, at the time of the incident, being teased or abused, the Dog Officer may decline to issue a restraint order.

## **ARTICLE IV. Dangerous Dogs**

### **§ 128-7. Dangerous Dogs**

The Dog Officer may declare a dog dangerous when it has committed any of the below listed infractions:

- A. has attacked a person without justification, resulting in that person's death.
- B. has engaged in or has been trained to engage in exhibitions of fighting other dogs.
- C. has attacked a person without justification causing serious bodily injury.
- D. has bitten an individual repeatedly (more than once) during the course of an unprovoked attack.



- E. has attacked a domestic animal or livestock causing serious injury or death while the dog is outside the property of the owner, not including an isolated attack on a single chicken, duck or other fowl or rabbit which was not appropriately contained in a cage or pen.
- F. has repeatedly (on more than one occasion) harassed or chased livestock, wildlife or domestic animals, whether any such animal is injured or not, while off the premises of the owner.
- G. has been declared to be a vicious or dangerous dog by the animal control authority or court of another jurisdiction. The Owner is required to report a vicious or dangerous dog to the Town Clerk or Dog Officer.
- H. has been previously determined to be a dangerous dog, which, after its owner or agent has been notified of this determination, continues any behavior described in this section.
- I. has committed some other act not listed here, of such severity that it represents a clear physical danger to the public as determined by the Dog Officer.
- J. has been previously ordered restrained by the Town of Groton for violations as described in this section.

Any subsequent infractions shall be grounds for a separate or further declaration that a dog is dangerous.

#### **§ 128-8. Enforcement procedure - Dangerous Dogs**

1. Any dog which is declared dangerous under Subsection 127-7.A shall be ordered euthanized.
2. Any dog declared dangerous under Subsections 128.7. B through I shall, upon the first offense and at the owner's expense, be ordered permanently restrained in an escape-proof enclosure as approved by the Dog Officer, shall be neutered, shall be micro-chipped with the microchip number supplied to the Dog Officer and be enrolled in an appropriate training program, which must be approved by the Dog Officer, for the completion of prescribed training. Completion of such training shall be certified in writing to the Dog Officer by the trainer. The dog shall not be allowed outside of its escape-proof enclosure except for necessary medical treatment, training and grooming, and any other necessity which has prior approval of the Dog Officer. The dog shall be muzzled any time it is outside its escape-proof enclosure
3. Any dog which commits a second infraction under Subsections 128.7. B through I, and any dog which has violated a previous order of restraint issued by the Town of Groton, shall be ordered euthanized or ordered removed from the Town of Groton, as determined at a hearing before the Board of Selectmen.
4. Any dog declared dangerous shall be subject to an annual licensing fee of \$500.00, or the maximum allowed by law.
5. Failure to license or report a dog declared dangerous shall be an offense subject to a penalty of \$500, or the maximum allowed by law.
6. The owner of any dog declared dangerous may be required to obtain additional liability insurance, in an amount determined by the Board of Selectmen, throughout the lifetime of such dog, and must provide proof of such to the Dog Officer.

**APPENDIX B**  
**GROTON POOL AND GOLF CENTER**  
**FISCAL YEAR 2011**  
**(8 Months)**  
**INCOME AND EXPENSE SUMMARY**

	<b>Actual</b>
<b>Revenue</b>	
Revenue from Fees, Memberships, Functions	\$337,191
Cash Transferred from Old Bank Accounts	<u>\$ 6,372</u>
<b>TOTAL REVENUE</b>	<b>\$343,563</b>
 <b>Direct Expense</b>	
Salary Expense	\$ 77,494
Wage Expense	\$ 40,264
Minor Capital Expense	\$ 4,920
General Expenses	\$186,912
Encumbrances	<u>\$ 1,895</u>
<b>TOTAL DIRECT EXPENSE</b>	<b>\$311,485</b>
 <b>Indirect Expense</b>	
Payroll Taxes	\$ 2,355
Retirement Assessment (est)	\$ 6,000
Health Insurance (1 month/1EE)	<u>\$ 1,550</u>
<b>TOTAL INDIRECT EXPENSE</b>	<b>\$ 9,905</b>
 <b>EXCESS OF REVENUES OVER EXPENSES</b>	 <b>\$ 22,173</b>