

Warrant, Summary, and Recommendations

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

Attention – Voters and Taxpayers

Please bring this Report to Town Meeting

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

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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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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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

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

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: *Recommendation Deferred Until Town Meeting*

Summary: *The intent of this article is to use a portion of Free Cash or General Stabilization Fund monies as a funding source for the FY 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.*

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:

Position	Grade
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: *Recommendation Deferred Until Town Meeting*

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.*

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

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.*

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

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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 (4 In Favor, 1 At Town Meeting)*

Finance Committee: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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.*

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.*

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 (4 In Favor, 1 At Town Meeting)
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.*

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: *Recommendation Deferred Until Town Meeting*

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.*

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

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.*

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 Deferred Until Town Meeting*

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.*

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 26th 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.

Complainant

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.

Owner

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.

License

A valid and current municipal dog license and dog license tag.

Physical

Control of a dog with a restraint.

Control

Public Nuisance

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.

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.

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.

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.

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.

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.

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.

G. Being an unspayed female or unneutered male at large.

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.

I. Being a dog which has been abandoned.

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, 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

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

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Board of Selectmen
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