

MINUTES

TOWN OF GROTON



2021 FALL TOWN MEETING

Groton-Dunstable Middle School Complex
342 Main Street, Groton, Massachusetts 01450
Masks are required.

Beginning Saturday, October 23, 2021 @ 9:00 AM

Rain Date – Sunday, October 24, 2021 @ 11:30 AM

LOCATION NOTE: The 2021 Fall Town Meeting will be held on the Middle School Track unless moved indoors to the Performing Arts Center (PAC) by a decision of the Moderator, after consulting with the Select Board, on October 21st. Notice will be published on www.grotonma.gov.

Attention – Voters and Taxpayers
Please bring this Report to Town Meeting
Introduction to Groton Town Meeting

Voters are familiar with casting ballots in local and state elections, but they have another important civic duty in towns, the Town Meeting.

What is Town Meeting?

The Town Meeting is the legislative body in the town form of government in Massachusetts. Town Meeting is a formal gathering of registered voters who propose, debate and vote on measures. Groton holds at least two Town Meetings per year.

What is a warrant?

The warrant is the official notice to voters that a Town Meeting is scheduled. The warrant includes the date, time, location and a description of each subject to be acted on at Town Meeting. In Groton, the warrant must be posted in two public places and mailed to each household 14 days in advance of Town Meeting. "The warrant must contain a sufficient description of what is proposed so as to constitute an adequate warning to all the inhabitants of the town."¹ "Every action taken at the meeting must be pursuant to some article in the warrant and must be within the scope of such article."²

How does Town Meeting proceed?

Voters attending Town Meeting must first check in with the Clerks and receive a voting card which is required to vote. The meeting typically acts on the articles in the order they are printed in the warrant. For each article, a main motion is made and seconded by voters and placed by the Moderator on the floor for debate. Permission of the Moderator is required to speak. The Moderator presides and regulates the proceedings, decides all questions of order, and calls and declares all votes. After debate has ended, the Moderator will call for a vote by a show of voter cards. If the vote is too close to call by sight or if seven voters immediately question the Moderator's declaration of the vote, the Moderator will order a hand count to confirm the vote.

Who can attend?

Town Meeting is open to the public. Only Groton voters are entitled to attend, speak and vote. Non-voters may be required to sit in a separate section. Non-voters may ask the Moderator to speak on the topic of the debate.

How long is town meeting?

¹ *Town Meeting Time: A Handbook of Parliamentary Law* (page 12) Johnson, Trustman and Wadsworth, Third Edition, 2001.

² *Id.*

Town Meeting concludes when all articles on the warrant have been acted upon. Town Meeting may conclude in one session or adjourn for subsequent sessions.

Pandemic Safety Procedures for Town Meeting

Due to the Delta Variant, the Fall Town Meeting will be held outdoors on the field behind the Florence Roche Elementary School. Voters and non-voters attending the meeting are asked to follow these procedures:

- Attendees should wear masks, even while speaking, and observe social distancing whenever possible.
- Keep at least 6-feet of distance from others while in the voter check-in line.
- Voters should arrive early, check-in, receive a voter card, and proceed directly to a seat.
- A golf cart will be available for anyone who needs assistance moving from the parking lot to the field.
- Single and household-pair seating will be six or more feet apart and should not be moved. Attendees may bring their own chairs.
- Children may accompany parents and are asked to bring a seat for the child. Families with two or more children are asked to provide their own chairs.
- Voters will speak from one of the microphones set up at various locations on the field of the Middle School Track. Please adhere to social distancing when standing in line to speak.
- Voting will be by raised voter card and not by voice.
- Anyone unable to wear a mask may sit in a reserved section with a dedicated microphone.
- There will not be a break for lunch, but Town Meeting attendees are urged to bring a bagged lunch so that the Town Meeting can be completed in one day, if possible.
- At the end of the meeting, voters are asked to observe social distancing while exiting the field.

LOCATION NOTE: The 2021 Fall Town Meeting is scheduled to be held outdoors on the Middle School Track. If it appears that the weekend weather will be unsuitable for an outdoor meeting, the Moderator, after consulting with the Select Board, may decide on October 21st to move the Meeting to the Performing Arts Center if it is considered safe to hold the Meeting indoors. Notice will be published on www.grotonma.gov. Masks will be required at either location.

Rain Date: In the event of circumstance, the Town Meeting will be held the following day, October 24th at 11:30 a.m. If the Town Moderator postpones the meeting, notice will be made on the town website, posted in three public places, and through news and social media.

Please direct questions regarding the meeting procedures to Jason Kauppi, Town Moderator, at moderator@grotonma.gov or call 978-391-4506.

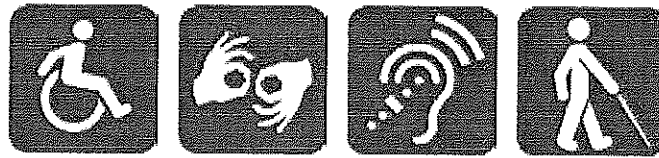
Explanation of a Consent Agenda

A consent agenda is a procedure to group multiple main motions into a single motion for voting. A consent agenda saves time by eliminating the reading of multiple motions and explanations when there are no objections or questions. In Groton, a consent agenda generally consists of articles unanimously supported by the Select Board and Finance Committee. Articles that change by-laws or introduce new spending are typically not included. In this warrant, the Select Board has grouped articles in consent agendas and labeled them for easy reference.

How Consent Agendas Work

As the first step to act on a consent agenda, the Moderator will read the titles of the included articles. A voter who wishes to remove an article from the consent agenda for separate debate and vote should state "hold." The held article will be set aside and acted on after the vote on the consent agenda. After

the meeting agrees on the contents of the consent agenda, there will be no debate and the Moderator will immediately call for a vote. Every motion included in the consent agenda will either pass or fail as a group. Voters should read the warrant and review the proposed consent agendas to identify articles they wish to remove for separate consideration.



Town Meeting Access for Voters with Disabilities

Parking – Universally accessible parking spaces are available in the parking lot in front of the Groton Dunstable Middle School South.

Sign Language – A Sign Language Interpreter will be provided for the hearing impaired, upon request, at least one week prior to the meeting.

Speaking at Town Meeting – There will be several microphones set up for speaking at various locations on the Field. Please observe social distancing when standing in line to speak.

Restrooms – Accessible restrooms for this Town Meeting will be provided adjacent to the Florence Roche Elementary School.

Transportation to Town Meeting - The Council on Aging van will be available to Groton residents attending Town Meetings at no charge. All riders will be at the meeting prior to the start. The van is wheelchair accessible. Your reservation can be made by calling the Senior Center at 978-448-1170. Seats will be filled on a first come, first serve basis.

Questions or concerns - If you or a member of your household has questions or would like to request a sign language interpreter, please contact the Select Board's Office at Town Hall at 978 448-1111 at least one week before the Town Meeting.

**2021 FALL TOWN MEETING OFFICIALS
MEETING DATE : OCTOBER 23, 2021**

Town Moderator:
Jason Kauppi

Deputy Moderator
Michael Bouchard

Board of Selectmen:
Allison Manugian, Vice-Chair
Joshua A. Degen
Becky Pine, Chair
John Giger
John Reilly

Finance Committee:
Colby Doody, Vice-Chair
Gary Green
Scott Whitefield
Mary Linskey
David Manugian
Bud Robertson, Chair
Art Prest

Town Manager:
Mark W. Haddad
Dawn Dunbar, Executive Assistant

Town Clerk:
Michael F. Bouchard

PROCEEDINGS:

The meeting was called to order at 9:01 AM on October 23, 2021 inside the Performing Arts Center located at 342 Main Street. Moderator Jason Kauppi presided.

There is no quorum requirement for this Annual Town Meeting. 129 voters attended the meeting.

Announcements:

Face coverings are required to be worn at all times during the meeting, even while seated or speaking.

Social distancing is requested. Seats have been marked off to provide a disytancing guide.

All voting will be by using the voter card issued at the Check-In.

New Town Counsel, Brian Falk from Mirick, O'Connell, DeMallie & Lougee, LLP was introduced. Brain has been Town Counsel since July, 2021.

A moment of silence was observed for Grotonians who have passed since the last meeting.

The Meeting took the Pledge of Allegiance.

MOTION – Limit Debate

MOVER: Michelle Collette

I move that debate be limited to three minutes for each speaker, with the exception of the main proponent and opponent of each article, and at the discretion of the moderator.

Moved and Seconded

Quantum of Town Meeting Vote: 2/3rds Majority

Vote of Motion to Limit Debate: Passed by 2/3rds Majority

The timekeeper will be Dawn Dunbar.

Tellers were sworn during the Meeting: Richard Mitchell, Connie Sartini, Bruse Easom, Michael Manugian, Chris Cifra, Deb Busser.

The Moderator determined that the warrant was duly posted. A motion to waive the reading of the warrant was moved and seconded. The reading of the warrant was waived by Majority vote.

**2021 FALL TOWN MEETING MINUTES
OCTOBER 23, 2021**

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 at the Groton-Dunstable Middle School Track 342 Main Street, Groton, Massachusetts in said Town on Saturday, the twenty-third day of October, 2021 at Nine O'clock in the morning, to consider the following:

ARTICLE SUMMARY

Article 1	Prior Year Bills	Passed
CONSENT AGENDA*		Passed
Article 2*	Amend the Fiscal Year 2022 Town Operating Budget	
Article 3*	Transfer Within Water Enterprise Fund	
Article 4*	Transfer Money Into Capital Stabilization Fund	
Article 5*	Transfer Money Into Stabilization Fund	
Article 6*	Transfer Money Into the GDRSD Capital Stabilization Fund	
Article 7*	Capital Purchase – Fire Chief's Vehicle	
Article 8*	Assessing Software	
Article 9*	Community Preservation Funding Accounts	
Article 10*	Amend Article 14, Motion 8 of the 2021 Spring Town Meeting	
Article 11	Whitney Pond Well Construction	Passed
Article 12	Water Treatment Facility Construction	Passed
Article 13	Special Legislation – Change Town Clerk to Appointed	Passed
Article 14	Extend Center Sewer District	Passed
Article 15	Zoning Amendments – Clarifications, Updates, Corrections	Passed
Article 16	Zoning Amendment – Marijuana Retail Establishments	Passed
Article 17	Citizens' Petition – Transfer of Land	Passed
	Report of the Town Manager to the 2021 Fall Town Meeting	

***Articles 2 through 10 presented in one motion as a Consent Agenda**

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.

SELECT BOARD

Select Board: *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. Please see the Town Manager's Report starting on page 33 for additional information related to this Article.*

Mover: Alison Manugian

MOTION: I move that the sum of \$11,601.72 be transferred from the Excess and Deficiency Fund (Free Cash) for the purpose of paying a prior year fiscal bill from Nitsch Engineering.

Moved and Seconded

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

Vote on Article 1 – Main Motion: Passed by Unanimous Vote

ARTICLES 2 THROUGH 10 WERE MOVED AS A CONSENT AGENDA

ARTICLE 2: AMEND THE FISCAL YEAR 2022 TOWN OPERATING BUDGET

To see if the Town will vote to amend the Fiscal Year 2022 Operating Budget as adopted under Article 5 of the 2021 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 2022, or to take any other action relative thereto.

FINANCE COMMITTEE
SELECT BOARD
TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The Fiscal Year 2022 Town Operating Budget was approved at the 2021 Spring Town Meeting in May, 2021. 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*

2022 Operating Budget. Please see the Town Manager's Report starting on page 33 for additional information related to this Article.

ARTICLE 3: TRANSFER WITHIN WATER ENTERPRISE FUND

To see if the Town will vote to transfer a sum or sums of money from the Water Enterprise Fund Surplus to the Fiscal Year 2022 Water Department Operating Budget for Engineering Services, or to take any other action relative thereto.

BOARD OF WATER COMMISSIONERS

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*
Water Commission: *Recommended Unanimously*

Summary: *This article will request a transfer of funds from Water Surplus to help fund the Fiscal Year 2022 Water Department's Operational Expenses related to operational needs of the Water Department.*

ARTICLE 4: TRANSFER MONEY INTO THE CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, 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.

SELECT BOARD

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *As of the printing of this Warrant, the Fund has a balance of \$80,214. 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. The target amount for the Capital Stabilization Fund will be provided at Town Meeting. Please see the Town Manager's Report starting on page 33 for additional information related to this Article.*

ARTICLE 5: TRANSFER MONEY INTO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, 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.

SELECT BOARD

Select Board: *Recommended Unanimously (to withdraw the Article)*
Finance Committee: *Recommended Unanimously (to withdraw the Article)*

Summary: *As of the printing of this Warrant, the balance in this fund is \$2,140,794. The financial management goal is to achieve and maintain a balance in the Fund equal to 5% of the total annual budget. The target amount for the Fund will be provided at Town Meeting. Please see the Town Manager's Report starting on page 33 for additional information related to this Article.*

ARTICLE 6: TRANSFER MONEY INTO THE GDRSD CAPITAL STABILIZATION FUND

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum or sums of money to be added to the sum already on deposit in the Town of Groton Capital Stabilization Fund for the Groton Dunstable Regional School District, or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *As of the printing of the Warrant, the balance in this fund is \$18,136. This fund covers the Town of Groton's share of the Groton Dunstable Regional School District Committee's long-range Capital Plan to address its capital needs. The target amount will be provided at Town Meeting. Please see the Town Manager's Report starting on page 33 for additional information related to this Article.*

ARTICLE 7: CAPITAL PURCHASE – FIRE CHIEF'S VEHICLE

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to any applicable statute, a sum or sums of money, to be expended under the direction of the Town Manager, to purchase and equip a new Command Vehicle for the Fire Department, and all costs associated and related thereto, or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The original proposed FY 2022 Capital Budget had called for the purchase of a new command vehicle for the Fire Department. During last year's Capital Budget cycle, due to the uncertainty of the budget, it was decided to put off this purchase until the Fall and revisit the potential funding for this purchase. Purchasing this new vehicle is important for the command*

operation of the Fire Department. This will provide both the Fire Chief and Deputy Fire Chief with reliable response vehicles going into the winter season. In addition, this will provide enhanced incident command and control features for both the Fire Chief and Deputy Fire Chief, which is currently only available with the Fire Chief's vehicle. This capability is vital in times when major storms, complex incidents or multiple incidents are occurring simultaneously. The anticipated cost of this vehicle is \$70,000.

ARTICLE 8: ASSESSING SOFTWARE

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow pursuant to any applicable statute, a sum or sums of money, to be expended under the direction of the Town Manager, for the purpose of upgrading the software used in the Assessing Department, and all associated costs related thereto, or to take another other action relative thereto.

TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*

Summary: *The Assessing Department is currently using Vision 6.5 for the valuation of all Real Property in the Town of Groton. Vision Government Solutions (VGSI) released Vision 8.0 in 2017. The upgrade version operates on a SQL database (**Structured Query Language** which is basically a language used by databases and allows to handle the information using tables and shows a language to query these tables) and includes an enhanced sketching program and report writing features which will allow the Assessing Department to comply with MA Department of Revenue reporting requirements seamlessly. Vision 6.5 operates on an Oracle database that is no longer supported by Oracle. As VGSI sunsets Vision 6.5, support will no longer be available. The cost of this upgrade is \$35,000.*

ARTICLE 9: COMMUNITY PRESERVATION FUNDING ACCOUNTS

To see if the Town will vote to amend the vote taken under Article 13 of the 2021 Spring Town Meeting by amending the appropriations for the Community Preservation Fund for Fiscal Year 2022 as follows:

CPC Operating Expenses:	\$ 20,500
Open Space Reserve:	\$ 93,467
Historic Resource Reserve:	\$ 93,467
Community Housing Reserve:	\$ 93,467
Unallocated Reserve:	\$633,769

or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*
Community Preservation Committee: *Recommended Unanimously*

Summary: *This is an accounting procedure that is necessary to ensure the Community Preservation Committee will have access to the funds raised during Fiscal Year 2022. The 2021 Spring Town Meeting used estimates to fund these accounts. The Final Accounting is complete and all State reimbursements have been received. This Article updates the subaccounts that were approved at the Spring Town Meeting.*

ARTICLE 10: AMEND ARTICLE 14, MOTION 8 OF 2021 SPRING TOWN MEETING

To see if the Town will vote to amend Article 14, Motion 8 "Groton Dunstable Field Restoration Plan" of the 2021 Spring Town Meeting by rescinding the appropriation as approved, and in its place approving the following appropriation:

Pursuant to Massachusetts General Laws, Chapter 44B, Section 5, that the sum of Thirty Thousand Two Hundred Thirty-Two Dollars (\$30,232) be appropriated from the Community Preservation Fund Open Space Reserve and the sum of Two Hundred Thousand Dollars (\$200,000) be appropriated from the Community Preservation Fund Unallocated Reserve for a total of \$230,232 to fund Community Preservation Application 2022-09 "Groton Dunstable Field Restoration Plan", on file with the Town Clerk,

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Select Board: *Recommended Unanimously*
Finance Committee: *Recommended Unanimously*
Community Preservation Committee: *Recommended Unanimously*

Summary: *When this Article (project) was approved at the 2021 Spring Town Meeting, the final State Reimbursement for Community Preservation Funds had yet to be received. Based on the best estimates at the time, the Community Preservation Committee recommended that of the amount needed to fund this Project (\$230,232), \$50,000 be appropriated through borrowing. Now that the final State Match projections have been provided, there are sufficient funds within the Community Preservation Fund to pay for the project without needing to borrow any funds. The purpose of this Article is to rescind the original appropriation that required borrowing and utilize only currently available Community Preservation Funds for this Project.*

CONSENT AGENDA MOTION

ARTICLES 2, 3, 4, 5, 6, 7, 8, 9 & 10 – CONSENT MOTION

Mover: Joshua Degen

MOTION: I move that the town take affirmative action on Articles 2, 3, 4, 5, 6, 7, 8, 9 & 10, pursuant to the motions as set forth in the Town Meeting Information Handout for this Meeting, without debate and in accordance with the action proposed under each motion, provided however that if any voter requests the right to debate a specific motion, then said motion shall be debated and voted upon separately.

Quantum of Town Meeting Vote: Majority

(Consent Agenda) ARTICLE 2: AMEND FY 2022 TOWN OPERATING BUDGET

Article 2 BUDGET MOTIONS:

Article 2 BUDGET MOTION 1: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

GENERAL GOVERNMENT: By increasing the General Government Appropriation from \$2,153,410 to \$2,169,374 so as to: increase Line Item 1060 – “Board of Assessors Salaries” by \$1,200, from \$80,000 to \$81,200; increase Line Item 1070 – “Treasurer/Tax Collector Salaries” by \$53,138 from \$85,000 to \$138,138; and decrease Line Item 1071 – “Treasurer/Tax Collector Wages” by \$38,374 from \$115,693 to \$77,319; And to transfer the sum of \$10,520 from the Excess and Deficiency Fund (Free Cash), and, further, to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$5,444 to fund said increases.

Article 2 BUDGET MOTION 2: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

LAND USE DEPARTMENTS: By decreasing the Land Use Departments Appropriation from \$452,856 to \$431,839 so as to decrease Line Item 1220 – “Zoning Board of Appeals Wages” by \$21,017 from \$21,017 to \$0.

Article 2 BUDGET MOTION 3: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

DEPARTMENT OF PUBLIC WORKS: By increasing the Department of Public Works from \$2,202,359 to \$2,293,376 so as to: increase Line Item 1501 – “Highway Department Wages” by \$70,000 from \$656,364 to \$726,364; and increase Line Item 1560 “Parks Department Wages” by \$21,017 from \$0 to \$21,017; And to transfer the sum of \$70,000 from the American Rescue

Plan Act Appropriation, and, further to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$21,017 to fund said increases.

Article 2 BUDGET MOTION 4: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

LIBRARY AND CITIZEN'S SERVICES: By increasing the Library and Citizen's Services Appropriation from \$1,660,560 to \$1,715,760 so as to: increase Line Item 1620 – "Veteran's Service Officer Salary by \$200 from \$6,000 to \$6,200; and increase Line Item 1661 – "Library Wages" by \$55,000 from \$279,389 to \$334,389; And to transfer the sum of \$200 from the Excess and Deficiency Fund (Free Cash), and, further, to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$55,000 to fund said increases.

Article 2 BUDGET MOTION 5: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

DEBT SERVICE: By Increasing the Debt Service Appropriation from \$1,880,887 to \$1,996,043 so as to increase Line Item 2002 – "Debt Service – Long Term Debt – Interest – Excluded" by \$115,156 from \$471,752 to \$586,908; And to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$115,156 to fund said increase.

Article 2 BUDGET MOTION 6: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

EMPLOYEE BENEFITS: By Increasing the Employee Benefits Appropriation from \$4,516,593 to \$4,571,593 by increasing Line Item 3010 – "Employee Benefits – Health Insurance/Employee Expenses by \$55,000 from \$1,805,544 to \$1,860,544; And to transfer the sum of \$20,000 from the American Rescue Plan Act Appropriation, and, further to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$35,000 to fund said increases.

(Consent Agenda) ARTICLE 3: TRANSFER – WITHIN WATER ENTERPRISE FUND

MOTION: I move that the sum of \$150,000 be transferred from the Water Enterprise Fund Surplus to the Fiscal Year 2022 Water Enterprise Department Budget for general expenses.

(Consent Agenda) ARTICLE 4: TRANSFER – CAPITAL STABILIZATION FUND

MOTION: I move that the sum of \$600,000 be transferred from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Capital Stabilization Fund.

(Consent Agenda) ARTICLE 5: TRANSFER – STABILIZATION FUND

MOTION: I move that Article 5 be Indefinitely Postponed.

(Consent Agenda) ARTICLE 6: TRANSFER – GDRSD CAPITAL STABILIZATION FUND

MOTION: I move that the sum of \$560,000 be transferred from the Excess and Deficiency Fund (Free Cash) to be added to the sum already on deposit in the Groton Dunstable Regional School District Capital Stabilization Fund.

(Consent Agenda) ARTICLE 7: CAPITAL PURCHASE – FIRE CHIEF’S VEHICLE

MOTION: I move that the sum of \$70,000 be transferred from the Excess and Deficiency Fund (Free Cash), to be expended under the direction of the Town Manager, to purchase and equip a new Command Vehicle for the Fire Department, and all costs associated and related thereto.

(Consent Agenda) ARTICLE 8: ASSESSING SOFTWARE

MOTION: I move that the sum of \$35,000 be transferred from the Excess and Deficiency Fund (Free Cash), to be expended under the direction of the Town Manager, for the purpose of upgrading the software used in the Assessing Department, and all associated costs related thereto.

(Consent Agenda) ARTICLE 9: COMMUNITY PRESERVATION FUNDING ACCOUNTS

MOTION: I move to amend the vote taken under Article 13 of the 2021 Spring Town Meeting by amending the appropriations for the Community Preservation Fund for Fiscal Year 2022 as follows:

CPC Operating Expenses:	\$ 20,500
Open Space Reserve:	\$ 93,467
Historic Resource Reserve:	\$ 93,467
Community Housing Reserve:	\$ 93,467
Unallocated Reserve:	\$633,769

**(Consent Agenda) ARTICLE 10: AMEND ARTICLE 14, MOTION 8 OF 2021
SPRING TOWN MEETING**

MOTION: I move to amend Article 14, Motion 8 "Groton Dunstable Field Restoration Plan" of the 2021 Spring Town Meeting by rescinding the appropriation as approved, and in its place approving the following appropriation:

Pursuant to Massachusetts General Laws, Chapter 44B, Section 5, that the sum of Thirty Thousand Two Hundred Thirty-Two Dollars (\$30,232) be appropriated from the Community Preservation Fund Open Space Reserve and the sum of Two Hundred Thousand Dollars (\$200,000) be appropriated from the Community Preservation Fund Unallocated Reserve for a total of \$230,232 to fund Community Preservation Application 2022-09 "Groton Dunstable Field Restoration Plan", on file with the Town Clerk,

or take any other action relative thereto.

The Moderator read the title of each article in the Consent Agenda, after having advised the Meeting that individual articles could be "held" for further discussion. No articles were held.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Vote on Consent Agenda – Articles 2 through 10: Passed by Majority Vote

ARTICLE 11: WHITNEY POND WELL SITE CONSTRUCTION

To see if the Town will vote to appropriate a sum or sums of money, by borrowing or otherwise, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the development of the new Whitney Pond Well Site (Whitney Pond Well #3), including the payment of all costs incidental and related thereto, or to take any other action relative thereto.

BOARD OF WATER COMMISSIONERS

Select Board: *Recommended Unanimously*

Finance Committee: *Recommended Unanimously*

Water Commission: *Recommended Unanimously*

Summary: *This Article allows the Board of Water Commissioners to expend funds, either borrowed or transferred from available funds, to be raised through water rates, for the Construction related to the new source well at the Whitney Pond Well Site (Whitney Pond #3). The anticipated cost of construction will be provided to Town Meeting.*

Mover: Tom Orcutt

MOTION: I move that Seven Hundred Thousand Dollars (\$700,000) be appropriated, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the development of the new Whitney Pond Well Site (Whitney Pond Well

#3), including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow the sum of \$700,000, under and pursuant to G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Town Manager be authorized to contract for the accomplishment of the foregoing purpose, including the expenditure of all appropriated funds and any funds received from any source for such purchase, and, further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Moved and Seconded

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

VOTE ON ARTICLE 11 – MAIN MOTION: Passed by Unanimous Vote

ARTICLE 12: WATER TREATMENT FACILITY CONSTRUCTION

To see if the Town will vote to appropriate a sum or sums of money, by borrowing or otherwise, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the new Water Treatment Facility to be located at the Whitney Pond Well Site, including the payment of all costs incidental and related thereto, or to take any action relative thereto.

BOARD OF WATER COMMISSIONERS

Select Board: *Recommended Unanimously*

Finance Committee: *Recommended Unanimously*

Water Commission: *Recommended Unanimously*

Summary: *This Article allows the Board of Water Commissioners to expend funds, either borrowed or transferred from available funds, to be raised through water rates, for the Construction related to the new Water Treatment Facility located at the Whitney Pond Well Site.*

Mover: Tom Orcutt

MOTION: I move that Ten Million Eighty-Two Thousand Dollars (\$10,082,000) be appropriated, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the new Water Treatment Facility to be located at the Whitney Pond Well Site, including the payment of all costs incidental and related thereto, that to meet this appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow the sum of \$10,082,000, under and pursuant to G.L. c. 44, §8(4) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Town Manager be authorized to contract for the accomplishment of the foregoing purpose, including the expenditure of all appropriated funds and any funds received from any source for such purchase, and, further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of

issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Moved and Seconded

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

Discussion:

- **Q: Are the Water Users in favor of this facility?**
 - **R: The Waters Users are aware of the need for this facility. The Town is under a Consent Order to address iron and manganese levels in the water supply.**
- **Q: Can the facility be made more attractive? It will be located in a visible site.**
 - **R: The facility is being designed to look like a barn. It will suitable for the area.**
- **Q: Will this facility be able to treat PFAS?**
 - **While PFAS have tested low so far in the well, the treatment facility can be modified/extended to treat PFAS if needed.**
- **Q; What is the cost breakdown for each water rate payer?**
 - **R: In anticipation of building this facility in order to comply with the Consent Order, there is currently a \$20 / quarter capital charge itemized on water bills. It is expected that the capital charge may need to be raised to \$35 / quarter for 2-5 years, and then reduced to current levels. These capital charges are predicated on the bids to build the facility.**

VOTE ON ARTICLE 12 – MAIN MOTION: Passed by 2/3rds Majority

ARTICLE 13: SPECIAL LEGISLATION – CHANGE TOWN CLERK TO APPOINTED

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to change the position of Town Clerk in the Town of Groton from elected to appointed as follows:

AN ACT RELATIVE TO THE CHARTER AND THE TOWN CLERK IN THE TOWN OF GROTON

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

SECTION 1. Notwithstanding any general or special law to the contrary, the office of town clerk in the town of Groton shall be appointed by the select board in accordance with the charter of the town of Groton. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town clerks. The town manager may establish an employment contract with the town clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement

for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Notwithstanding section 1, the position of elected town clerk shall be abolished upon the effective date of this act and the term of the elected incumbent terminated provided, however, that the elected incumbent shall then become the first appointed town clerk and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or sooner resignation, retirement or removal. Thereafter, appointments to the position of town clerk shall be made by the select board under said section 1.

SECTION 3. The charter of the town of Groton, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 3.1.1, section 3.9, section 3.10, section 3.11, and section 4.5.1, and inserting in place thereof the following sections:

3.1.1 Elective Town Offices - The town offices that the voters shall fill by ballot shall be: (i) the town moderator; (ii) the members of the select board; (iii) the town's component of the Groton-Dunstable Regional School Committee; (iv) the commissioners of trust funds; (v) the elected members of the Groton Housing Authority; (vi) the members of the planning board, public library board of trustees, Groton electric light commission, Groton water commission, Groton sewer commission, park commission, board of health and board of assessors; and (vii) other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement that shall also be filled by ballot at a town election.

3.2.4 Appointing Authority - The select board shall appoint the town manager, town counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a police chief, fire chief and town clerk consistent with clause (v) of section 4.2; provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a conservation commission, council on aging, housing partnership, local cultural council and other committees as required by law, by-law or town meeting vote.

Section 3.9: Board of Assessors

3.9.1 Composition, Term of Office and Eligibility for Office - There shall be a board of assessors that shall consist of 3 members elected for 3-year terms. An employee in the assessors' office shall not simultaneously hold an elected position as a member of the board of assessors.

3.9.2 Powers and Duties - The board of assessors shall have the powers and duties given to boards of assessors under the constitution and laws of the commonwealth and directives of the commissioner of revenue and such additional powers and duties as may be authorized by this charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and regulations and directives of the department of revenue except as otherwise provided in this charter.

Section 3.10: Other Elected Officers

Powers and Duties - All other elected officers shall have the powers and duties that have been conferred upon their offices by law, this charter, by- law or town meeting vote.

4.2(v) if a vacancy occurs in the office of police chief, fire chief or town clerk, selecting and presenting not less than 2 qualified candidates to the select board for appointment by the board to the office pursuant to section 3.2.4;

4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall be established to solicit, receive and evaluate applications for the position of town manager. The screening committee shall consist of 7 persons, 3 of whom shall be designated by the select board, of which only 1 may be a select board member, 2 of whom shall be designated by the finance committee, of which only 1 may be a member of the finance committee, and 2 of whom shall be designated by the town moderator. A person chosen by an appointing authority may be a member of the appointing authority's agency; provided, however, that there shall not be more than 1 select board member and not more than 1 member of the finance committee on the screening committee.

SECTION 4. This act shall take effect upon its passage.

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition; or take any action relative thereto.

or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended Unanimously*
Finance Committee: *No Position*

Summary: *Michael Bouchard has served honorably as our Town Clerk since 2008. He was first appointed in January, 2008 to fill a vacancy in office caused by the resignation of Onorina Maloney. He has been (re)elected six times since being appointed (2008, 2009, 2012, 2015, 2018, 2021). In each of these elections, Mr. Bouchard ran unopposed. He recently informed the Town Manager and Select Board that he intends to retire at the end of the year. While he did run unopposed for a new three-year term in May, 2021, he did so to assist the Town through a very important local election (Florence Roche Elementary School Debt Exclusion) and help plan for a transition to a new Town Clerk. That said, his intention to retire gives the Town the unique opportunity to examine the Town Clerk's position in detail and determine if the time is right to change the position from Elected to Appointed. The Town of Harvard took advantage of the elected Town Clerk's retirement to change the position to appointed, and the Town of Middleton is planning on making the change to appointed when the current Town Clerk retires. Since Mr. Bouchard was first appointed in 2008, the Town Clerk's position has changed dramatically. It has become an extremely technical job with many responsibilities that requires experience that is not always available through an election. Specifically, over the last two years, the Commonwealth of Massachusetts has completely overhauled election laws. This overhaul requires Town Clerks to understand and implement constant changes in the law. They are*

much more technical with more and more regulations and responsibilities. Records retention and management laws have changed over the last decade, as has the Open Meeting Law and Conflict of Interest Law. Town Clerks are now called upon more and more for advice and enforcement of these Laws. In addition, Town Clerks have the responsibility of budget development, customer service to residents, communications to boards and committees, public communications, cash management, staff management and they must be bondable. All of this requires the ability to vet (appraise, verify, and check for suitability, etc.) candidates for the position. An election does not provide for the same vetting process as an appointment provides. The purpose of this Article is to request approval of a Special Act that would change the Groton Town Clerk from an Elected Position to an Appointed Position. The Article also requests the Legislature to adjust the Groton Charter by deleting reference to the elected town clerk (Sections 3.1.1 and 3.9), adjusting the numbering of subsequent sections (i.e., new sections 3.9 and 3.10; new sections 3.9 and 3.10 do not contain any changes to the text), adding appointment language similar to Police Chief and Fire Chief and removing the Town Clerk from the Town Manager Screening Committee (Section 4.5.1).

Mover: Rebecca Pine

MOTION: I move to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to change the position of Town Clerk in the Town of Groton from elected to appointed as set forth in the Handout provided for this Town Meeting.

[Town Clerk note: The language “as set forth in the Handout” is incorporated in Section 2 of these Minutes (above). The language corrects a scribner’s error section 2 to reflect that the Select Board makes the appointment of the town clerk. The Handout is included as an appendix to these minutes.]

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Discussion:

- The Meeting was apprised of the error in Section 2 of the warrant and notified that it was corrected in the Handout. The correction in Section 2 states that the appointment of the town clerk would be made by the select board.
- Ms. Pine presented the Select Board’s argument in support of the article:
 - The position of town clerk has become more complicated in the past decade.
 - The town clerk needs to have a specific set of skills and experience to carry out an increasingly complex set of tasks.
 - It is the opinion of the Select Board that the town will find a better and more qualified candidate through a thorough job search and application process, rather than through an election.
 - The Select Board unanimously agreed that the appointment process should be the same as the process used to hire the Police Chief and Fire Chief.
- Mr. Wallens and Mr. Fitzgerald spoke as the main opponents to the article:

- The 2017 charter review looked at the issue of appointing the Town Clerk, and the appointment process of other bodies. The Finance Committee process was specifically mentioned. It had arrived at the conclusion that the Town Clerk should remain elected.
- This proposed structural change to town government has not gone through due process.
- The Town Clerk should live in Groton. Appointing the Town Clerk would open the position to non-Groton residents.
- The Select Board will choose a very liberal clerk and create an politically unbalanced Board of Registrars. The Clerk should be an independent and impartial person.
- Mr. Bouchard delivered a statement in support of Article 13. He also thanked present and past team members for delivering great service to the town.
- Mr. Green offered an amendment to name the appointing authority of an appointed town clerk as the town manger.

MOTION TO AMEND ARTICLE 13 – MAIN MOTION (Mr. Green)

I move to amend the main motion be deleting the words “the Handout provided for this Town Meeting” and replacing them with “the Handout entitled ‘Town Manager As Appointing Authority’ provided for this Town Meeting.

Summary: The purpose of the ‘Motion to Amend’ is to change the appointing authority for the Town Clerk to be the Town Manager rather than the Select Board. There is no other intentional change included in the replacement language. The reason for the proposed change is to remove any potential or perceived conflicts of interest wherein one of the important and powerful elected boards in town would have appointing authority over the Town’s Chief Election Officer. (Mr. Green)

[Town Clerk note: As this amendment was defeated, the Handout entitled ‘Town Manager As Appointing Authority’ in not included with these minutes.]

Discussion [at this time, debate was limited to Mr. Green’s Motion to Amend]

- Q: What is the Select Board position?
 - R: The Select Board unanimously voted that it should be the appointing authority because the clerk is currently an elected position and would be then appointed by an elected board.
- C: Favors the Select Board appointing process as ratifying a Town Manager’s appointment (as required by the charter) puts pressure on the Select Board to make the ratification, without further due diligence.
- C: Argument to keep the town clerk elected. A town manager appointment would further distance the town clerk from the electorate.

MOTION TO MOVE THE QUESTION (MOTION TO AMEND (Mr. Green))

Moved and Seconded

Quantum: 2/3rds Majority

VOTE ON MOTION TO MOVE THE QUESTION (Amendment – Mr. Green):

Passed by 2/3rds Majority

VOTE ON THE MOTION TO AMEND (Mr. Green):

Quantum: Majority
VOTE: Defeated by Majority Vote

MOTION TO AMEND ARTICLE 13 – MAIN MOTION (Mr. Hargraves)

I move that the main motion (Article 13) be amended by inserting, after Section 4 in the special legislation, a new section that states:

Section 5. This act shall be submitted for acceptance to the voters of the town of Groton at an annual or special town election in the form of the following question which shall be placed on the ballot: Shall an act passed by the general court in the year 20__, entitled 'An Act Relative to the Charter and the Town Clerk in the Town of Groton' be accepted?" If a majority of the votes cast in answer to the question is in the affirmative, the voters shall be taken to have accepted the amendments to the charter of the town of Groton.

Discussion [at this time, debate was limited to Mr. Hargraves' Motion to Amend]

- Mr. Hargraves commented that on such an important article that all voters should have an opportunity to vote on this.
- Ms. Pine: A town meeting vote was all that was required to amend the charter on 2 occasions, including eliminating the elected highway surveyor and creating an appointed DPW Department. This article is following precedent.
- Ms. Pine: A special election would cost \$7,000 to \$10,000. To put this on the May 2022 ballot, with potentially a partial term for the Town Clerk, will be confusing to the voters.
- Mr. Boles: In favor of the amendment. There are only 118 voters present, and it's being asked to change the charter on an important issue.
- Mr. Degen: This is a substantial change to the charter, and supports a ballot approach.
- Q: How would an election be held if the Town Clerk retires?
 - R: The Select Board would appoint an Interim Town Clerk to serve until the next annual town election. At that time the Town Clerk position would be on the ballot for the remainder of the original term (until 2024 in this case). The Town Clerk position would become appointed in 2024, or sooner if there becomes a vacancy in the office (as per the proposed special legislation).
- C: Often less than 2000 voters come out for the town election. In this case, the representatives at this town meeting can vote on this and avoid a "messy" situation.
- Representative Harrington commented on the process of special legislation. She indicated that a preliminary copy of the special legislation was submitted to House Counsel for preliminary review. After review of final legislation, it is released to Representative Harrington to file with the House Clerk. It is then sent to Committee for a hearing and positive recommendation. The timing for this to take place is unknown. Bills are usually filed by the third week in January, so this bill would be a "late file". It is then sent to a Committee on Third Reading and when released, sent to the House Floor where it is scheduled for a vote. A Floor vote may not happen until July , 2022.

MOTION TO MOVE THE AMENDMENT (Mr. Hargraves)

Quantum: 2/3rds Vote

Vote: Passed by 2/3rds Majority

VOTE ON MOTION TO AMEND (Mr. Hargraves): Passed 69 In Favor; 55 Against

Discussion on Article 13- Main Motion:

- C: The Charter Review Committee in 2017 determined that the Town Clerk should be elected.
- Mr. Wallens supports the Motion As Amended.
- Q: Why make the changes in this way?
 - R: A specific skill set is required for the Town Clerk position. A job search process would be the best way to find candidates. The town meeting vote process was used to amend the charter as it has been used twice previously.
- Mr. Cunningham: people need confidence in the Clerk's ability to conduct elections and the other responsibilities. Many people would be involved in the appointment process.
- Ms. Manugian: A concern with the position remaining elected is that there not an obvious pool of willing candidates.
- Mr. Fitzgerald: There is plenty of training around, so the new clerk can learn the position. He is most concerned that the select Board will play politics by appointing a liberal to the Clerk's position and the Board of Registrars.
- Mr. Baran: If the Clerk is not performing well, voters can just vote the person out. To change an appointed clerk, voters would need to vote the select board out to change the appointment.
- Mr. Boles: Don't give up your right to vote for an office. You won't get it back.
- C: Believe that 2000 voters can best vet an applicant.
- Mr. Petropoulos: As a former Select Board Member and a current committee appointee, he has not observed politics come into play when appointments are made.
- Mr. Haddad: Since 1923, there have been 64 elections, but only 4 contested elections. Does the electorate really have a choice. He relayed an example from his town where an elected clerk did not perform well but there is no recourse.
- Mr. Robertson: This issue is not about politics, but about a better way to find the best candidate. He favors appointment, and favors Mr. Hargraves amendment.
- Mr. Lindemer: Suggested adding a "Section 6" that insures the Town Clerk is "independent" regarding the conduct of elections.
 - Town Counsel Brian Falk discussed this offline with Mr. Lindemer and reported that the rules for elections are set. The Town Manager and Select Board have no role.
- Mr. Easom: This seems to be a question between "Jeffersonian" independence and "Hamiltonian" competence in government. He is not willing to give up a voice in government to have it run more efficiently. He is willing to accept some inefficiency, and favors keeping the Town Clerk and elected position.
- Q: Are interviews public?
 - R: The Select Board final interviews are public. Preliminary interviews are not to protect the confidentiality of candidates.

- The Select Board are representatives of the community. We should reply upon their judgement.

VOTE ON ARTICLE 13 – MAIN MOTION AS AMENDED

Q: Majority

V: Passed by Majority Vote. 7 Voters did not contest the ruling of the Moderator.

ARTICLE 14: EXTEND CENTER SEWER DISTRICT

To see if the Town will vote to extend the "Groton Center Sewer District" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 8 of the 2015 Fall Town Meeting of October 19, 2015, to include the property shown as Assessors' Lot 216-102 and further described as the third parcel in a Deed recorded with the Middlesex South District Registry of Deeds in Book 63144, Page 174, and its successors and assigns; provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

TOWN MANAGER

Select Board: *Recommended (4 In Favor, 1 Against – Degen)*

Finance Committee: *No Position*

Sewer Commission: *Recommended Unanimously*

Summary: *This parcel abuts the Deluxe Property on Main Street. As part of the proposed redevelopment of that property, this parcel is being acquired by the same company purchasing Deluxe to enhance the overall redevelopment. It is important to have this property as part of the Sewer District for that purpose*

Mover: John Reilly

MOTION: I move to extend the "Groton Center Sewer District" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 8 of the 2015 Fall Town Meeting of October 19, 2015, to include the property shown as Assessors' Lot 216-102 and further described as the third parcel in a Deed recorded with the Middlesex South District Registry of Deeds in Book 63144, Page 174, and its successors and assigns; provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise.

Moved and Seconded

Quantum of Town Meeting Vote: Majority

Discussion:

- Planning Board: Does not have a position on this article.
- Sewer Commission: Held a public hearing with notice published in the Groton Herald for two weeks and letters to the abutters. No objections were made in the public hearing. The Sewer Commission voted unanimously to support this article. Mr. Gmeiner also noted that when the district was expanded in 2004 to include the "NEBS/Deluxe" parcel (500 Main Street), this was likely a paperwork error not to include this parcel.
- Q: What is the impact to the District's sewer capacity?
 - R: There is sufficient capacity to accept this parcel which may produce 5500 gallons per day.
- Mr. Amaral: This is the 5th of 5 parcels that comprise 500 Main Street. It complements the other 4 parcels.
- Mr. Degen: Not in favor of this acceptance. Plans for the property are not defined.
- Mr. Amaral: The development is anticipated to be a mixed use development. He and his development partners have a solid track record. It makes sense to have the entire parcel at 500 Main Street in the district. The development team needs to know what they are working with in order to specify plans.

VOTE ON ARTICLE 14- MAIN MOTION: Passed by Majority Vote

ARTICLE 15: ZONING AMENDMENT – CLARIFICATION, UPDATE, CORRECTION

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-9.3 Multifamily Use, Subsections 218-9.3. B. (3) and 218-9.3. B. (5), delete the words "**Board of Appeals**" and insert the words "**Planning Board**".
2. In Section 218-3 Definitions, delete the existing definitions for **Dwelling** and **Dwelling Unit**, and replace with the following:
 - a. Dwelling – A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
 - b. Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

or to take any other action relative thereto.

PLANNING BOARD

Select Board: *Recommended Unanimously*
Finance Committee: *No Position*
Planning Board Report: *Recommended (Hearing October 7)*

Summary: *The proposed amendment corrects an internal inconsistency in the Zoning Bylaw that dates to the adoption of Article 19 at the 2014 Annual Town Meeting. As part of a comprehensive update of the Zoning Bylaws to implement the recommendations of the Comprehensive Master Plan adopted in 2012, the Schedule of Use Regulations was amended. Among the various amendments, the Planning Board was designated as the Special Permit Granting Authority (SPGA) for "Multifamily Uses as allowed by the provisions of Sections 218-27A through 27C" (now Sections 218-9.3 A through C). However, Article 19 failed to update the corresponding language of the cross-referenced Sections A and B, leaving intact the SPGA reference in those subsections as the Zoning Board of Appeals and not the Planning Board as intended in the Schedule of Use amendment. The proposed amendment to Subsections 218-9.3.B.(3) and 218-9.3.B.(5) remedies the regulatory inconsistency by inserting the correct SPGA as intended by the adoption of Article 19 at the 2014 Annual Town Meeting.*

Mover: Russell Burke

MOTION: I move to amend the Code of the Town of Groton, Chapter 218, Zoning, as set forth in the document entitled "Article 15: Revised Zoning Cleanup" as set forth in the Handout provided for this Town Meeting.

[Town Clerk note: The wording of the motion for this Article in these minutes incorporates the wording contained in the Handout. The wording change is in Section 2a to read "one or more dwelling units", as per Planning Board public hearing on October 7, 2021. The Handout is included as an appendix to these minutes.]

Moved and Seconded

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

VOTE ON ARTICLE 15 – MAIN MOTION (as in the Handout) : Passed by 2/3rds Majority

ARTICLE 16: ZONING AMENDMENT – MARIJUANA RETAIL ESTABLISHMENTS

To see if the Town will vote to amend Chapter 218 of the Zoning Bylaw as follows:

To amend Chapter 218 of the Town By-Laws (Zoning By-Laws)

- A. By adding the following to Ch. 218-10.4 "Marijuana Establishments" D(3) "Special Permit Requirements":
- d. Marijuana product manufacturer
 - e. Marijuana retailer
 - f. Marijuana transportation or distribution facility
 - g. Any other type of licensed marijuana related business

- B. By amending Ch. 218-5.2 "Schedule of Use Regulations" By deleting Line 112 "Marijuana establishments; any other type of licensed marijuana-related business" in its entirety and insert the following:

	USE	R-A ¹⁰	R-B ¹⁰	NB	VCB ¹⁰	GB	I	P ¹⁰	O
112	Marijuana establishments; any other type of licensed marijuana-related business:								
	Marijuana cultivator, but not including craft marijuana cultivator cooperative	N	N	N	N	PB	PB	N	N
	Marijuana product manufacturer	N	N	N	N	PB	PB	N	N
	Marijuana retailer	N	N	N	N	PB	N	N	N
	Marijuana testing facility	N	N	N	N	PB	PB	N	N
	Marijuana transportation or distribution facility	N	N	N	N	N	PB	N	N
	Marijuana research facility	N	N	N	N	PB	PB	N	N
	Any other type of licensed marijuana-related business including marijuana micro business	N	N	N	N	PB	PB	N	N
	On-site consumption of marijuana at licensed marijuana establishment	N	N	N	N	N	N	N	N

Note: The **PB** shown in bold represents proposed changes from "N".

or take any action relative thereto.

SELECT BOARD

Select Board: *Recommended Unanimously*

Finance Committee: *No Position*

Planning Board Report: *No Position*

Summary: At the November 8, 2016 Presidential State Election, Groton voters voted in favor of Question 4 on the ballot; Legalization, Regulation and Taxation of Marijuana. However, there were concerns over the impact this new and emerging business would have on the town. These concerns were expressed in non-binding referendum questions at the May 20, 2018 Annual Town Election where voters expressed opposition to all but two of the marijuana related activities allowed under state law; marijuana research and marijuana testing laboratories. This sentiment was affirmed again at the October 1, 2018 Special Town Meeting where voters narrowly chose to pass a zoning by-law amendment that opted Groton out of all marijuana related business with the exception of commercial cultivation and marijuana testing and research facilities. As required by state law, this more restrictive by-law required affirmation at a town election which occurred at a Special Town Election on the November 6, 2018 State Election ballot. Since that time, the marijuana business has evolved and there are numerous examples in other communities where they have operated without issue. These communities are realizing the financial benefit of these businesses through the 3% local sales tax on sales as well as community host agreements negotiated with marijuana vendors. The proponents of Groton's decision to opt out acknowledged the decision could be revisited in the future once more was known about the impact of marijuana related businesses on communities. Recognizing this, Article 22 of the 2018 Spring Town Meeting accepted the provision of state law that would allow the collection of a 3% local sales tax on the recreational sale of marijuana, should those sales be allowed in Groton. This article, if approved, would allow a business in Groton to opt into the recreational marijuana business and realize a non-property tax-based form of revenue that has the potential to be significant.

Mover: Peter Cunningham

MOTION: I move to amend the Code of the Town of Groton, Chapter 218, Zoning, as set forth under Article 16 in the Warrant for the 2021 Fall Town Meeting.

Moved and Seconded

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

Discussion:

- **Planning Board Report: No Position.** The Planning Board preferred to remain neutral.

VOTE ON ARTICLE 16 – MAIN MOTION: Passed 78 In Favor; 29 Against

ARTICLE 17: CITIZENS' PETITION - TRANSFER TAX TITLE LAND

To see if the Town will vote to transfer the title, jurisdiction, custody and control of Parcel 227 – 135 (Groton Assessors Map 227 and Parcel 135) from the Groton Tax Collector to the Groton Select Board for general municipal purposes, and further to authorize the Groton Select Board in turn to transfer such title, jurisdiction, custody and control of said Parcel to the Groton Housing Authority for use as Groton Housing Authority owned and operated housing on such terms deemed advisable by said Select Board, provided, however, that such title,

jurisdiction, custody and control of said Parcel so conveyed shall be subject to reversion to the Town of Groton Select Board in the event that the housing use for which the conveyance is being made is not commenced by the Groton Housing Authority within a five year period from the date of conveyance, or to take any other action related thereto.

CITIZENS' PETITION

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Donald R. Black	573 Longley Road	Katherine Bach	36 Floyd Hill Road
Kyle Petka	573 Longley Road	Karen F. Tuomi	27 Windmill Hill Road
Megan Petka	573 Longley Road	Gail Chalmers	123 Pepperell Road
Alicia W. Black	573 Longley Road	Richard Chalmers	123 Pepperell Road
Eric Bach	36 Floyd Hill Road	Robert L. Gosselin	133 Smith Street

Select Board: *Recommended (4 In Favor, 1 Against (Manugian))*
Finance Committee: *No Position*

Summary: The following summary was prepared by the petitioners and represents their view on the Article: *This property was originally owned by the North Middlesex Mutual Aid Association and used as a training site for Firefighter training. In 2012, after going unused for many years, the Town took title to it through Tax Title Possession. This article would transfer title to the Groton Housing Authority, whose goal it would be to construct Senior Affordable Rental Housing for Groton Citizens. This transfer will help us to address the needs for affordable housing in Groton and continue our policies and strategies to meet the needs of our Seniors.*

Mover: Don Black

MOTION: I move to transfer the title, jurisdiction, custody and control of Parcel 227 – 135 (Groton Assessors Map 227 and Parcel 135) from the Groton Tax Collector to the Groton Select Board for general municipal purposes, and further to authorize the Groton Select Board in turn to transfer such title, jurisdiction, custody and control of said Parcel to the Groton Housing Authority for use as Groton Housing Authority owned and operated housing on such terms deemed advisable by said Select Board, provided, however, that such title, jurisdiction, custody and control of said Parcel so conveyed shall be subject to reversion to the Town of Groton Select Board in the event that the housing use for which the conveyance is being made is not commenced by the Groton Housing Authority within a five year period from the date of conveyance.

Moved and Seconded

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

Discussion:

- **Affordable Housing Trust: Voted unanimously to support**
- **Q: Where is the property? Is there a structure on the property?**
 - **R: It is located about ½ mile up Nashua Road. There is a structure on the property. Demolition and testing would be the responsibility of the Groton Housing Authority.**
- **Ms. A. Manugian: The project is not well defined. Does not favor turning over the land at this time.**

- Mr. M. Manugian: What is the plan for the property. Does not favor tying the property up.
- Mr. Black: This has been fallow land for 40 years. The intention is to build affordable housing.
- Q: Who is responsible for possible contamination cleanup from the use of firefighter foam (formerly a fire training site)?
 - R: The contamination issue needs to be explored. The Groton Housing Authority would be responsible.
- Q: Is there frontage on Nashua Road?
 - R: There are legal questions, including frontage and the right to use an easement.
- Q: Who will pay for the engineering required to determine if the lot is developable?
 - R: The Groton Housing Authority
- Mr. Black: This is a chance to develop some affordable housing. Please support this article.

VOTE ON ARTICLE 17 – MAIN MOTION: 72 In Favor; 29 Against

MOTION TO DISSOLVE THE MEETING

Moved and Seconded

VOTE ON MOTION TO DISSOLVE: Passed by Unanimous Vote

The 2021 fall Town Meeting was dissolved at 11:40 AM on October 23, 2021.

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 4th Day of October in the year of our Lord Two Thousand Twenty-One.

Rebecca H. Pine

Rebecca H. Pine, Chair

Alison S. Manugian

Alison S. Manugian, Vice Chair

Peter S. Cunningham

Peter S. Cunningham, Clerk

Joshua A. Degen

Joshua A. Degen, Member

John F. Reilly

John F. Reilly, 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

REPORT OF THE TOWN MANAGER TO THE 2021 FALL TOWN MEETING

The 2021 Fall Town Meeting Warrant contains several warrant articles that seek appropriations, some of which will affect the Tax Rate and some of which will have no further impact on taxes. The purpose of this report is to provide the residents and taxpayers with a summary of these articles and what impact they will have on the Fiscal Year 2022 Tax Rate. In preparing for the Fall Town Meeting, the Select Board and Finance Committee reviewed the balances in the various reserve accounts. These accounts will either be used to fund the various articles, or money will be added to them to comply with the Town's Financial Policies. The balances as of August, 2021, are as follows:

Stabilization Fund:	\$2,140,794
Capital Stabilization Fund:	\$ 80,214
GDRSD Capital Stabilization Fund:	\$ 18,136
Unexpended Tax Capacity:	\$ 95,444
Certified Free Cash:	\$2,347,087

The following is a summary of Warrant Articles requesting funding:

Article 1: Unpaid Bills

Requested: \$11,602

There is one unpaid bill owed to Nitsch Engineering for Peer Review services for the Planning Board. The amount of the bill is \$11,602 and funding will come from Free Cash.

Article 2: Amend the FY 2022 Town Operating Budget

Requested: \$311,320

This Article will request the following adjustments in the Operating Budget:

1. Board of Assessors Salaries – When the budget was submitted to the 2021 Spring Town Meeting, the one-time 1.5% cash payment for the Principal Assistant Assessor was inadvertently left out of the budget. The amount needed is \$1,200 and will be funded from Free Cash.
2. Treasurer/Tax Collector Salaries and Wages – When Hannah Moller was promoted to Treasurer-Collector and Mike Hartnett became the Assistant Treasurer-Collector, Mr. Hartnett's pay was placed in the Wage Account instead of the Salary Account. He is not paid hourly, but a weekly salary. Therefore, a transfer of the funds from the Wage Account to the Salary Account (\$43,818) is required. In addition, the Town had agreed to let Mr. Hartnett carry over his accrued vacation to Fiscal Year 2022 so it would not have to be paid out in Fiscal Year 2021. It has been paid to him over the last three months. In addition, similar to the Principal Assistant Assessor issue, the one-time 1.5% cash payment to the Treasurer-Collector was inadvertently left out of the budget. The total amount needed for these two issues is \$9,320 (\$8,045 for Hartnett and \$1,275 for Moller) and will be funded from Free Cash. Finally, there was a calculation error in the

Assistant to the Treasurer/Payroll Clerk's Wage Account, including a health insurance opt out. An appropriation of \$5,444 from taxation will be required to cover this shortfall.

3. Zoning Board of Appeals Wages/Park Commission Wages – The Zoning Board of Appeals Administrative Assistant retired at the beginning of the Summer. The Town Manager presented a reorganization plan to the Select Board that would transfer the duties of the ZBA Administrative Assistant to the Land Use Administrative Assistant. To allow for the added duties, the Park Commission Assistant duties were removed from the Land Use Administrative Assistant and a part-time Administrative Assistant was hired to handle Park Commission duties. To address this, \$21,017 will be transferred from the ZBA Wage Account to the Park Commission Wage Account.
4. Highway Department Wages – When the Fiscal Year 2022 Budget was presented to the Finance Committee and Select Board, several positions were eliminated from the Budget due to anticipated reduced revenues due to the impact of the Covid-19 Pandemic. One of the positions eliminated was a Highway Department Heavy Equipment Operator Position. The Town Manager requested that if any funding became available, this would be one of the positions restored. Due to the fact that the Federal Government has provided funding through the Coronavirus Recovery Relief Fund to make up for lost revenues due to the Pandemic, the Select Board has voted to authorize filling this vacancy utilizing these funds. The amount needed in the Wage Account is \$70,000.
5. Veteran's Service Officer Wages – The Town has recently hired a new Veteran's Service Officer (VSO). To assist with the transition, the retiring VSO worked an additional week providing updates and guidance to the new VSO. To fund this, a transfer of \$200 from Free Cash is needed.
6. Library Wages – Similar to the Highway Department, the Library Budget Wage Account was reduced by \$55,000 due to the anticipated loss of revenues caused by the Pandemic. This reduction put the Library Budget below the Municipal Appropriation Requirement for Certification. If a waiver is not granted, the Town would be at risk of losing state funding and the ability to participate in the Merrimack Valley Library Consortium that allows for the sharing of materials with other Libraries in the Region. Due to an increase in New Growth and Motor Vehicle Excise Tax Revenue, the Select Board and Finance Committee voted to restore this funding. The \$55,000 will come from taxation.
7. Health Insurance – Due to changes during Open Enrollment and Qualifying Events, an additional \$35,000 to cover those costs is needed in the Health Insurance Budget and \$20,000 is needed for the restoration of the Highway Department Position (total increase of \$55,000). To fund this, \$35,000 will come from taxation and \$20,000 from the Coronavirus Recovery Relief Funds.
8. Debt Service – Based on the \$8 million bond issue approved for the Florence Roche Elementary School Project, the Town will have an interest payment of \$115,156 due in March, 2022. This amount will be raised through taxation outside the levy limit as excluded debt.

The following is a summary of funds proposed for this Article:

Free Cash:	\$ 10,720
Unexpended Tax Capacity:	\$ 90,352
Excluded Debt Tax Revenue:	\$115,156
Coronavirus Recovery Relief Funds:	<u>\$ 90,000</u>
Total Requested:	\$306,228

Article 3: Transfer - Water Enterprise Fund

Requested: \$150,000

The Water Department will need to transfer \$150,000 out of its excess and deficiency fund to cover additional expenses in Fiscal Year 2022. Specifically, \$95,000 is to cover wages and benefits for the new Water Department employee and for another employee who has worked out of class. \$30,000 is for their Manganese Line Item in the Budget for GELD to purchase and install new power poles and a transformer for the new treatment plant. Finally, \$25,000 is for the Whitney Well #3 Building/Shed (Nashoba Tech is constructing the building and the Department is purchasing the materials and doing some minor sitework).

Article 4: Transfer – Capital Stabilization Fund

Requested: \$600,000

The current balance in this fund is \$80,214. The anticipated Capital Plan for Fiscal Year 2023 is approximately \$600,000. The Town's Financial Policies call for a balance in this Fund of 1.5% of the Operating Budget. If all the transfers and appropriations are approved under Article 2 of this Warrant, the total Fiscal Year Operating Budget will be \$42,588,159. This would require a Capital Stabilization Fund Balance of \$638,822. This Article will request a Transfer of \$600,000 from Free Cash to be added to the Capital Stabilization Fund.

Article 5: Transfer - Stabilization Fund

Requested: \$0

The current balance in the Stabilization Fund is \$2,140,794. The Town's Financial Policies state that this Fund should have a balance of five (5%) percent of our Operating Budget (\$42,588,159). This would require a balance of \$2,129,408. As of the writing of this report, the Town would not need to add to the fund, however, a decision to add funding may be made prior to Town Meeting. This will be addressed, if necessary, at Town Meeting.

Article 6: Transfer - GDRSD Capital Stabilization Fund

Requested: \$560,000

The current balance in the GDRSD Capital Stabilization Fund is \$18,136. The FY 2023 Capital Plan for the District is \$553,411. This Article will request a Transfer of \$560,000 from Free Cash to be added to the GDRSD Capital Stabilization Fund.

Article 7: Capital Purchase – Fire Chief's Vehicle**Requested: \$70,000**

From the Summary in the Warrant: The original proposed FY 2022 Capital Budget had called for the purchase of a new command vehicle for the Fire Department. During last year's Capital Budget cycle, due to the uncertainty of the budget, it was decided to put off this purchase until the Fall and revisit the potential funding for this purchase. Purchasing this new vehicle is important for the command operation of the Fire Department. This will provide both the Fire Chief and Deputy Fire Chief with reliable response vehicles going into the winter season. In addition, this will provide enhanced incident command and control features for both the Fire Chief and Deputy Fire Chief, which is currently only available with the Fire Chief's vehicle. This capability is vital in times where major storms, complex incidents or multiple incidents are occurring simultaneously. The anticipated cost of this vehicle is \$70,000. Funding for this Article will come from Free Cash.

Article 8: Assessing Software**Requested: \$35,000**

From the Summary in the Warrant: The Assessing Department is currently using Vision 6.5 for the valuation of all Real Property in the Town of Groton. Vision Government Solutions (VGSi) released Vision 8.0 in 2017. The upgrade version operates on a SQL database (**Structured Query Language** which is basically a language used by databases and allows to handle the information using tables and shows a language to query these tables) and includes an enhanced sketching program and report writing features which will allow the Assessing Department to comply with MA Department of Revenue reporting requirements seamlessly. Vision 6.5 operates on an Oracle database that is no longer supported by Oracle. As VGSi sunsets Vision 6.5, support will no longer be available. The anticipated cost of this upgrade is \$35,000. Funding for this Article will come from Free Cash.

Article 9: Community Preservation Funding Accounts

From the Summary in the Warrant: This is an accounting procedure that is necessary to ensure the Community Preservation Committee will have access to the funds raised during Fiscal Year 2022. The 2021 Spring Town Meeting used estimates to fund these accounts. The Final Accounting is complete and all State reimbursements have been received. This Article updates the subaccounts that were approved at the Spring Town Meeting.

Article 10: Amend Article 14, Motion 8 of the 2021 Spring Town Meeting

From the Summary in the Warrant: When this Article (project) was approved at the 2021 Spring Town Meeting, the final State Reimbursement for Community Preservation Funds had

yet to be received. Based on the best estimates at the time, the Community Preservation Committee recommended that of the amount needed to fund this Project (\$230,232), \$50,000 be appropriated through borrowing. Now that the final State Match projections have been provided, there are sufficient funds within the Community Preservation Fund to pay for the project without needing to borrow any funds. The purpose of this Article is to rescind the original appropriation that required borrowing and utilize only currently available Community Preservation Funds for this Project.

Article 11: Whitney Pond Well Construction

Requested: \$700,000

This Article will authorize the Water Commission to borrow \$700,000 for the construction of a new well at the Whitney Pond Well Site. This is an important new Water Source for the operation of the Groton Water Department and has been in the Capital Plan for the past several years. Payment of the debt service on the \$700,000 loan will come from Water Rates.

Article 12: Water Treatment Facility Construction

Requested: \$10,082,000

The Town of Groton and the Groton Water Department are under a Consent Order from the Department of Environmental Protection (DEP) to address elevated levels of manganese in the Town's Water Supply. To address this issue, a new Water Treatment Plant must be constructed. The purpose of this Article is to authorize the Water Commission to borrow the funds necessary to construct the new Treatment Plant. The Water Commission is planning on going out to bid on this project next February. This appropriation will allow them to bid the project and start construction immediately to comply with the schedule approved by the DEP. Payment of the debt service on this loan will come from Water Rates.

Should Town Meeting agree with these appropriations, \$1,287,322 will come from the Town's Free Cash Account, leaving a balance of \$1,059,765. For the line items that are reoccurring and will be funded through taxation, the Town will use all of its unexpended tax capacity and be right at the anticipated Levy Limit for Fiscal Year 2023. The estimated tax rate at the Spring Town Meeting was \$18.09. Based on the proposed changes at the Fall Town Meeting and the increase in the excluded debt budget, the anticipated tax rate is \$18.15. The following chart is a breakdown of the anticipated rate:

	<u>Actual</u> <u>FY 2021</u>	<u>Proposed</u> <u>FY 2022</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>
Levy Capacity Used*	\$ 32,727,034	\$ 34,088,085	\$ 1,361,051	4.16%
Tax Rate on Levy Capacity Used	\$ 16.53	\$ 17.08	\$ 0.55	3.33%
Average Tax Bill	\$ 8,381	\$ 8,660	\$ 279	3.33%
Excluded Debt	\$ 2,122,284	\$ 2,140,459	\$ 18,175	0.86%
Tax Rate on Excluded Debt	\$ 1.07	\$ 1.07	\$ -	0.00%
Average Tax Bill	\$ 542	\$ 542	\$ -	0.00%
Final Levy Used	\$ 34,849,318	\$ 36,228,544	\$ 1,379,226	3.96%
Final Tax Rate	\$ 17.60	\$ 18.15	\$ 0.55	3.12%
Average Tax Bill	\$ 8,923	\$ 9,202	\$ 279	3.12%

*The FY 2022 Levy Limit includes FY 2021 unexpended tax capacity of \$280,997 and \$15.8 million in New Growth.

Respectfully submitted,

Mark W. Haddad

Mark W. Haddad
Town Manager

NOTES

Town of Groton
Board of Selectmen
173 Main Street
Groton, MA 01450

PRSRT STD
U.S. Postage
PAID
Groton, MA 01450
PERMIT #3

RESIDENTIAL POSTAL PATRON GROTON, MA

APPENDIX

Town of Groton

2021 Fall

Town

Meeting

Handout

October 23, 2021

**FALL TOWN MEETING
MOTIONS
OCTOBER 23, 2021**

ARTICLE 1: PRIOR YEAR BILLS

Mover: Alison Manugian

MOTION: I move that the sum of \$11,601.72 be transferred from the Excess and Deficiency Fund (Free Cash) for the purpose of paying a prior year fiscal bill from Nitsch Engineering.

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

ARTICLES 2, 3, 4, 5, 6, 7, 8, 9 & 10 – CONSENT MOTION

Mover: Joshua Degen

MOTION: I move that the town take affirmative action on Articles 2, 3, 4, 5, 6, 7, 8, 9 & 10, pursuant to the motions as set forth in the Town Meeting Information Handout for this Meeting, without debate and in accordance with the action proposed under each motion, provided however that if any voter requests the right to debate a specific motion, then said motion shall be debated and voted upon separately.

Quantum of Town Meeting Vote: Majority

ARTICLE 2: AMEND FY 2022 TOWN OPERATING BUDGET

BUDGET MOTIONS:

MOTION 1: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

GENERAL GOVERNMENT: By increasing the General Government Appropriation from \$2,153,410 to \$2,169,374 so as to: increase Line Item 1060 – "Board of Assessors Salaries" by \$1,200, from \$80,000 to \$81,200; increase Line Item 1070 – "Treasurer/Tax Collector Salaries" by \$53,138 from \$85,000 to \$138,138; and decrease Line Item 1071 – "Treasurer/Tax Collector Wages" by \$38,374 from \$115,693 to \$77,319; And to transfer the sum of \$10,520 from the Excess and Deficiency Fund (Free Cash), and, further, to raise and appropriate from the Fiscal Year 2022 tax levy and other general revenues of the Town the sum of \$5,444 to fund said increases.

MOTION 2: I move that the Fiscal Year 2022 Operating Budget, as adopted pursuant to Article 5 of the May 1, 2021 Spring Town Meeting, be amended as follows, each line item to be considered as a separate appropriation for the purposes voted:

ARTICLE 9: COMMUNITY PRESERVATION FUNDING ACCOUNTS

MOTION: I move to amend the vote taken under Article 13 of the 2021 Spring Town Meeting by amending the appropriations for the Community Preservation Fund for Fiscal Year 2022 as follows:

CPC Operating Expenses:	\$ 20,500
Open Space Reserve:	\$ 93,467
Historic Resource Reserve:	\$ 93,467
Community Housing Reserve:	\$ 93,467
Unallocated Reserve:	\$633,769

ARTICLE 10: AMEND ARTICLE 14, MOTION 8 OF 2021 SPRING TOWN MEETING

MOTION: I move to amend Article 14, Motion 8 "Groton Dunstable Field Restoration Plan" of the 2021 Spring Town Meeting by rescinding the appropriation as approved, and in its place approving the following appropriation:

Pursuant to Massachusetts General Laws, Chapter 44B, Section 5, that the sum of Thirty Thousand Two Hundred Thirty-Two Dollars (\$30,232) be appropriated from the Community Preservation Fund Open Space Reserve and the sum of Two Hundred Thousand Dollars (\$200,000) be appropriated from the Community Preservation Fund Unallocated Reserve for a total of \$230,232 to fund Community Preservation Application 2022-09 "Groton Dunstable Field Restoration Plan", on file with the Town Clerk.

ARTICLE 11: WHITNEY POND WELL SITE CONSTRUCTION Mover: Tom Orcutt

MOTION: I move that Seven Hundred Thousand Dollars (\$700,000) be appropriated, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the development of the new Whitney Pond Well Site (Whitney Pond Well #3), including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow the sum of \$700,000, under and pursuant to G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Town Manager be authorized to contract for the accomplishment of the foregoing purpose, including the expenditure of all appropriated funds and any funds received from any source for such purchase, and, further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

ARTICLE 12: WATER FACILITY CONSTRUCTION**Mover: Tom Orcutt**

MOTION: I move that Ten Million Eighty-Two Thousand Dollars (\$10,082,000) be appropriated, to be expended under the direction of the Board of Water Commissioners, to pay all of the costs of construction related to the new Water Treatment Facility to be located at the Whitney Pond Well Site, including the payment of all costs incidental and related thereto, that to meet this appropriation, the Treasurer, with the approval of the Select Board, be authorized to borrow the sum of \$10,082,000, under and pursuant to G.L. c. 44, §8(4) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and, further, that the Town Manager be authorized to contract for the accomplishment of the foregoing purpose, including the expenditure of all appropriated funds and any funds received from any source for such purchase, and, further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

ARTICLE 13: SPECIAL LEGISLATION – TOWN CLERK**Mover: Rebecca Pine**

MOTION: I move to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to change the position of Town Clerk in the Town of Groton from elected to appointed as set forth in the Handout provided for this Town Meeting.

Quantum of Town Meeting Vote: Majority

ARTICLE 14: EXTEND CENTER SEWER DISTRICT**Mover: John Reilly**

MOTION: I move to extend the "Groton Center Sewer District" as established by the vote of the Special Town Meeting of February 6, 1989, under Article 7, and as shown most recently on the plan approved under Article 8 of the 2015 Fall Town Meeting of October 19, 2015, to include the property shown as Assessors' Lot 216-102 and further described as the third parcel in a Deed recorded with the Middlesex South District Registry of Deeds in Book 63144, Page 174, and its successors and assigns; provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner's proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise.

Quantum of Town Meeting Vote: Majority

ARTICLE 15: ZONING AMENDMENT – UDPATE

Mover: Russell Burke

MOTION: I move to amend the Code of the Town of Groton, Chapter 218, Zoning, as set forth in the document entitled "Article 15: Revised Zoning Cleanup" as set forth in the Handout provided for this Town Meeting.

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

ARTICLE 16: ZONING AMENDMENT – MARIJUANA

Mover: Peter Cunningham

MOTION: I move to amend the Code of the Town of Groton, Chapter 218, Zoning, as set forth under Article 16 in the Warrant for the 2021 Fall Town Meeting.

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

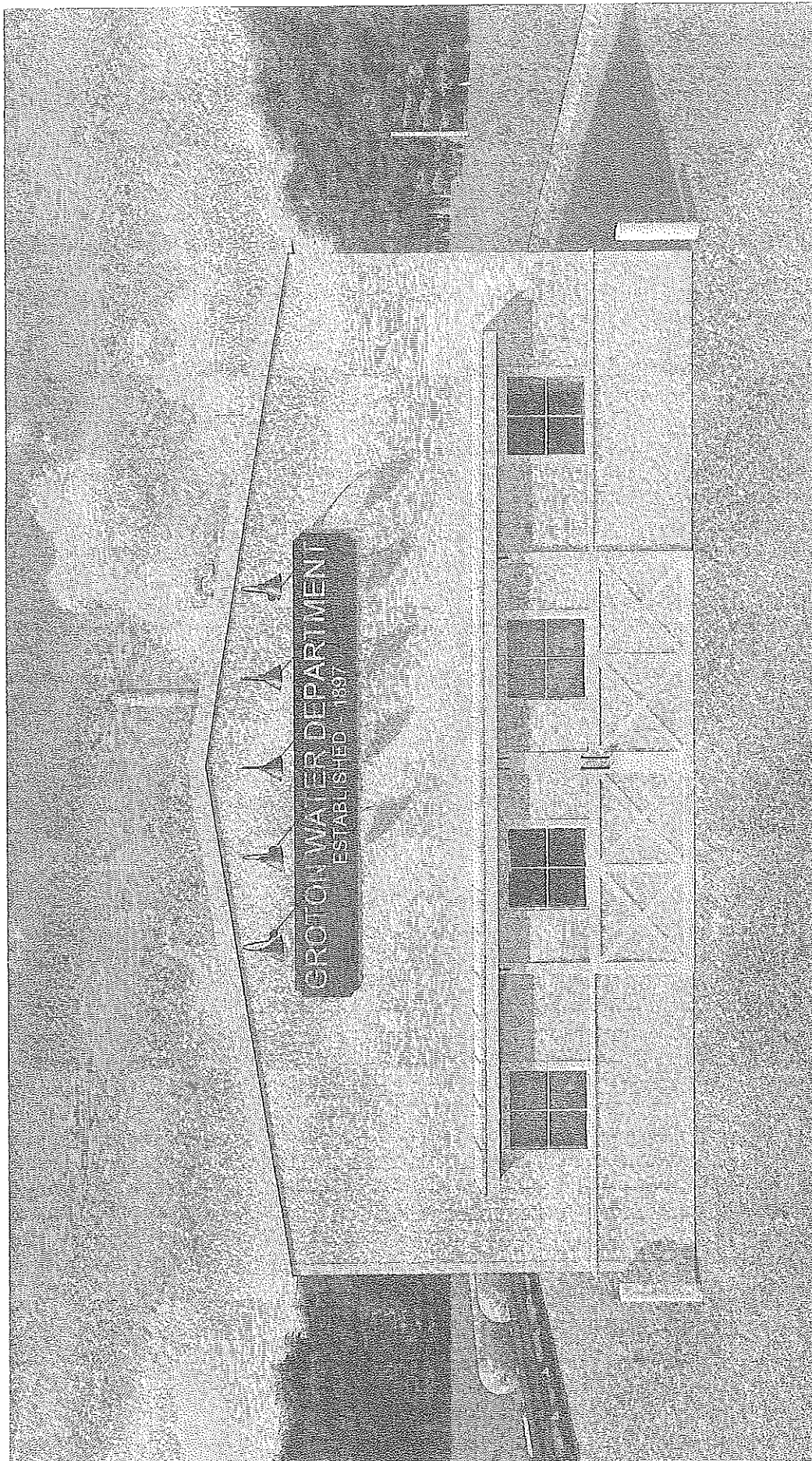
ARTICLE 17: CITIZENS' PETITION

Mover: Don Black

MOTION: I move to transfer the title, jurisdiction, custody and control of Parcel 227 – 135 (Groton Assessors Map 227 and Parcel 135) from the Groton Tax Collector to the Groton Select Board for general municipal purposes, and further to authorize the Groton Select Board in turn to transfer such title, jurisdiction, custody and control of said Parcel to the Groton Housing Authority for use as Groton Housing Authority owned and operated housing on such terms deemed advisable by said Select Board, provided, however, that such title, jurisdiction, custody and control of said Parcel so conveyed shall be subject to reversion to the Town of Groton Select Board in the event that the housing use for which the conveyance is being made is not commenced by the Groton Housing Authority within a five year period from the date of conveyance.

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

Article 12 - Water Facility Construction (proposed building rendering)



ARTICLE 13: SPECIAL LEGISLATION – CHANGE TOWN CLERK TO APPOINTED

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to enact special legislation to change the position of Town Clerk in the Town of Groton from elected to appointed as follows:

AN ACT RELATIVE TO THE CHARTER AND THE TOWN CLERK IN THE TOWN OF GROTON

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

SECTION 1. Notwithstanding any general or special law to the contrary, the office of town clerk in the town of Groton shall be appointed by the select board in accordance with the charter of the town of Groton. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties conferred and imposed by law on town clerks. The town manager may establish an employment contract with the town clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Notwithstanding section 1, the position of elected town clerk shall be abolished upon the effective date of this act and the term of the elected incumbent terminated provided, however, that the elected incumbent shall then become the first appointed town clerk and shall serve in that capacity for a period of time equivalent to the remainder of the elected term or sooner resignation, retirement or removal. Thereafter, appointments to the position of town clerk shall be made by the select board under said section 1.

SECTION 3. The charter of the town of Groton, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out section 3.1.1, section 3.9, section 3.10, section 3.11, and section 4.5.1, and inserting in place thereof the following sections:

3.1.1 Elective Town Offices - The town offices that the voters shall fill by ballot shall be: (i) the town moderator; (ii) the members of the select board; (iii) the town's component of the Groton-Dunstable Regional School Committee; (iv) the commissioners of trust funds; (v) the elected members of the Groton Housing Authority; (vi) the members of the planning board, public library board of trustees, Groton electric light commission, Groton water commission, Groton sewer commission, park commission, board of health and board of assessors; and (vii) other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement that shall also be filled by ballot at a town election.

3.2.4 Appointing Authority - The select board shall appoint the town manager, town counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a police chief, fire chief and town clerk consistent with clause (v) of section 4.2; provided, however, that the police chief shall serve under section 97A of chapter 41 of the General Laws and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select board shall appoint a conservation commission, council on aging, housing partnership, local cultural council and other committees as required by law, by-law or town meeting vote.

Section 3.9: Board of Assessors

3.9.1 Composition, Term of Office and Eligibility for Office - There shall be a board of assessors that shall consist of 3 members elected for 3-year terms. An employee in the assessors' office shall not simultaneously hold an elected position as a member of the board of assessors.

3.9.2 Powers and Duties - The board of assessors shall have the powers and duties given to boards of assessors under the constitution and laws of the commonwealth and directives of the commissioner of revenue and such additional powers and duties as may be authorized by this charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and regulations and directives of the department of revenue except as otherwise provided in this charter.

Section 3.10: Other Elected Officers

Powers and Duties - All other elected officers shall have the powers and duties that have been conferred upon their offices by law, this charter, by-law or town meeting vote.

4.2(v) if a vacancy occurs in the office of police chief, fire chief or town clerk, selecting and presenting not less than 2 qualified candidates to the select board for appointment by the board to the office pursuant to section 3.2.4;

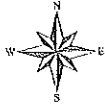
4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall be established to solicit, receive and evaluate applications for the position of town manager. The screening committee shall consist of 7 persons, 3 of whom shall be designated by the select board, of which only 1 may be a select board member, 2 of whom shall be designated by the finance committee, of which only 1 may be a member of the finance committee, and 2 of whom shall be designated by the town moderator. A person chosen by an appointing authority may be a member of the appointing authority's agency; provided, however, that there shall not be more than 1 select board member and not more than 1 member of the finance committee on the screening committee.

SECTION 4. This act shall take effect upon its passage.

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition; or take any action relative thereto.

Article 13 - Special Legislation - Change Town Clerk from Elected to Appointed

ARTICLE 13 SPECIAL LEGISLATION - CHANGE TOWN CLERK POSITION TO APPOINTED			
Article 13 of the 2021 Fall Town Meeting asks the Meeting to consider changing the way the Town Clerk position is filled in the event of a vacancy. This chart highlights some of the important considerations for making this decision. It is intended as a guide to help the voter evaluate the proposal contained in Article 13.			
GROTON TOWN CLERK - ELECTED OR APPOINTED?			
	Elected Position	Appointed Position	
Perception of Office	"Openness" of government	Vetted system	
Candidates	Candidates for election are committed to run for office; qualifications may be unknown	Candidates go through an interview process; qualifications can be assessed by appointing authority	
	Election process may deter some; unlike "applying for a position"	Interview process is a more customary method of searching for a position	
	Must be a Groton registered voter	No residency requirement	
Responsibilities	Many prescribed by state Law; no formal job description	Many prescribed by state law; supplemented by town's job description	
	Work products include town clerk operations, elections management, town meeting records, department head functions, advice regarding state laws (e.g. Open Meeting Law, Public Records, Conflict of Interest) customer service to residents, communications to boards and committees, public communications, cash management, staff management; must be bondable		
Managing Elections/Open Meeting Law, Etc.	Abide by state law	Abide by state law	
Accountability	via Election or Recall	via appointing authority	
	Dependent upon budgetary policy to execute position responsibilities		
Personnel policies	Not part of typical employment system; Eligible for health insurance; no specified vacation / sick time; no workers compensation or unemployment	Union, bylaw employee or personal services contract	
	Salary via Town Meeting (political process)	Salary via administrative process	
	Not elected as a department head	Formal department head responsibilities	
	Certifications: optional	Certifications could be required	
Incentives / Performance	Public service; Reelection	Public service; Goals as negotiated	
Massachusetts	Approximately 2/3rds of Clerks elected; trending towards appointments		
Commentary	State and localities lean towards appointed clerks recognizing recent increases in position complexity and to facilitate succession planning		
	Election and town meeting do not consider line responsibilities and additional contributions	Appointed position would encourage professional operation and development via goal setting	
History in Groton	Elected position since 1655; prior to 1923 ballot contests and vote tabulation not recorded		
	Since 1923: 1 year terms until 1966 (43 elections). 1966 introduced 3 year terms (21 elections) - Total of 64 elections		
	Since 1923: 4 contested elections (1940, 1941, 1990, 1997)		
	Since 1923: 9 Town Clerks have served. Average term length is 10.8 years. Longest 25 years; shortest 5 years.		
	Since 1923: 5 Clerks appointed due to resignation or death prior to running for office (1965, 1979, 1989, 2003, 2008)		



Article 14 - Extend Center Sewer District

To Add Parcel 216-102

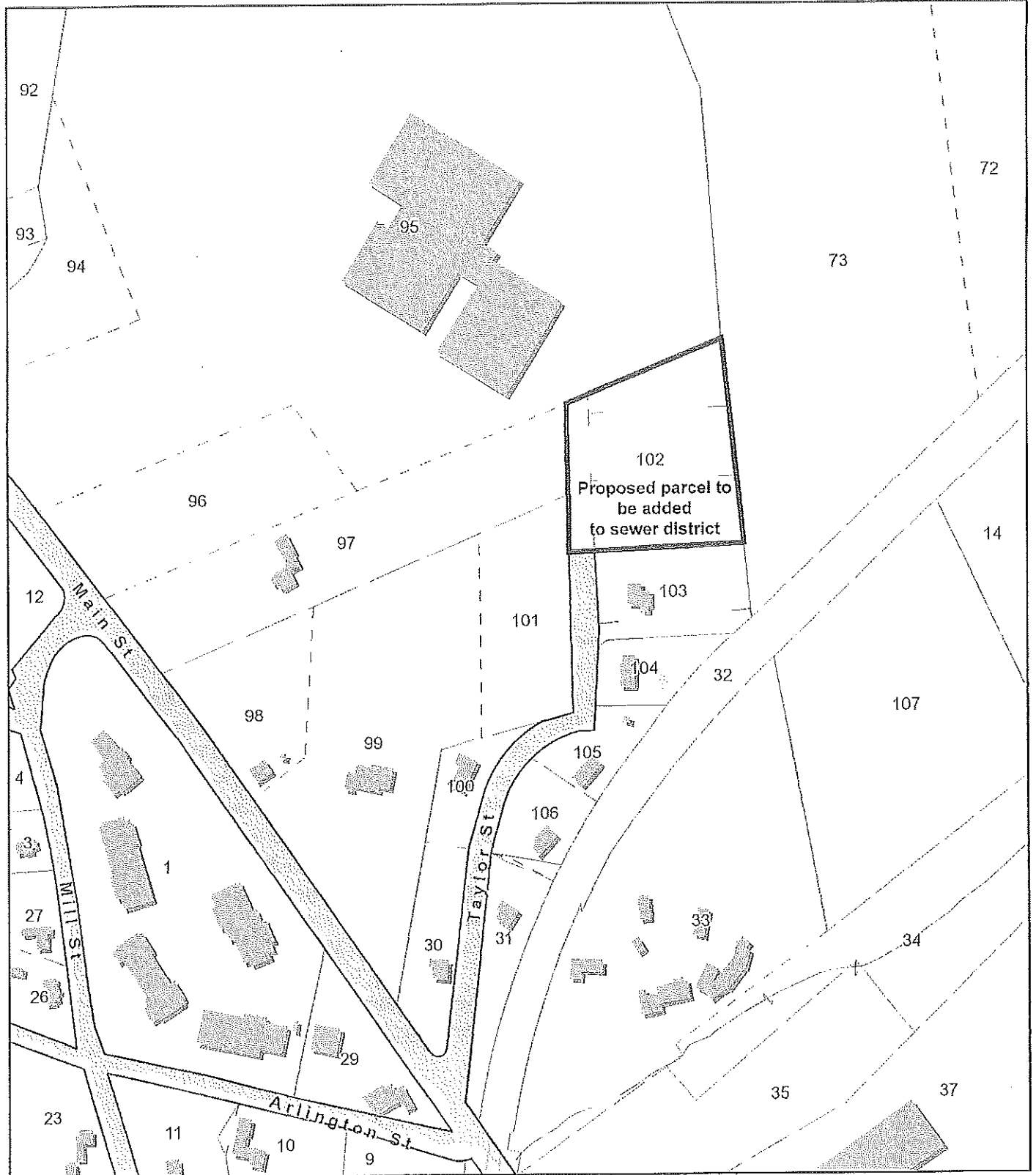
1 inch = 250 Feet



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October 20, 2021

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ARTICLE 15: Amend Zoning Bylaw - Zoning Cleanup / Clarification

To see if the Town will vote to amend the Code of the Town of Groton, Chapter 218 Zoning as follows:

1. In Section 218-9.3 Multifamily Use, Subsections 218-9.3.B.(3) and 218-9.3.B.(5), delete the words **"Board of Appeals"** and insert the words **"Planning Board"**.
2. In Section 218-3 Definitions, delete the existing definitions for **Dwelling** and **Dwelling Unit**, and replace with the following:
 - a. Dwelling – A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
 - b. Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Or to take any other action relative thereto.

Planning Board

Board of Selectmen:

Finance Committee:

Summary: *Part 1 of the proposed amendment corrects an internal inconsistency in the Zoning Bylaw that dates to the adoption of Article 19 at the 2014 Annual Town Meeting. As part of a comprehensive update of the Zoning Bylaws to implement the recommendations of the Comprehensive Master Plan adopted in 2012, the Schedule of Use Regulations was amended. Among the various amendments, the Planning Board was designated as the Special Permit Granting Authority (SPGA) for "Multifamily Uses as allowed by the provisions of Sections 218-27A through 27C" (now Sections 218-9.3 A through C). However, Article 19 failed to update the corresponding language of the cross-referenced Sections A and B, leaving intact the SPGA reference in those subsections as the Zoning Board of Appeals and not the Planning Board as intended in the Schedule of Use amendment. The proposed amendment to Subsections 218-9.3.B.(3) and 218-9.3.B.(5) remedies the regulatory inconsistency by inserting the correct SPGA as intended by the adoption of Article 19 at the 2014 Annual Town Meeting.*

Part 2 of the proposed amendment updates the definitions of Dwelling and Dwelling Units to be consistent with the Massachusetts State Building Code.

Article 16 – Marijuana Retail Establishments

Recreational Cannabis Local Receipts

Town (w/ population)	Information Source	Local Receipts Received in FY21
Ayer (8,429)	Town Treasurer	Gage Cannabis: \$530,870
Dracut (32,617)	Assistant Town Manager	Lazy River: \$20,000 (opened 2/21) Green River: \$350,650 (since opening, Green River has paid \$1,100,000 to Dracut)
Hudson (20,092)	Select Board Office	Temescal Wellness: \$160,500 Native Sun: \$124,197
Leicester (11,087)	Town Administrator	Cultivate: \$300,000 (since opening, Cultivate has paid \$500,000 to Leicester)
Oxford (13,347)	Town Treasurer	Curaleaf: \$165,000 (first 3 months of FY22: \$70,000)
Tyngsboro (12,380)	Town Manager	Nature's Remedy: \$539,310
Uxbridge (14,162)	Town Manager	Caraline's Cannabis: \$180,000



Groton Town Meeting Amendment Work Sheet

Select one sections ONLY by marking the box.
Please print neatly and cross through all words that do not apply.

☐

I move to amend the {main motion | amendment}

by striking the words _____

and by substituting the words _____

☐

I move to amend the {main motion | amendment}

by striking in its entirety {Section | Paragraph} # _____

and by substituting in its place the following: {Section | Paragraph} # _____

☐

I move to amend the {main motion | amendment}

by adding the following {words | sentence | paragraph} _____

after the words _____

Name (printed): _____ Signature: _____

Street: _____ Date: _____

See instructions and information on reverse

Continuation

Instructions for using this form:

- ☐ Neatly print all information.
- ☐ Select the shaded section to be used by marking the check box.
- ☐ In the selected section, cross through all words that are not to be part of the amendment.
- ☐ Fill in the identification information and signature at the bottom of the form.
- ☐ Request to be recognized by the Moderator and then move the amendment by reading the completed form.
- ☐ Present the completed and signed form to the Moderator.

From the *Groton Town Meeting Procedures* booklet:

Amendments

If a voter wished to change a motion in some fashion, the procedure is to amend the motion. All motions to amend must be in writing and must state exactly how the voter wishes to change the motion so that the Moderator can know exactly what it is the voter wants to do before ruling on the motion or putting it to a vote. A voter who wishes to amend a *main motion* must have the amendment in writing and available to hand to the Moderator *before* rising to offer the amendment. The Moderator may refuse to put to the Meeting an amendment which is not immediately available in writing – the Moderator also will rule out of order an motion to amend which changes the original motion so drastically that, in the Moderator’s opinion, the motion is no longer within the “four corners” of the article.

An amendment may consist of adding, deleting, or substituting words in the motion. It may take the form of a “motion to substitute”: a different motion. Sometimes a speaker tries to amend “the article,” but this is improper language. It is the motion on the floor, not the article on the Warrant, that is to be amended.

A motion to amend requires only a majority vote, even though the motion to be amended may require two-thirds or more for final passage.

General Information:

- ☐ An amendment may be made to modify either the main motion already on the floor or another amendment that has been previously moved.
- ☐ All motions to amend must be presented to the Moderator in writing.
- ☐ All amendment must keep the amended motion within the general scope of the originally posted warrant article. This is referred to as “within the four corners” of the article.
- ☐ Town counsel may be asked to review an amendment and present an opinion on the legality of the amendment prior to being accepted by the Moderator for consideration by town meeting.
- ☐ Amendments should (if possible) be carefully written and reviewed prior to town meeting.
- ☐ **It is strongly recommended that the Moderator be made aware of the intention to present an amendment well before the start of Town Meeting or as soon as possible within Town Meeting.**

TOWN OF GROTON COMMITTEE INTEREST FORM

Town Government needs citizens who are willing to give time in the service of their community. If you are interested in serving, on a voluntary basis, on boards and committees within the Town, please complete this form and return to:

**TOWN OF GROTON, SELECT BOARD
173 MAIN STREET, GROTON, MA 01450**

Date: _____

Name _____
First
M.I.
Last

Mailing Address _____

Circle One GROTON, 01450 WEST GROTON, 01472

Telephone No. (home) _____ (cell) _____

Preferred e-mail Address _____

Occupation _____

Background _____

Specific committees in which you are interested:

Department Name	Vacancies
Affordable Housing Trust	1
Cable Advisory Committee	1
Capital Planning Advisory Committee	2
Commemorations & Celebrations Committee	1
Complete Streets Committee	2
Conductorlab Committee	2
Earth Removal Stormwater Advisory Committee	1
Great Pond Advisory Committee	4
Greenway Committee	1
Historic District Commission (Alternates)	2
Historical Commission	1
Housing Partnership	1
Local Cultural Council	4
Old Burying Ground Commission	2
Park Commission	1
Personnel Board	1
Scholarship Committee	1
Sustainability Commission	4
Weed Harvester Committee	3
Williams Barn Committee	2
Zoning Board of Appeals (Alternates)	4