

MINUTES

Warrant, Summary, and Recommendations

TOWN OF GROTON



2022 FALL TOWN MEETING

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

Beginning Saturday, October 22, 2022 @ 9:00 AM

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.

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

² Id.

How long is town meeting?

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.

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. There is a ramp providing access from the parking lot to the front door of the Middle School.

Wheelchair Accessible & Companion Seating – Wheelchair spaces, seating for people with mobility issues and companion seats are available in the center aisle on both sides of the auditorium.

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 volunteers available to bring hand-held microphones to voters who have mobility issues or cannot stand in line and wait at the microphones.

Restrooms – Accessible restrooms are available near the entrance to the auditorium.

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.

**FALL TOWN MEETING WARRANT
OCTOBER 22, 2022**

Middlesex, ss.
Commonwealth of Massachusetts
To any Constable in the Town of Groton

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn said inhabitants of the Town of Groton qualified to vote on Town affairs to assemble in the Groton-Dunstable Middle School Auditorium, 344 Main Street, Groton, Massachusetts in said Town on Monday, the twenty-second day of October, 2022 at Nine O'clock in the morning, to consider the following:

ARTICLE LISTINGS

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*Will be presented as one motion as a Consent Agenda

MINUTES

The Chair called meeting to order at 9:00am with 63 voters present. *(There is no quorum requirement for an annual Town Meeting.)*

Ms. Michelle Collette moved that the debate during town meeting be limited to 3 minutes for each speaker with the exception of the main proponent and main opponent of each article. The motion was second. The motion carried by a 2/3rds majority vote.

A motion was made and seconded to waive the reading of the warrant. The motion passed by majority vote.

Mr. Guy Alberghini moved that articles 17, 18 and 19 be advanced forward for consideration. The motion was seconded. The moderator asked for Tellers. With 25 voters in favor and 38 voters opposed the motion to advance failed.

Articles 1-8 – Consent Motion

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: *Recommendation Deferred Until Town Meeting*

Finance Committee: *Recommendation Deferred Until Town Meeting*

Summary: *Town Meeting approval is required to pay bills from a prior fiscal year. A list of unpaid bills will be provided at Town Meeting. Please see the Town Manager's Report starting on page 17 for additional information related to this Article.*

Article 2: *Amend the Fiscal Year 2023 Town Operating Budget*

To see if the Town will vote to amend the Fiscal Year 2023 Operating Budget as adopted under Article 5 of the 2022 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 2023, 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 2023 Town Operating Budget was approved at the 2022 Spring Town Meeting in May, 2022. 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 2023 Operating Budget. Please see the Town Manager's Report starting on page 17 for additional information related to this Article.

Article 3: Amend the Fiscal Year 2023 Stormwater Enterprise Budget

To see if the Town will vote to amend the Fiscal Year 2023 Stormwater Enterprise Budget as adopted under Article 5 of the 2022 Spring Town Meeting and to raise the necessary funds through the Stormwater Facility User Utility Fee as may be necessary to defray the expenses of the Stormwater Enterprise Budget for Fiscal Year 2023, or to take any other action relative thereto.

Town Manager

Select Board: Recommended Unanimously

Finance Committee: Recommended Unanimously

Summary: *The Fiscal Year 2023 Stormwater Enterprise Budget that was approved at the 2022 Spring Town Meeting under Article 5, needs to be adjusted to reflect additional expenses that were not identified at the time the budget was developed and approved. The purpose of this article is to make any necessary changes to the Stormwater Budget. Please see the Town Manager's Report starting on page 17 for additional information related to this Article.*

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 \$94,735. 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 17 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*

Finance Committee: *Recommended Unanimously*

Summary: *As of the printing of this Warrant, the balance in this fund is \$2,077,113. 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 17 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 \$3,234. 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 17 for additional information related to this Article.*

Article 7: Debt Service for Middle School Track

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum or sums of money, pursuant to Massachusetts General Laws, Chapter 44B, Section 5 for debt service for Fiscal Year 2023 for the Middle School Track Project, as authorized under Article 7 of the May 1, 2021 Spring Town Meeting and Article 9 of the April 30, 2022 Spring Town Meeting, 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 article appropriates the debt payments for the Middle School Track Project. The anticipated debt service for Fiscal Year 2023 is \$8,835. Funding for this article will come from the Unallocated Reserve of the Community Preservation Fund.*

Article 8: Additional Funding for Master Plan

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money, to be expended by the Town Manager, for the purpose of funding the update to Groton’s Master Plan as prepared by the Planning Board 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

Planning Board: Recommendation Deferred Until Town Meeting

Summary: *The 2022 Spring Town Meeting appropriated \$100,000 for the Planning Board to hire a consultant to begin updating the Town’s Master Plan. The anticipated cost to complete the update is \$150,000. The original intent was to ask the Town to appropriate the additional \$50,000 next year, but having all of the money upfront will provide the Planning Board with the opportunity to solicit bids and enter into one contract that is fully funded. It will give the Planning Board a competitive advantage in procuring a consultant. This Article will seek \$50,000 from Free Cash for this purpose.*

CONSENT MOTION (ARTICLES 1, 2, 3, 4, 5, 6, 7, & 8): Ms. Alison Manugian made the motion which was seconded: I move that the Town take affirmative action on Articles 1, 2, 3, 4, 5, 6, 7 & 8, 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.

There was a hold on Article 7.

The remainder of the consent motion articles (1, 2, 3, 4, 5, 6, and 8) carried by a majority vote.

ARTICLE 7 (Debt Service for Middle School Track): Ms. Alison Manugian made the motion which was seconded: I move that the Town appropriate, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, the sum of \$8,835 from the Community Preservation Fund Unallocated Reserve to fund the debt service for Fiscal Year 2023 for the Middle School Track Project, as authorized under Article 7 of the May 1, 2021 Spring Town Meeting and Article 9 of the April 30, 2022 Spring Town Meeting.

Mr. Haddad said that this payment was the interest payment on the Middle School Track. He said that the first payment on this State House Note in the amount of \$8,835 was the interest on the debt that was already approved by Town Meeting.

The motion carried by a majority vote.

Article 9: Whitney Pond Well Site Construction

To see if the Town will vote to appropriate an additional sum or sums of money, by borrowing or otherwise, to be expended under the direction of the Board of Water Commissioners, to pay all 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*

Summary: *This article allows the Board of Water Commissioners to expend an additional sum of \$150,000.00, to be raised through water rates, to cover the additional costs of Construction related to the new source well at the Whitney Pond Well Site (Whitney Pond #3).*

ARTICLE 9: Mr. Tom Orcutt made the motion which was seconded: I move that the Town appropriate One Hundred Fifty Thousand (\$150,000) Dollars, to be expended under the direction of the Board of Water Commissioners, to pay all 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, which amount shall be expended in addition to the \$700,000 previously appropriated for this project under Article 11 of the Warrant at the Town Meeting held on October 23, 2021, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is authorized to borrow said amount 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.

Mr. Hurley asked if the other wells were going to be discontinued. Mr. Orcutt said that all wells would still be used.

The motion carried by a 2/3's majority vote.

101 Voters were present at 9:22am

Article 10: *Electronic Voting at Town Meeting*

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow, a sum or sums of money, to be expended by the Town Manager, to purchase the necessary software and devices to allow for Electronic Voting at all Groton Town Meetings, and all costs associated and related thereto, or to take any other action relative thereto.

Electronic Voting Study Committee

Select Board: *Recommendation Deferred (3 Deferred – 2 In Favor – Pine, Manugian)*

Finance Committee: *Finance Committee Unanimously Recommends Funding Should Town Meeting Approve Electronic Voting*

Summary: *The 2022 Spring Town Meeting created an Electronic Voting Study Committee, which was charged with evaluating the option of implementing electronic voting at Town Meeting. The Committee, made up of the Town Clerk and four registered voters of the Town appointed by the Town Moderator, has performed a comprehensive review of electronic voting including risks, benefits, costs, and procedures. The Committee will present their findings to Town Meeting along with the cost of acquiring and operating electronic voting, should Town Meeting vote to do so. It is anticipated that the cost to procure this system is \$25,000.*

ARTICLE 10: Mr. Bouchard made the motion which was seconded: I move that the sum of \$25,000 be transferred from the Excess and Deficiency Fund (Free Cash), to be expended under the direction of the Town Manager, to purchase the necessary software and devices to allow for Electronic Voting at Groton Town Meetings, and all costs associated and related thereto.

Mr. Michael Bouchard made a presentation to the meeting. Mr. Petropoulos provided a demonstration of the electronic voting devices.

Ms. Busser thanked the Committee and said her one concern was about removing the anonymity piece and standing for what you stand for. Mr. Petropoulos said they didn't expect this to inhibit debate but expand participation.

Ms. Manugian asked what the protocol was for collecting all remotes and how much it would cost for new devices. Mr. Petropoulos said that they talked to dozens of towns and amazingly the experience was that towns lose a very small number of clickers. He said there was no association between your name and your clicker. He said that the cost to replace them was very low.

Mr. Alberghini said that transparency would be gone and asked how they knew the software was displaying what the town voted. Mr. Petropoulos said that there was something of a leap of faith but had been shown through audits that the results were based on how each clicker had voted. He said that the town of Wayland was one town they spoke to who had been using the system for 8 years now and trusted the system.

Ms. Raynor asked if it was anyone's discretion to lock out buttons, how much it cost, how many devices would be purchased. Mr. Petropoulos said that they would plan to buy 600 devices, the buttons could be locked through the software and would be done in advance of the meeting starting, and the devices didn't require maintenance except for a battery but could purchase a maintenance agreement if need be. He said that they would own the devices.

A resident asked if the funding for this was coming out of free cash or being paid for through taxation. Mr. Haddad said that these would be paid for using Free Cash.

A resident said she understood the amount of work that had been done but that it cost practically nothing for a piece of paper and that's how she wanted to vote.

Mr. Funch said that the company supplying the devices would have done their testing to ensure that the votes were not hacked.

Ms. Black asked about accessibility. Mr. Petropoulos talked about accessibility.

Ms. Collette said anonymity wasn't important to her but thought it was important to know how the town's officials vote on an article and thought there should be a record of how they voted.

Ms. Chalmers said she thought the elderly should be kept in mind adding the buttons were small and hard to read.

Mr. Paul Fitzgerald said that they would miss looking around to see how people vote and didn't want to lose that ability.

Ms. Pine said the younger generation was using this all over (in college classes) and thought they should come into the modern age by adopting this technology.

The Moderator called for a vote indicating it called for a majority vote.

The motion carried by a majority vote.

Article 11: Funding to Remove Building – 159 West Main Street

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum or sums of money, to be expended by the Town Manager, to remove the building located at 159 West Main Street and shown on Assessors' Map 106 as Parcel 33, and all costs associated and related thereto, or to take any other action relative thereto.

Town Manager

Select Board: *Recommended Unanimously*

Finance Committee: *Not Recommended Unanimously*

Summary: *This property is the former Squannacook Sportsman Club. Recently the Federal Environmental Protection Agency, in cooperation with the Massachusetts Department of Environmental Protection, conducted a clean-up to remove all lead from this property, building and abutting properties. The Plan is to use this property to supplement the activities of the Center in West Groton by creating walking paths, picnic areas and overflow parking. The purpose of this Article is to provide the necessary funding to remove the former Indoor Shooting Range.*

ARTICLE 11: Mr. Peter Cunningham made the motion which was seconded: I move that the sum of \$30,000 be transferred from the Excess and Deficiency Fund (Free Cash), to be expended under the direction of the Town Manager, to remove the building located at 159 West Main Street and shown on Assessors' Map 106 as Parcel 33, and all costs associated and related thereto.

Mr. Francisco said that the Sustainability Commission voted 10-1 to support this article.

Ms. Collette said that the Board of Health voted unanimously to support this.

Mr. Funch asked what the property would be used for. Mr. Cunningham said that the property would be used for passive recreation.

Ms. Manugian asked why the Finance Committee did not support this. Mr. Manugian said that the Finance Committee felt this was a capital project and should be considered at the Spring Town Meeting.

Ms. Tabasky asked what responsibility the old sportsmen’s club had for the cleanup. Mr. Cunningham said that the EPA was covering the cost of the cleanup adding the entity that used the property last was defunct.

Mr. Croteau asked why the town wanted to passively develop it and why they didn’t sell it. Mr. Cunningham said that the cost of the parcel was \$1 and passively developing it was for use in conjunction with the new Groton Center.

The motion carried by a majority vote.

Article 12: Community Preservation Fund – Out of Cycle Application – Prescott Elevator

To see if the Town will vote to adopt and approve the recommendation of the Community Preservation Committee established pursuant to Chapter 44B of the General Laws, for funds to supplement a potential State Grant pursuant to the Municipal Americans with Disabilities Act Improvement Grant Program, to install an elevator at the Prescott School and all costs associated and related thereto, and to implement such recommendation, borrow pursuant to any applicable statute and/or appropriate a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, said funds to be expended by the Town Manager, however, should the Town not receive the State Grant from the Municipal Americans with Disabilities Act Improvement Grant Program, said funds shall be returned to the Community Preservation Fund, or to take other action relative thereto.

Town Manager

Select Board: Recommended Unanimously

Finance Committee: Recommended Unanimously

Community Preservation Committee: Recommended (5 In Favor – 1 Against – Eliot)

Summary: *The 2022 Spring Town Meeting appropriated \$80,000 to hire an architect to design and develop construction drawings for the installation of an elevator at the Prescott School to support a Municipal Americans with Disabilities Act Improvement Grant with the Commonwealth of Massachusetts. The Town hired Helene Karl Architects for this purpose. Helene Karl has been working on this and has established a preliminary budget of \$500,000 to install the elevator. The maximum State Grant under the program stated above is \$250,000, so it will not be enough to cover the installation of the Elevator. The Grant Application was due to the State at the end of September, with an expected Grant Decision sometime in November/December. The Town Manager requested an “Out of Cycle Community Preservation Application” from the Community Preservation Committee requesting \$250,000 to supplement the potential State Grant. Should we receive the Grant, approval of this Article will provide*

sufficient funding to go out to bid immediately for the Elevator Installation. Should the Town not receive the Grant, the Town shall return the funding to the Community Preservation Fund.

ARTICLE 12: Ms. Becky Pine made the motion which was seconded: I move that the Town adopt and approve the recommendation of the Community Preservation Committee established pursuant to Chapter 44B of the General Laws, for funds to supplement a potential state grant pursuant to the Municipal Americans with Disabilities Act Improvement Grant Program, to install an elevator at the Prescott School and all costs associated and related thereto, and to implement such recommendation, pursuant to Massachusetts General Laws, Chapter 44B, Section 5, appropriate Seventy-Five Thousand (\$75,000) Dollars from the Community Preservation Fund Historical Reserve and One Hundred Seventy-Five Thousand (\$175,000) Dollars from the Community Preservation Fund Unallocated Reserve for a total of Two Hundred Fifty Thousand (\$250,000) Dollars, said funds to be expended by the Town Manager, however, should the Town not receive a state grant or other funding necessary to fully fund the elevator project by March 31, 2023 said appropriated funds shall be returned to the Community Preservation Fund.

Ms. Perkins said that the CPC voted by majority vote to recommend this article for consideration.

Ms. Manugian said that they didn't have an overall estimate or plan for this building. She said it was a good opportunity to capture the grant funding and why the contingency in the motion. She asked about any additional funding. Mr. Haddad said that the building was as accessible as it could be with the only ADA issues remaining being the bathrooms. He said that if the elevator was installed, they would need to revisit code upgrade of the bathrooms adding he wasn't sure about the cost.

Mr. Wallens asked what the return on investment was.

Mr. Lynwood Prest talked about the seismic force and how the elevator had to be designed for seismic force whereas the building was not. He said that this was not something they could afford. Mr. Yanchenko talked about the design of the elevator. He said that the elevator would not require them to bring the building up to seismic code adding it had been discussed with the Town's Building Commissioner who agrees.

Mr. Petropoulos said that the return on investment was that the building was going to need an elevator not matter who owned it. Mr. Haddad said that the ability to rent out the second floor would generate additional revenue which would mean more money for the Town from the Friends of Prescott.

Mr. Prest said he hoped this didn't turn into another Flo Ro where they are asked for more money at a subsequent meeting.

Mr. Robertson said that the Finance Committee unanimously supported this adding they wouldn't spend the money if they didn't get the grant.

Mr. Lotz moved the question and was seconded. The motion to move the question carried by 2/3s majority.

The main motion moved by a majority vote.

Article 13: Amend Chapter 105 – “Alcoholic Beverages”

To see if the Town will vote to amend Chapter 105, “Alcoholic Beverages, §105-1 “Open Container of Alcoholic Beverage”, by deleting §105-1 in its entirety and replacing it with the following:

§105-1 – Open Container of Alcoholic Beverage. No person shall possess an open container of any alcoholic beverage, as defined in MGL C. 138, § 1, while on, in or upon a) any public way or any way to which the public has a right of access, or b) any public common, park or playground, or c) any place to which members of the public have access as invitees or licensees without consent of the owner or person in control of such land or place; or d) any private land or place without consent of the owner or person in control of such land or place, provided, however, that the Select Board may authorize the sale, possession, and consumption of alcoholic beverages on any Town-owned property from a duly licensed vendor.

or to take any other action relative thereto.

Select Board

Select Board: Recommended Unanimously

Finance Committee: No Position

Summary: Approval of this Article will allow the Select Board, acting as the Local Licensing Authority, and pursuant to the General Laws of the Commonwealth, to grant a liquor license for consumption of alcoholic beverages on Town-owned property.

ARTICLE 13: Mr. Matt Pisani made the motion which was seconded: I move to amend Chapter 105 of the Code of the Town of Groton “Alcoholic Beverages, §105-1 “Open Container of Alcoholic Beverage”, by deleting §105-1 in its entirety and replacing it as set forth under Article 13 of the Warrant for the 2022 Fall Town Meeting.

The motion carried by majority vote.

Article 14: Amend Chapter 196 – “Signs”

To see if the Town will vote to amend Section 196-5 of the Town of Groton Bylaws (entitled “Prohibited Signs”), by inserting the following new paragraph J:

J. Signs that threaten violence against particular individuals or groups.

or to take any other action relative thereto.

Sign Committee

Select Board: Recommended Unanimously

Finance Committee: No Position

Summary: *After receiving several complaints expressing concerns about some political signs around Town, the Sign Committee asked Town Counsel to do a complete and thorough review of the Sign Bylaw to determine if amendments to the Bylaw can address these kinds of signs. In Town Counsel’s Opinion, amendments to the Sign Bylaw seeking to regulate profane content are likely unenforceable and unlikely to be approved by the Attorney General’s Office. That said, an amendment to prohibit signs containing threatening content may be permissible if drafted and enforced consistent with First Amendment holdings. The purpose of this Article is to amend the Sign Bylaw to prohibit signs containing threatening content.*

ARTICLE 14: Mr. John Reilly made the motion which was seconded: I move to amend Section 196-5 of the Town of Groton Bylaws (entitled “Prohibited signs”), by inserting the following new paragraph J:

J. Signs that threaten violence against particular individuals or groups.

Mr. Yanchenko asked who was going to monitor this and whose judgement it was. Town Counsel Brian Falk said that this applied to threatening speech. He said it would be codifying true threat language under the first amendment.

Mr. Fitzgerald said that he didn’t support this.

Ms. Pine said that this was murky territory and had little ability to adjudicate signs with threatening language.

Mr. Hargraves said that this article would drive the police department nuts and thought this was covered by the law anyway. He said it was a reaction to a sign a few months ago which he thought was a political statement.

A resident said that she didn’t think they should allow their neighbors to threaten each other using signs. She said it shouldn’t need to be codified but common sense.

Mr. Hewitt said he also thought this was murky territory and thought it should be up to the police to regulate.

A resident said she was told it wasn't a police matter and nothing that they could do anything about it.

The motion carried by a majority vote.

Article 15: Citizens' Petition – Rezone 797 Boston Road

To see if the Town will vote to rezone the property situated at 797 Boston Road, which is shown on the Groton Assessor's Maps as Parcel 133-49 and described in a deed recorded with Middlesex County South District Registry of Deeds in Book 45322 at Page 597, as Neighborhood Business (NB), or to take any other action relative thereto.

Citizens' Petition

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Eileen Hackney	124 Riverbend Drive	Kristin Murphy	39 Britt Lane
Michael Hackney	124 Riverbend Drive	Kathleen Murphy	39 Britt Lane
Ralph Acaba	45 Painted Post Road	Craig McMahan	201 Flavell Road
Maureen Naughton	633 Longley Road	Jennifer Savoie	201 Flavell Road
Robinson Moore	26 Powderhouse Road	Kevin Griffin	168 Shelters Road

Select Board: *Recommendation Deferred Until Town Meeting*

Finance Committee: *No Position*

Planning Board: *Recommendation Deferred Until Town Meeting*

Summary: The following summary was prepared by the petitioners and represents their view on the Article: *The owner of this parcel wishes to change the zoning of the property from Residential–Agricultural (R-A) to Neighborhood Business (NB) to allow for the development of an indoor pickleball facility. The proposed facility would require the issuance of a Special Permit by the Zoning Board of Appeals, pursuant to the Zoning Bylaw.*

ARTICLE 15: Mr. John Reilly made the motion which was seconded: I move that this Article be indefinitely postponed.

The motion carried by a unanimous vote.

Article 16: Citizens' Petition – 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 14 of the Annual Town Meeting of April 25, 2005, to include the property shown on Assessors’ Map 225-49 (91 Chicopee Row) but only for the exclusive use of 91 Chicopee Row, and its successors or assigns, and provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner’s proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise, or to take any other action relative thereto.

Citizens' Petition

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Donald Black	573 Longley Road	Robert S. Hargraves	21 Temple Drive
Dan Emerson	348 Boston Road	Ellen T. Hargraves	21 Temple Drive
Deirdre Slavin-Mitchell	313 Longley Road	Earl N. Carter	8 Lone Lane
John R. Sopka	344 Boston Road	Bonnie Carter	8 Lone Lane
Alicia Black	573 Longley Road	Patricia DuFresne	90 Townsend Road

Select Board: Recommendation Deferred (4 Deferred – 1 Against – Manugian)
Finance Committee: No Position
Sewer Commission: Recommendation Deferred Until Town Meeting

Summary: The following summary was prepared by the petitioners and represents their view on the Article: *This article requests authorization from the Town Meeting to expand the Center Sewer District to include Lot 225-49, Groton. This article, if approved, will provide Sewer Capacity for the exclusive use of said Lot.*

ARTICLE 16: Mr. Don Black made the motion which was seconded: 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 14 of the Annual Town Meeting of April 25, 2005, to include the property shown on Assessors’ Map 225-49 (91 Chicopee Row) but only for the exclusive use of 91 Chicopee Row, and provided that all costs of designing, laying, and construction of the extension and any associated connection and the cost of additional capacity and the property owner’s proportionate share of the general benefit facilities, and all other costs associated therewith, are paid by the owner of the property benefited thereby, whether by the assessment of betterments or otherwise.

Mr. Black made a presentation to the meeting.

Mr. Orcutt said that the Sewer Commission held a public hearing and voted unanimously not to expand the district to include this parcel of land because there was no immediate public health related issue such as failed title 5, that municipal sewer should not be used to make a parcel developable, Groton Center Sewer District capacity should be reserved for existing parcels within the district that are undeveloped or require a change of use, the Town's current bylaw may be in conflict with state statute regarding sewer use by an abutting parcel, and requesting an increase in sewer capacity from the Town of Pepperell will trigger an amendment to their current IMA with the state which is an extensive and expensive process.

The Moderator said that the Select Board voted unanimously to oppose this.

Mr. Burke asked about the subject lot and common ownership to an adjacent lot.

The motion failed by a majority vote.

Article 17: Citizens' Petition – Reduce the Tax Rate

Reduce the tax rate: Long term residents are being forced out of town because the taxes are too high. For residents that have lived in town twenty-five (25) years or longer the overall tax shall not increase even if the appraised value of the property is increased.

Citizens' Petition

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Jacqueline Thibeau	291 Townsend Road	Guy Alberghini	215 Main Street
Cathy Smith	46 Painted Post Road	John Caloggero	71 Tavern Road
Darlene Deschambeault	13 Longfellow Road	Max Hallsett	39 Chicopee Row
Steven Fells	1035 Lowell Road	Brenden Mahoney	47 Hoyts Wharf Road
Carol Coleman	505B Boston Road	Ronald Moncoeur	15 McCarthy Drive

Select Board: *Not Recommended Unanimously – Cannot Be Approved As Written*

Finance Committee: *No Position*

Summary: *No Summary was submitted with this Article.*

ARTICLE 17: Mr. Alberghini was not present to make this motion. The Chair declared no action under Article 17.

Article 18: Citizens' Petition – Affordable Housing

Affordable Housing: Each development of three (3) houses or more shall have affordable housing. Developers shall not be able to buy the way out of building affordable housing.

Citizens' Petition

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Jacqueline Thibeau	291 Townsend Road	Guy Alberghini	215 Main Street
Cathy Smith	46 Painted Post Road	Darlene Deschambeault	13 Longfellow Road
Max Hallsett	39 Chicopee Row	Steven Fells	1035 Lowell Road
Carol Coleman	505B Boston Road	Ronald Moncoeur	15 McCarthy Drive
Yumei Sun	40 Wyman Road	Kevin Fuller	142 Gay Road

Select Board: *Not Recommended Unanimously – Cannot Be Approved As Written*
Finance Committee: *No Position*

Summary: *No Summary was submitted with this Article.*

ARTICLE 18: Mr. Alberghini was not present to make this motion. The Chair declared no action under Article 18.

Article 19: Citizens' Petition – Side by Side Comparison

Side by Side comparison: There shall be a side-by-side comparison in the town meeting booklet as well as on a screen at the town meeting for everyone to see the current tax rate and what the tax rate will be if the bill that is being voted on passes.

Citizens' Petition

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Jacqueline Thibeau	291 Townsend Road	Guy Alberghini	215 Main Street
Cathy Smith	46 Painted Post Road	Darlene Deschambeault	13 Longfellow Road
Max Hallsett	39 Chicopee Row	Steven Fells	1035 Lowell Road
Brenden Mahoney	47 Hoyts Wharf Road	Carol Coleman	505B Boston Road
Ronald Moncoeur	15 McCarthy Drive	Yumei Sun	40 Wyman Road

Select Board: *Not Recommended Unanimously – Cannot Be Approved As Written*
Finance Committee: *No Position*

Summary: *No Summary was submitted with this Article.*

ARTICLE 19: Mr. Alberghini was not present to make this motion. The Chair declared no action under Article 19.

A motion was made and seconded to dissolve the fall town meeting at 11:17am. The motion carried unanimously.

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 3rd Day of October in the year of our Lord Two Thousand Twenty-Two.

John F. Reilly
John F. Reilly, Chair

Rebecca H. Pine
Rebecca H. Pine, Vice Chair

Matthew F. Pisani
Matthew F. Pisani, Clerk

Alison S. Manugian
Alison S. Manugian, Member

Peter S. Cunningham
Peter S. Cunningham, 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 2022 FALL TOWN MEETING

The 2022 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 2023 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 September, 2022, are as follows:

Stabilization Fund:	\$2,077,113
Capital Stabilization Fund:	\$ 94,735
GDRSD Capital Stabilization Fund:	\$ 3,234
Unexpended Tax Capacity:	\$ 53,775
Free Cash:	\$2,115,125

The following is a summary of Warrant Articles Requesting funding:

Article 1: Unpaid Bills **Requested: \$0**

At this time, there are no unpaid bills. This Article will most likely be withdrawn from consideration.

Article 2: Amend the FY 2023 Town Operating Budget **Requested: \$186,344**

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

1. Town Clerk Salaries – The Town entered into an Agreement with Michael Bouchard to consult on the September 6, 2022 State Primary and November 8, 2022 State Election and assist with the transition to the new Town Clerk. Based on current and anticipated future payments, the Salary Line Item will need an additional \$9,021. This funding will come from Free Cash.
2. Town Clerk Wages – Nancy Pierce was appointed as Temporary Town Clerk during the transition from Michael Bouchard to Dawn Dunbar and received a weekly stipend for the additional duties. Her hours were also increased from 25 to 40 during the transition. Based on the additional hours and stipend, this Line Item will need an additional \$2,452 to cover this expense. This funding will come from Free Cash.

3. Fire Department Wages - The Fire Department is requesting an additional \$169,184 in wages to cover overtime costs. This overtime cost can be broken into three categories, expected expenditures, unexpected expenditures, and surge capacity. In FY 2023, the Department placed a very high priority on the addition of a daytime Firefighter/EMT. It was anticipated that this position would allow the Department to close the most glaring gap which exists within the Fire Prevention/Community Risk Reduction area. With the number of required inspections continually rising, along with the development of the town, changing of technologies and new codes, the ability to maintain the same level of Risk Reduction activities has waned. Even with shuffling personnel to meet this need, a higher call volume this year has further stressed the system. The result is that work at all levels is becoming backlogged, threatening to stifle the Department's obligations commitments and progress. Without this additional Firefighter, filling shifts has historically come from the Chief, which has been done at the expense of administration functions. Last Spring (March 25, 2022), the Fire Chief notified the Select Board and Finance Committee that it was expected that overtime would be in excess of the \$109,000 budgeted allocation due to vacations and planned time off. This known challenge was unfortunately incredibly compounded by the loss of a firefighter due to a serious off-duty injury. The loss of the firefighter placed a burden on the department members to fill his shifts and it greatly accelerated the use of the already short overtime allocation. At the current rate of usage, the overtime budget will be depleted in January rather than the projected late May-June timeframe. The third piece is the workload that has built up. With the Chief and Deputy Chief having to operate as firefighters, time is lost on ongoing commitments such as the maintenance of policies, long term planning, training, development/mentoring of employees and other processes. As these items continually languish, the liability on the department, the members, and the town increases. While the best solution is the addition of a daytime position, the Fire Department has always been orientated to the betterment of the community as a whole and understands the financial constraints that restrict such moves. The Fire Chief has proposed creating overtime/per-diem shifts during the week day hours to help close the gaps in coverage that occur. This will free up the Chief and Deputy Chief to work on pressing issues such as intermediate and long-term planning. By utilizing overtime, there is no lasting implications such as additional retirement or benefits which significantly increase the cost. The requested amount is broken down between needed overtime to finish out the year (estimated to be \$112,608) and \$56,576 to place additional help on select shifts from October, 2022 through June 30, 2023. To fund this Article, \$100,000 will come from the EMS Fund and \$69,184 will come from Free Cash.
4. Building Department Salaries – During Open Enrollment last Spring, the Building Commissioner opted out of the Town's Health Insurance Program. Based on the collective bargaining agreement between the Town and the Supervisors Union, the Building Commissioner will receive a payment of \$5,687 in FY 2023. This funding, since it is a recurring cost, will come from the Unexpended Tax Capacity.

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

Free Cash	\$ 80,657
EMS Fund	\$100,000
Unexpended Tax Capacity	<u>\$ 5,687</u>
Total Requested:	\$186,344

Article 3: Amend – FY 2023 Stormwater Enterprise Budget Requested: \$24,100

The 2022 Spring Town Meeting approved a budget of \$216,995 for the Stormwater Utility Enterprise for Fiscal Year 2023. Since Town Meeting voted the budget, it was discovered that the budget did not include the Enterprise Fund Intergovernmental Cost (total of \$23,000) and the Union Agreement Cost (\$1,100). The Budget needs to be adjusted by this amount. This Article requests to increase the Enterprise Budget by \$24,100, bringing the total FY 2023 Stormwater Budget to \$241,095. The additional amount of \$24,100 will come from the Stormwater Fee set by the Select Board earlier this summer.

Article 4: Transfer - Capital Stabilization Fund Requested: \$605,000

The current balance in this fund is \$94,735. 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 \$46,470,116. This would require a Capital Stabilization Fund Balance of \$697,052. This Article will request a transfer of \$605,000 from Free Cash to add to this Fund.

Article 5: Transfer - Stabilization Fund Requested: \$246,393

The current balance in the Stabilization Fund is \$2,077,113. Our Financial Policies state that this Fund should have a balance of five (5%) percent of our Operating Budget (\$46,470,116). This would require a balance of \$2,323,506. This Article will request a transfer of \$246,393 from Free Cash to add to this Fund.

Article 6: Transfer - GDRSD Capital Stabilization Fund Requested: \$250,000

The current balance in the GDRSD Capital Stabilization Fund is \$3,234. The FY 2024 Capital Plan for the District is currently estimated at \$552,203. Based on utilizing both Free Cash and this Stabilization Fund to cover the Fiscal Year 2024 Capital Assessment from the School District, this Article will request a transfer of \$250,000 from Free Cash to be add to this Fund.

Article 7: Debt Service for Middle School Track

Requested: \$8,835

From the Summary in the Warrant: This article appropriates the debt payments for the Middle School Track Project. The anticipated debt service for Fiscal Year 2023 is \$8,835. Funding for this article will come from the Unallocated Reserve of the Community Preservation Fund.

Article 8: Additional Funding for Master Plan Update

Requested: \$50,000

From the Summary in the Warrant: The 2022 Spring Town Meeting appropriated \$100,000 for the Planning Board to hire a consultant to begin updating the Town’s Master Plan. The anticipated cost to complete the update is \$150,000. The original intent was to ask the Town to appropriate the additional \$50,000 next year, but having all of the money upfront will provide the Planning Board with the opportunity to solicit bids and enter into one contract that is fully funded. It will give the Planning Board a competitive advantage in procuring a consultant. This Article will seek \$50,000 from Free Cash for this purpose.

Article 9: Whitney Pond Well Site Construction

Requested: \$150,000

From the Summary in the Warrant: This article allows the Board of Water Commissioners to expend an additional sum of \$150,000.00, to be raised through water rates, to cover the additional costs of Construction related to the new source well at the Whitney Pond Well Site (Whitney Pond #3).

Article 10: Electronic Voting at Town Meeting

Requested: \$25,000

From the Summary in the Warrant: The 2022 Spring Town Meeting created an Electronic Voting Study Committee, which was charged with evaluating the option of implementing electronic voting at Town Meeting. The Committee, made up of the Town Clerk and four registered voters of the Town appointed by the Town Moderator, has performed a comprehensive review of electronic voting including risks, benefits, costs, and procedures. The Committee will present their findings to Town Meeting along with the cost of acquiring and operating electronic voting, should Town Meeting vote to do so. It is anticipated that the cost to procure this system is \$25,000. This funding will come from Free Cash

Article 11: Remove Building – 159 West Main Street

Requested: \$30,000

From the Summary in the Warrant: This property is the former Squannacook Sportsman Club. Recently the Federal Environmental Protection Agency, in cooperation with the Massachusetts Department of Environmental Protection, conducted a clean-up to remove all lead from this property, building and abutting properties. The 2018 Spring Town Meeting authorized the Select Board to take this property, but the Select Board held off until such time as it was environmentally sound to do so. The Plan is to use this property to supplement the activities of the Center in West Groton by creating walking paths, picnic areas and overflow parking. The purpose of this Article is to provide the necessary funding to remove the former Indoor Shooting Range. It is anticipated that the cost of removal is \$30,000. This funding will come from Free Cash.

Article 12: Out of Cycle Application – Prescott Elevator

Requested: \$250,000

From the Summary in the Warrant: The 2022 Spring Town Meeting appropriated \$80,000 to hire an architect to design and develop construction drawings for the installation of an elevator at the Prescott School to support a Municipal Americans with Disabilities Act Improvement Grant with the Commonwealth of Massachusetts. The Town hired Helene Karl Architects for this purpose. Helene Karl has been working on this and has established a preliminary budget of \$400,000 to install the elevator. The maximum State Grant under the program stated above is \$250,000, so it will not be enough to cover the installation of the Elevator. The Grant Application was due to the State at the end of September, with an expected Grant Decision sometime in November/December. The Town Manager requested an “Out of Cycle Community Preservation Application” from the Community Preservation Committee requesting \$250,000 to supplement the potential State Grant. Should the Town receive the Grant, approval of this Article will provide sufficient funding to go out to bid immediately for the Elevator Installation. Should the Town not receive the Grant, the Town shall return the funding to the Community Preservation Fund.

Should the Town Meeting agree with these appropriations, \$1,287,050 will come from the Town’s Free Cash Account, leaving a Free Cash balance of \$828,075. For the line item that is reoccurring and will be funded through taxation, the Town will end up \$45,380 under the anticipated Levy Limit for Fiscal Year 2023. The estimated tax rate at the Spring Town Meeting was \$18.35. Based on the proposed changes at the Fall Town Meeting, the anticipated tax rate is \$18.33. The following chart is a breakdown of the anticipated rate:

	<u>Actual</u>		<u>Proposed</u>		<u>Dollar</u>	<u>Percent</u>
	<u>FY 2022</u>		<u>FY 2023</u>		<u>Change</u>	<u>Change</u>
Levy Capacity Used	\$ 34,157,624	\$	35,224,034	\$	1,066,410	3.12%
Tax Rate on Levy Capacity Used	\$ 16.18	\$	16.57	\$	0.39	2.41%
Average Tax Bill	\$ 8,658	\$	8,867	\$	209	2.41%
Excluded Debt	\$ 2,140,460	\$	3,741,491	\$	1,601,031	74.80%
Tax Rate on Excluded Debt	\$ 1.01	\$	1.76	\$	0.75	74.26%
Average Tax Bill	\$ 540	\$	942	\$	401	74.26%
Final Levy Used	\$ 36,298,084	\$	38,965,525	\$	2,667,441	7.35%
Final Tax Rate	\$ 17.19	\$	18.33	\$	1.14	6.63%
Average Tax Bill	\$ 9,198	\$	9,808	\$	610	6.63%

Respectfully submitted,

Mark W. Haddad

Mark W. Haddad
Town Manager

Town of Groton
Board of Selectmen
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Groton, MA 01450

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