



Board of Selectmen Minutes 06-23-16

[Printer-Friendly Version](#)

[Home](#)
[About Bolton](#)
[Americans With Disabilities Act](#)
[Bids and Proposals](#)
[Bolton GIS Maps](#)
[Bylaws & Regulations](#)
[Contacts Directory](#)
[Emergency Management Forms](#)
[Job Opportunities](#)
[Online Payments](#)
[Online Permits](#)
[Public Documents](#)
[Subscribe to News](#)
[Trail Maps](#)
[TV Schedule](#)
[Contact Us](#)

Board of Selectmen
June 23, 2016
Town Hall

Present: Stanley Wysocki
Thomas J. Frain
Jonathan Keep
Don Lowe, Town Administrator
Linda L. Day, Town Secretary

Chairman Wysocki called the Board of Selectmen's meeting to order at 7:00 p.m.

POLE HEARING

On a motion made by Frain and seconded by Keep, the Board of Selectmen opened the public hearing at 7:00 p.m. on the petition of Verizon New England, Inc. and Massachusetts Electric Company (NGRID) to place one new pole on the westerly side of Sugar Road. (Wysocki – yes, Frain – yes, Keep – yes) The Board of Selectmen moved on to the next agenda item to allow Representatives from Verizon New England, Inc. and Massachusetts Electric Company to appear for the hearing. Mr. Caisse, Tree Warden didn't see any impact to the trees in the area but would like to hear what the representatives had to say about the placement of the trees before making any final comments.

On a motion made by Keep and seconded by Frain, the Board of Selectmen voted at 7:10 p.m. to continue the hearing to the Board of Selectmen's meeting on July 14, 2016 at 7:00 p.m. (Wysocki – yes, Frain – yes, Keep – yes)

TRANSFER OF COMMON VICTUALER LICENSE

Mr. Farid Awad and Mr. Mena Kaleni met with the Board of Selectmen to request the transfer of the common victualer license for Classic Pizza from Farid Awad to Mena Kaleni, who will be the new owner. Mr. Kaleni loves his job and his goal is to make fresh food and make everyone happy.

On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to transfer the license from Carma Group II to JIU Inc. (Wysocki – yes, Frain – yes, Keep – yes)

JULY 4TH CELEBRATION

Ms. Karen Regan, a member of the Parks and Recreation Commission met with the Board of Selectmen to seek permission to have a July 4th Celebration on Saturday, July 2, 2016 and close down Main Street for the parade. The parade will start at the Library and be led by the Lincoln Minutemen to Florence Sawyer School for a bike decorating contest, a lawn mower race, kid's mile run and carnival games. Ms. Regan has discussed the event with Chief Nelson. If they can't staff it with overtime, Chief Nelson will donate his time.

On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve the parade on Saturday, July 2 from 10:00 a.m. to 2:30 p.m. (Wysocki – yes, Frain – yes, Keep – yes)

CABLE COVERAGE FOR TOWN BOARDS AND COMMITTEES

Mr. Frain spoke to Mr. Slade prior to tonight's meeting and suggested the discussion regarding cable coverage of town board and committee meetings be postponed to the Board of Selectmen's meeting on July 14, 2016. This will give Mr. Frain the opportunity to review the Board of Health minutes and speak with Mr. Slade again. Mr. Erik Neyland would also like the Zoning Board of Appeals meetings to be recorded. Ms. Sauer invited the Board of Selectmen to take a tour of the Bolton Access Television Studio and will work with Ms. Day to schedule the tour.

TOWN ADMINISTRATOR REPORT

Update on Minuteman: Mr. Keep attended the meeting about the Minuteman Vocational Technical High School building project in Arlington. Mr. Keep reported that Belmont would like to have the other towns vote them out of the district rather than Belmont having to go the town meeting process to be voted out of the district which would require a 2/3 vote. Belmont currently sends approximately 26 students to Minuteman. Mr. Lowe was not aware of the tax impact for going from 10 to 9 towns.

Update on the Nashoba Valley Winery: Mr. Lowe stated that the issue with the liquor license for the Nashoba Valley Winery came about when Mr. Pelletier requested an all alcohol license. In 2010, Town Meeting approved the petition for the winery to have an all alcohol license but the Alcoholic Beverages Control Commission (ABCC) Attorney rejected the language provided by the Attorney General's office. In 2012, Town Meeting and the Legislature approved a reworded petition, and then the ABCC determined that Mr. Pelletier had one more license than he was allowed. In late May, 2013, Representative Hogan and Senator Flanagan met with Mr. Pelletier and the ABCC attorney to define the definition of "premises" and how it is represented. The ABCC suggested two options which included changing the ownership of the restaurant or connecting the two buildings so they become one premise. Mr. Pelletier did not find either option acceptable or reasonable and in early March, 2016, the ABCC notified Mr. Pelletier that they would not renew his license for 2016. As recently as last week, Representative Hogan met with Mr. Pelletier to sort out the issue, and bottom line is that it is something that needs to be sorted out at the State level which is taking place right now. Mr. Lowe stated that the Town of Bolton stands ready to support Mr. Pelletier in any way they can legally.

Update on Granite Water Trough: Mr. Lowe drafted a letter requesting specifics about moving the watering trough to the Town Common, as requested by the Historical Commission.

On a motion made by Keep and seconded by Frain, the Board of Selectmen voted to approve the letter. (Wysocki –yes, Frain –yes, Keep –yes)

Letter to the Department of Transportation: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to authorize Mr. Lowe to send a letter to Mr. Barry Lorian, Department of Transportation inviting him to meet with the Board of Selectmen to discuss safety concerns related to the are of Route 117 near Nashoba Regional High School. (Wysocki – yes, Frain –yes, Keep – yes)

Update on Camp Virginia: Mr. Lowe reported that the Girl Scouts denied the request for a one-year extension to allow the Town to update the open space plan and they were staying firm on the sale price of \$975,000. Therefore, the project is on hold, but Ms. Liz Luc Clowes, member of the Conservation Commission continues to spearhead the effort to update the open space.

Update on new lights at intersection of Route 117 and Still River Road: Mr. Lowe reported that new light equipment and sensors were installed at the intersection of Route 117 and Still River Road.

BOARD OF SELECTMEN BUSINESS

Appointments: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to make the following appointments: Affordable Housing Partnership Trustee - Douglas Storey; Agricultural Commission -Teresa Sauer; Ambulance Director- Margaret Diaz; Animal Control Officer - Susan Latham; Assistant Animal Control Officer - Susan Latham; Assistant Animal Control Officer – Phyllis Tower; Board of Appeals – Gerard Ahearn; Audit Advisory Committee/Nashoba Regional School District – Heather Hughes; building Official – Michael Sauvageau; Capital Planning Committee – Colin Bradley; Conservation Commission Brian Berube and Liz Luc Clowes; Economic Development Committee – Bruce Slater, Michael Murphy, Erik Neyland, Helene Demmer, David Pettit and Mark Ayotte; Emergency Management Co-Directors – John Mentzer and Warren Nelson; Fire Chief and Forest Warden – John Mentzer; Historical Commission – Robert Busch and Jeannemarie Padovano; Wiring Inspector – James Boodry; Assistant Wiring Inspector Peter Casello; Insurance Advisory Committee –Barbara Brown, Donna Madden and Ninotchka Rogers; Mart Advisory Board – Kenneth Troup; Minuteman Advisory Group on Interlocal Coordination (MAGIC) – Donald Lowe; Board of Registrars –Pamela Powell and Carol O’Laughlin; Tree Warden – Mark Caisse; Veterans Agent – James Cabral and Wheat Representative Patricia Bensetler.

End of Year Budget Transfer: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve an end of year budget transfer in the amount of \$5,000 to be transferred from Ambulance Account 231, line item 5112 – Wages from EMT Call/Training to Ambulance Account 231, line item 5201 – ALS Services (Wysocki –yes, Frain – yes, Keep – yes)

Municipal Roadway Vegetation Plan: The Board of Selectmen discussed the Municipal Roadway Vegetation Management Plan, which uses herbicides such as Roundup to spray the poison ivy along the roadside. Mr. Brown, DPW Director clarified that he has two trained, licensed and insured employees that do the spraying for poison ivy. The spraying costs about \$2,500.

Mr. Frain distributed a handout about Roundup and expressed his opposition to the use of Roundup. He recommended an organic remedy for the poison ivy. Mr. Brown stated that it was the Board’s decision as to whether or not he does the spraying for poison ivy. On a motion made by Keep and seconded by Frain, the Board of Selectmen voted to discontinue the spraying of the roadside with Roundup according to the vegetation plan. The Board didn’t have an issue with continuing the roadside mowing. (Wysocki – no, Frain – yes, Keep –yes)

The Conservation Commission will be invited to meet with the Board of Selectmen to discuss their outstanding order of conditions for spraying poison ivy on the conservation trails.

Wilder Road Culvert: As a result of a citizen inquiry regarding the Wilder Road culvert, Mr. Frain asked that this discussion be on the Selectmen’s agenda. Although funds were approved at the Annual Town Meeting in May, 2016 for this project, the citizen was not convinced the culvert was in danger of collapsing and the proposed replacement was necessary.

Mr. Frain admittedly stated that he is not an engineer, but the citizen had significant experience. Mr. Frain met with the citizen and inspected the culvert himself which he described as a one foot square channel that goes across Wilder Road. Mr. Frain also spoke with Greg Roy, Engineer at Ducharme and Dillis and was told they were not hired for purposes of assessing the culvert but asked to assess the soils to be used in the rebuilding of the culvert.

Mr. Brown provided pictures of the culvert that showed boulders and stones dislodged from the wall making it look like a one foot square channel when it is really a three foot square channel. Mr. Brown stated that the wall is failing, the road is dropping and he believes there is a sink hole forming under the road. He has paved this area three times and there is a 2 foot patch on the road. Mr. Brown stated that the culvert is a dangerous situation and he is notifying the Board of Selectmen of his concern.

Mr. Wysocki found the discussion to be very disturbing when to the best of his knowledge Mr. Rosadini, Mr. Frain and Mr. Keep don’t have a civil engineering degree and trusted the judgement of Mr. Brown who has been doing this type of work all his life. He also found it a bit suspect that residents opposed to the process are not contacting or showing up at the Selectmen’s meetings to discuss.

Mr. Cote, Chairman of the Advisory Committee expressed his frustration with Mr. Frain and Mr. Keep and accused them of being hypocritical when they implied previous board members were circumventing town meeting and now, when it suits their needs, are looking to circumvent a town meeting vote and process.

Mr. Keep stated that the culverts are a big issue in town and voters are asking questions about the culvert work. Mr. Frain and Mr. Keep agreed that they have an obligation to ask questions and if there is a better and cheaper way of doing the project it is worth exploring.

Ms. Remington, Chairman of the Historical Commission stated that Mr. Brown has always done his best to honor the original structures and she trusts his evaluation of the culvert. The traffic has increased on Wilder Road and the culvert has taken a lot of punishment.

Ms. Gerken stated that this project has been reviewed by the Board of Selectmen, Capital Planning and voted on at Town Meeting. The main priority of Mr. Brown is safety and encouraged the Selectmen to think about the liability to the town if this project did not move forward.

Mr. Brown reiterated that there is no other solution and the safety issue must be addressed.

On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to do a site visit and invite the engineer from Ducharme and Dillis to attend the site visit. (Wysocki – yes, Frain – yes, Keep – yes) Mr. Wysocki stated that he was in favor of the site visit to move the process forward.

At the suggestion of Ms. Remington, Mr. Lowe stated that the town could install a caution sign to inform motorists of the dip in the road but do not have the authority to lower the speed limit.

Snow and Ice: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve authorize Mr. Brown, Director of Public Works to overspend \$30,000 in the snow and ice account. (Wysocki –yes, Frain –yes, Keep –yes)

Police Budget related to Overtime: As a follow up to a previous Board of Selectmen’s meeting, Mr. Frain asked Police Chief Nelson to meet with the Board of Selectmen to discuss the police budget related to the training the Police Officers attend and the effect it has on overtime. Administrative Assistant Lorraine Kenney was also in attendance.

Police Chief Nelson provided the Board of Selectmen with spreadsheets showing the names of the police officers and the mandatory and non-mandatory training the police officers have attended over the last three years. The “total credited hours awarded” in FY16 was 344; in FY15 was 444 and in FY14 was 649 which indicated a decrease over the last three years.

Police Chief Nelson stated that professional development is very important for the Police Department.

The “total credited hours awarded” indicates the mandatory training the officers are required to take to maintain their certification. The “total course hours awarded” indicates the total number of hours spent in training which goes against wages and possible overtime.

Mr. Frain would like to see the training reduced to save on the overtime budget that is running at roughly \$100,000. Police Chief Nelson will provide the Board of Selectmen with the cost-savings to eliminate the non-mandatory versus the mandatory training and noted that the overtime budget also includes the Resource Officer, overtime when the department was down an officer and backfilling for vacation, sick time, etc.

At a previous meeting it was stated that if there was a way to save a significant amount of money it would be to not backfill a shift but it is something Police Chief Nelson would never recommend and it would have to come from the Board of Selectmen as it is a safety risk to the officer and the town. Police Nelson stated that one or two cars respond to a call depending on the nature of the call.

When Mr. Frain asked how the Police Department could bring down the speed, Police Chief Nelson stated that he recommended putting on extra patrols to do more traffic enforcement and was denied by the Advisory Committee.

Mr. Keep stated that he has been reviewing the expense ledgers distributed monthly and the Police Department is growing and being overspent each year which is not sustainable. Police Chief Nelson stated that there are unpredictable types of events that he has no control over that attribute to overspending a line item but overall he hasn’t overspent his budget.

Mr. Frain suggested looking at entering into an agreement with other towns for back-up and sharing the costs, and hiring more reserves to for backfilling.

Ms. Panny Gerken stated that the Police Department is not out of control because they will be turning back money at the end of the fiscal year.

Ms. Gerken recommended that Mr. Frain and Mr. Keep schedule meetings with Police Chief Nelson and DPW Director Harold Brown to understand their budget. Mr. Gerken suggested that the Board of Selectmen be considerate of people scheduled to meet with the Board of Selectmen as the meetings are running incredible over.

Lieutenant Position: Police Chief Nelson met with the Board of Selectmen to continue discussions regarding his recommendation to fill the Lieutenant position.

Mr. Wysocki is in full support of filling the position. Mr. Keep sees this as an opportunity to make a cut in personnel which he feels is driving the budget and therefore isn’t in favor of filling the position. Mr. Frain reviewed the police union contract and budget which has doubled since 2003. He continues to grapple with how much can the residents of Bolton afford but doesn’t feel articulate enough to stand in the way of hiring a Lieutenant.

Mr. Craig Lauer, Main Street, didn’t think it was a good idea to get rid of the Lieutenant position and that if cuts needed to be he suggested it be a patrol officers instead of the second in command position. Mr. Lowe confirmed that any reduction in the work force would start with Reserve Officers. Police Chief Nelson stated the Lieutenant position is an essential part of the rank structure and is needed. The work load is heavy and he would have to delegate tasks to other officers that would take them off the road.

Mr. Lowe agreed that the Lieutenant is essential and sees it as a position that needs to be filled.

On a motion made by Frain and second by Wysocki, the Board of Selectmen voted to authorize Police Chief Nelson to fill the vacant Lieutenant position. (Wysocki – yes, Frain – yes) (Mr. Keep left the meeting at 10:03 p.m. and was not present for this vote).

On a motion made by Frain and seconded by Wysocki, the Board of Selectmen voted to adjourn at 10:15 p.m. (Wysocki – yes, Frain – yes)

Respectfully submitted by Linda L. Day

Bolton Town Hall, 663 Main St., Bolton, MA 01740 Ph: (978) 779-2297 Fax: (978) 779-5461
Hours: M, W, Th - 9:00am to 2:30pm, Tues - 9:00am to 4:00pm and 6:00pm to 8:00pm, Closed Fri-Sun