

Board of Selectmen
November 29, 2007

Present: Panny Gerken
Curt Plante
Kenneth F. Troup

The Board of Selectmen met at the Town Hall at 7:00 p.m.

LIQUOR LICENSES

On a motion made by Troup and seconded by Plante, the Board of Selectmen voted to approve the following liquor licenses. (Gerken – yes, Plante – yes, Troup – yes)

Nashoba Valley Spirits, Ltd.	Restaurant/Wine and Malt	\$ 800.00
Bolton Road House, Inc.	Restaurant/All Alcoholic	\$2,000.00
Bolton Country Cupboard, Inc.	Package Store/All Alcoholic	\$2,000.00
Pennacook, Inc.	Package Store/All Alcoholic	\$2,000.00
(dba Firewater & Wine Package Store)		
The International, Inc.	Club/All Alcoholic	\$2,500.00

KLAUMINZER DRAINAGE EASEMENT

Present: Harold Brown

On a motion made by Plante and seconded by Troup, the Board of Selectmen voted to accept the easement agreement for drainage between Gary K. Klauminzer and Eleanor H. Klauminzer of 155 Nourse Road and the Town of Bolton. (Gerken – yes, Plante – yes, Troup – yes)

SIDEWALK SNOW REMOVAL AND MAINTENANCE POLICIES

The Board of Selectmen discussed the removal of snow on sidewalks along Main Street with DPW Director Harold Brown. Mr. Brown provided the Board of Selectmen with information for removal of the snow that included the subcontracting of equipment, Bobcat rental, employee labor, detail officers along with cost estimates that totaled \$3,400. Mr. Brown estimated it would take approximately 2 nights to remove the snow from a 4" to 6" inch snowstorm. Based on a typical winter of eight snowstorms it would cost an average of \$54,400 per winter. In addition to these costs there is the issue of where to dump the snow. Mr. Brown is not aware of a location that can be used as a snow dump to meet the DEP guidelines for snow removal.

Mr. Brown noted that the Town of Bolton has residential grade snow blowers and when the snow is wet and heavy snow blowers do not do the work.

Mr. Lindsay estimated it would cost each household approximately \$32 per year for the expenditure. In his opinion this was too much for each household when it was only for the benefit of people along Main Street.

Ms. Gerken stated that in other towns the homeowner is responsible for clearing the sidewalk in front of their home. She suggested that the residents be asked to shovel out their own mailboxes.

Mr. Plante suggested that Mr. Brown provide a proposal and costs associated with the snow blowing of sidewalks along Main Street. He suggested that Mr. Brown go out to bid for subcontracting the work if he felt the work could not be done by his crew. The purchase of a tractor with a snow blower attachment was suggested. This type of tractor could handle more than a residential snow blower. Mr. Brown stated that it would still require some hand shoveling. He also noted that this would require the snow from the sidewalks to be placed on the residents' front lawns which could cause damage and create a huge cleanup for the homeowners come spring.

Mr. Lindsay stated that the cost of a tractor over a 5 year period would be approximately \$8,000 per year and would be just a few dollars per household per year. He finds this to be more a reasonable approach to everyone paying for snow removal in the center of town.

Mr. Troup suggested that the tractor purchase be placed on the warrant for a town meeting for the voters to decide. Mr. Brown will do some research and meet with the Board of Selectmen at a later date.

REPLACEMENT OF OIL BURNER AT EMERSON SCHOOL

Mr. Brown received an estimate of \$17,000 for the replacement of the oil burner at Emerson school. Students have been removed from the classroom because of the problem with the oil burner. This is not a district expense. The Board of Selectmen agreed to approve this expenditure out of FY08 instead of FY09.

METROPOLITAN AREA PLANNING COUNCIL

Mr. Marc Draisen, Executive Director of MAPC met with the Board of Selectmen to discuss the proposed bill filed by Senator Spilka to create a new regional planning agency. The creation of the new agency would remove 30 municipalities from MAPC, the Central Massachusetts Regional Planning Commission and the Montachusett Regional Planning Commission between Route 128 and Interstate 495. The bill would impact the region's communities by limiting local access to high quality services and technical assistance from their existing regional planning organizations. It would also undercut regional planning and transportation initiatives. Bolton is currently a member of the MAPC and is one of the municipalities named in the proposal.

Mr. Draisen encouraged the Board of Selectmen to oppose the bill. He stated that if the bill passes the MAPC would lose approximately \$117,000 in assessments out of \$800,000 and a third of its geographical base.

Mr. Draisen stated that the MAPC is fully devoted to transportation, public safety and economic development. If there is a problem with the agency not paying enough attention to a community Mr. Draisen would like to be made aware so that they can improve the situation. Mr. Draisen encouraged the Selectmen to appoint a designated representative. The Selectmen agreed that our newly hired town planner Jennifer Atwood Burney could serve as the Bolton Representative.

The Selectmen were favorable to writing a letter of opposition but wanted the opportunity to meet with Senator Spilka first. Senator Spilka will be invited to a Board of Selectmen's meeting. Mr. Draisen provided the Board of Selectmen with letters of opposition from other communities.

APPROVAL OF LIBRARY CONTRACT – LERNER, LADD AND BARTELS, INC.

Present: Richard Marks; Library Trustees Chris Sterling and Bob Zak; Library Director Kelly Collins; Library Construction Committee members Brent Gates, and Ann Hurd
The Board of Selectmen reviewed the contract between the Town of Bolton and Architect Lerner, Ladds & Bartels of 236 Hope Street, Providence, RI 02906.

The Board questioned the language in Article XI related to damages and withholding of any payments due to the performance of architect as determined "by a court of competent jurisdiction". The Selectmen felt this could be a very lengthy process. A mediation clause was added so that the sentence reads as follows:

Damages – "In the event of default, failure, omission or mistake of the Architect in performing the PROFESSIONAL SERVICES as provided in this Contract as determined by mediation (if not resolved by mediation then by a court of competent jurisdiction) the Town may withhold any sums due to the Architect for performance under this contract and use such sums to expenses, losses and damages incurred by the Town as a consequence of the need to hire a third party to perform the work required by this contract, including the cost of labor and equipment as a result of any."

Murphy Insurance will be asked to review the coverage to be sure it is adequate.

On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted to approve the contract as amended. (Gerken – yes, Plante – yes, Troup – yes)

On a motion made by Zak and seconded by Sterling, the Library Trustees voted to approve the contract as amended. (Zak – yes, Sterling – yes)

Mr. Marks informed the Board of Selectmen that they are in the early stage of review but if the library building and the public safety center are to share a water supply on their contiguous lots the required radius around the well could be 145 feet which would impact the parking lot plans for both projects.

Mr. Marks has asked Chris McClure to look at three options:

1. Well on the library site serving only the library;
2. Combined well to serve the library and the public safety center, and
3. Look at expansion of the well at the Florence Sawyer School.

Mr. Mark's stressed this is the early stage but wanted the Board of Selectmen to know about the issue. Mr. Plante would like to see the radius mapped out to determine if the public water supply will fit. Mr. Plante stated that there are other ways to handle the public water supply as well as getting waivers from DEP.

Update on pledges: Cash in bank is \$660,000. Reminders were sent out about pledges due by the end of the year. \$905,000 has been raised; \$145,000 more to raise to meet goal.

Mr. Marks will provide a cash flow projection to show the sources and uses.

TOWN ADMINISTRATOR REPORT

Selectmen's goals: The Board of Selectmen reviewed their list of goals and made some minor revisions to better explain the goals.

Ms. Ross stated that she had additional goals to add to the list that included the FY09 budget process, Florence Sawyer School audit, Ambulance Bid, sale of Fire Truck and negotiating the 2009 – 2011 DPW contract. The Selectmen did not necessarily feel that these were goals, which then led to a discussion regarding the definition of goals. In the end it was agreed that the list – whether they were called goals or tasks - were all things that the Selectmen hoped to accomplish.

Town Secretary Ms. Day will compile all department goals into one document for the Board of Selectmen.

Town Clerk process: Ms. Ross stated that the screening committee interviewed candidates for the town clerk position and narrowed it down to four finalists for the Board of Selectmen to interview. The finalists included Gayle Joseph, Susan Miles, Pamela Powell and Pam Sowizal. Interviews will be scheduled with the Board of Selectmen for Tuesday, December 4, 2007. The Board of Selectmen will be provided with a copy of the cover letter and resumes for the four finalists. The Board of Selectmen can make the appointment at the meeting of December 4, 2007 or at their meeting on December 13, 2007.

Presentation of Reverse 911: Thomas Ashe from the office of Sheriff Glodis will be scheduled to meet with the Board of Selectmen to present reverse 911/Worcester Regional Alerting System.

Free Cash: Ms. Ross reported that free cash was certified at \$1,283,571 which is higher than expected.

Disclosure of appearance of conflict of interest: The Board of Selectmen reviewed the disclosure of appearance of conflict of interest from Mr. Donald Baum, DPW employee. The disclosure states that Mr. Donald Baum does not have any financial interest in Baum & Son Welding, a company hired by the DPW to do work for the town of Bolton. The Board of Selectmen questioned whether Mr. Baum worked for his brother. Further discussion deferred until the next meeting to allow Ms. Ross to obtain additional information.

Oak Trail: Town Planner Jenny Atwood Burney has as-builts for a street acceptance to layout Oak Trail. This will be scheduled for the Board of Selectmen meeting of December 13, 2007.

Town Census mailing: Assistant Town Clerk Susan Miles reminded the Board of Selectmen of the upcoming deadline for including informational documents in the mailing of the town census.

On a motion made by Plante and seconded by Troup, the Board of Selectmen voted to adjourn at 8:55 p.m.

Respectfully submitted, Linda L. Day