



Board of Selectmen Minutes 07-14-16

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Board of Selectmen
July 14, 2016
Houghton Building

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

Verizon New England, Inc. and Massachusetts Electric Company (NGRID) withdrew the petition to place one new pole on the westerly side of Sugar Road. Therefore, on a motion made by Frain and seconded by Keep, the Board of Selectmen voted to close the hearing. (Wysocki – yes, Frain – yes, Keep –yes)

PUBLIC HEARING – FOTINI'S RESTAURANT & BAR, INC.

A public hearing was held on the application of Mr. Anastasio Kessarar, owner of Fotini's Restaurant & Bar, Inc. for an alteration to the restaurant's liquor license to allow serving alcohol beverages on an exterior deck. Mr. Kessarar stated that there will be 5 tables to accommodate 20 people. According to Board of Health records the septic system is only designed for 123 seats, therefore with the additional 20 seats is over capacity. The Board of Health has requested a reduction in the seating in the restaurant during the season that the deck would be utilized. On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve the alteration of the liquor license as requested. (Wysocki – yes, Frain – yes, Keep – yes)

DONNA MADDEN, TREASURER/COLLECTOR/HUMAN RESOURCES

Other Post-Employment Benefits (OPEB) liability: Ms. Madden stated that OPEB includes health and life insurance benefits which is an accumulation of current and retired employees. As of June 30, 2015 our unfunded liability is \$1.85 million for OPEB (health and life insurance) which doesn't include the Nashoba Regional High School employees.

We are currently paying about \$330,000 for the Worcester Regional pension and \$230,000 is our unfunded liabilities which is based on our current payroll. The unfunded liability is targeted to be completed by 2035. Ms. Madden will provide the Board of Selectmen with the unfunded portion for the pension.

The Town of Bolton benefits from belonging to the Minuteman Nashoba Health Group (MNHG) which is very cost effective.

Compensation Time: Mr. Frain asked Ms. Madden to clarify what employees are eligible for compensation time.

Ms. Madden stated that the Police Union Contract allows the officers to receive compensation time in lieu of overtime pay, at time and a half, which is capped at 50 hours at any given time and can be carried over from year to year.

The Department of Public Work (DPW) Union Contract also allows for the employees to receive compensation time and they don't have a cap on the hours accumulated. The compensation time is much more limited in the DPW and is usually accumulated by two or three employees during the winter months.

The Town Hall doesn't have an overtime budget. During crunch times, such as tax collection time, budget time and/or when the town hall is short-staffed, unsalaried staff can potentially receive compensation time. There is no pay out for compensation time.

Salaried positions include the DPW Director, Police Chief, Treasurer/HR Director, Town Accountant, Library Director and Town Administrator. Contracted employees include the Town Administrator, Police Chief and DPW Director. By law, the Town Administrator, Police Chief, DPW Director and Town Accountant are mandated to have a contract. State Law is silent on the other positions. Full-time positions at the Town Hall include the Town Administrator, Town Secretary and Treasurer/HR Director, everyone else works less than 40-hours a week.

Mr. Lowe stated that past practice has been that some salaried employees receive compensation time. Mr. Lowe stated that he shows comp time on his payroll sheet to keep track of the hours worked but doesn't take compensation time. Ms. Madden stated that she also shows compensation time on her time sheet and has taken some; noting that she isn't against being ineligible for comp time but if it is going to be the practice then everyone should be entitled.

There isn't a written policy for compensation time.

Mr. Lowe and Ms. Madden will research how other towns address compensation time for the salaried positions as mentioned and report back to the Board of Selectmen.

APPOINTMENT OF FULL-TIME PATROL OFFICER

Police Chief Nelson stated that the full-time Patrol Officer position opened up when the School Resource Officer (SRO) position at the Nashoba Regional High School increased from a part-time three-day/week position to a full-time position.

After the review of 13 applications and resumes, followed by interviewing 5 applicants, and a successful background check, Police Chief Nelson recommended Mr. Walter Nadeau be appointed to the position of a full-time Patrol Officer. Mr. Walter Nadeau currently works at the University of Massachusetts Boston Campus. The appointment of Mr. Nadeau would bring the Police Department count to 12 full-time and 4 part-time Patrol Officers.

Police Chief Nelson explained that the hiring of Mr. Nadeau would fill the shifts vacated by Officer Koukos to go from the 3 to 5 days as the full-time SRO and help to backfill other shifts. This position will also have a positive impact on the overtime budget. The three towns (Bolton, Lancaster and Stow) fund the School Resource Officer. Officer Koukos will also be used to backfill shifts for officers vacations, etc. when the school is not in session.

On a motion made by Wysocki and seconded by Frain, the Board of Selectmen voted to appoint Mr. Walter Nadeau as a full-time Patrol Officer. (Wysocki –yes, Frain –yes, Keep –yes)

DISCUSSION REGARDING CABLE COVERAGE

The Board of Selectmen continued to discuss the cable coverage for town boards and committees and the concern raised about the Board of Health meetings not being recorded and televised.

Mr. Keep, Mr. Frain and Mr. Lowe took a tour of the Bolton Access Television Studio and they should be commended for their ambition to cover as many meetings as possible. Mr. Keep stated that he has heard from that would like to be able to watch the Board of Health meetings as well.

Mr. Wysocki reiterated the Board of Health's concern about dealing with private issues that could be sensitive and embarrassing to the resident. Mr. Wysocki suggested that the Board of Health schedule a joint meeting with the Board of Selectmen when a topic of public interest is being addressed. The discussion would then be recorded and eliminate any impact to the Bolton Access Television.

Mr. Keep reported that he reviewed the Board of Health minutes and didn't see any embarrassing issues and didn't see a problem with recording one-hour Board of Health meetings.

Mr. Slade, Chairman of the Board of Health agreed to draft a policy reflecting tonight's discussion for review and the Board of Selectmen's meeting on August 18, 2016.

TOWN ADMINISTRATOR REPORT

Update on Minuteman: A district-wide ballot vote is scheduled for September 20, 2016 and our Town Clerk's Office is very involved in the planning for the election.

Nashoba Valley Winery: Language has been proposed to the Governor's Economic Development bill to address the circumstances the Nashoba Valley Winery and allow the winery to operate the business as is. The legislature must pass the bill and get it on the Governor's desk by July 31st.

Update on Elementary School Facility Issues: Mr. Lowe met with Superintendent Brooke Clenchy and appreciates the fact she is taking the issues related to the lead paint, underground tanks, and wastewater treatment plant very seriously. He will be meeting with Superintendent Clenchy on Monday morning to review the final report indicating lead paint in the stair well and on the outside of the windows in the day care.

There are three underground tanks – two at Emerson and one at Florence Sawyer School that need to be addressed. The oil tanks were never reported to the Department of Environmental Protection (DEP) and inspected on an annual basis as required.

The wastewater treatment plant that serves the school and some town buildings has been in noncompliance since May. An extension has been requested from DEP to allow the district staff review the issues and determine the options and expenses to bring the wastewater treatment plant into compliance. Whitewater monitors the wastewater treatment plant on a regular basis and has been reporting to the Facility Director for the Nashoba Regional School District who has been responsible for the wastewater treatment plant in the past. Mr. Lowe will make a request that the reports are submitted to the Department of Public Works Director Harold Brown and the Board of Health.

A meeting will take place with Superintendent Clenchy, Facilities Director Jeffrey Converse and each of the Town's Department of Public Works Director to discuss the situation and get their historical knowledge of the buildings. Once a solution is worked recommended, monetary issues will need to be discussed to determine how we proceed and move on from there.

BOARD OF SELECTMEN BUSINESS

Process for Annual Appointments: As a result of the annual appointments at the last Board of Selectmen's meeting, Mr. Keep suggested that the Board of Selectmen receive the appointments days in advance of the meeting to allow the time to review the appointments. Mr. Keep would like to see a process in place that would allow other applicants to fill the appointed positions when a term expires.

Appointments: On a motion made by Wysocki and seconded by Frain, the Board of Selectmen voted to appoint Carol O'Loughlin to the Council on Aging and Peter Kaufman to the Cultural Council. (Wysocki – yes, Frain – yes, Keep – yes)

Eagle Scouts: The Board of Selectmen executed letters for Julian H. Travis, Michael T. Czekanski and John Czekanski congratulating them on their achievements of earning their Eagle and thanking them for their efforts in completing their projects.

Conservation Restriction: On a motion made by Wysocki and seconded by Frain, the Board of Selectmen voted to accept the Conservation Restriction from the Sullivan family for 252 West Berlin Road. (Wysocki – yes, Frain – yes, Keep – yes)

End of Year Transfer: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve the end of year transfer from various departments in the amount of \$80,000 to the snow and ice account. (Wysocki –yes, Frain –yes, Keep – yes)

DPW Spraying of Conservation Trails: At a previous meeting, the Board of Selectmen voted to discontinue the spraying of the roadside with roundup according to the vegetation plan. Mr. Brown, DPW Director asked for clarification on whether the Board's vote includes the discontinuance of spraying on conservation trails. Mr. Brian Berube, Chairman of the Conservation Commission agreed to discuss with the Conservation Commission at their next meeting. On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to defer spraying of conservation land until the Conservation Commission reports back to the Board of Selectmen. (Wysocki – yes, Frain – yes, Keep – yes)

Agreement between the Town of Bolton and the Conservation Trust, Inc. for the Houghton Building: On a motion made by Wysocki and seconded by Keep, the Board of Selectmen voted to approve the above mentioned agreement. (Wysocki –yes, Frain – yes, Keep – yes) The Board of Selectmen agreed that they will have a conversation with the Conservation Trust next year regarding the agreement.

Wilder Road Culvert Update: A site visit took place earlier this week with the Board of Selectmen, Mr. Brown, DPW Director and a representative from Ducharme and Dillis.

As a result of the discussion at the site visit, Mr. Brown has obtained an estimate in the amount of \$1,800 for a structural engineer to inspect the culvert and make a recommendation on whether or not the culvert should be repaired or replaced. This firm does inspections on bridges and culverts for the state.

On a motion made by Keep and seconded by Frain, the Board of Selectmen voted to contract with the structural engineer to inspect the culvert on Wilder Road. (Wysocki – yes, Frain – yes, Keep – yes)

Mr. Bob Rosadini, 123 Wilder Road, introduced himself as the culprit that wrote the letter about the Wilder Road culvert which he thought was in a positive spirit. He wasn't necessarily questioning the dollar value. Like Mr. Brown he has 44 years of experience in operation management and his comments were offered in a positive way. His concern was the priority of spending the money on the culvert versus taking care falling trees and downed wires.

Mr. Wysocki stated that the culvert has been looked at for several years and a structural engineering has already inspected the culvert and found it to be in structural failure.

Mr. Keep thanked Mr. Rosadini for writing the letter, apologized about how it was received by the Board of Selectmen, and encouraged the public to resend any letters that they were felt were ignored.

Town Hall Portico: Annual Town Meeting approved external repairs and engineering in the amount of approximately \$325,000 for the portico at the Town Hall. Mr. Brown stated that he has already evaluated the project with structural engineers and replacing the portico seems to be the most cost-effective way.

Mr. Brown plans to proceed with a Request for Proposal (RFQ) for the replacement of the portico.

Mr. Brad Cote, Chairman of the Advisory Committee expressed his concern with delaying the project when there was already a rigorous analysis done by the Board of Selectmen, Advisory Committee and Capital Planning Committee and was not in favor of spending more money. Mr. Keep recommended that we get a structural engineer to provide a written report before proceeding with the replacement of the portico.

Mr. Keep would also like to implement this as a policy going forward. Mr. Frain agreed with this recommendation. Mr. Lowe will determine if this type of written report would require a bid process and will talk with other town administrators about their best practices for projects of this size and report back to the Board of Selectmen.

Minutes: On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to approve and execute regular session minutes of January 28, February 25 and April 14, 2016 and executive session minutes of January 28 and April 14, 2016. (Wysocki – yes, Frain – yes, Keep – yes)

EXECUTIVE SESSION

On a motion made by Frain and seconded by Keep, the Board of Selectmen voted 3-0 by roll call (Wysocki – yes, Frain – yes, Keep -yes) to enter into executive session at 9:22 p.m., pursuant to Massachusetts General Laws, Chapter 30A, 21(a) 3 to discuss strategy with respect to collective bargaining for the Fire Union, as the Chair finds that an open meeting may have a detrimental effect on the Board's bargaining position, and to discuss contract negotiations with non-union personnel being the Police Chief. The Board announced it would not reconvene to open session.

On a motion made by Frain and seconded by Keep, the Board of Selectmen voted to adjourn at 9:22 p.m.

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