

Board of Selectmen
April 5, 2007

Present: Kenneth F. Troup
Panny Gerken
Curt Plante

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

Present: David Lindsay, Andrew Burnett, Richard Fly, Burt Shnitzler

JACKIE KANE, REQUEST FOR BANNER

Jackie and Shirley Kane met with the Board of Selectmen to request permission to place a temporary banner on the Kane property along Main Street in Bolton advertising the Pompositticut Farm Day Camp. The camp is located in Hudson and services a lot of children in this area. This camp has been recognized by the Farm Bureau and National Safety Organization of the last 5-7 years. Mr. Troup stated that generally speaking they have not allowed out of town sign permits with one exception which was for the Davis Farmland located in Sterling; that was allowed because it was on the Attractions sign on 495 and needed directions through Bolton. On other hand, Mr. Troup stated, we usually don't have landowners here in town requesting signs for out of town businesses. On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve the banner for two weeks, April 10 – 25th, 2007. (Troup – yes, Gerken – yes, Plante – yes) Ms. Kane was requested to obtain a building permit if the sign was being mounted from anything other than the trees. Ms. Kane was also informed she could request an additional two weeks for the sign via a letter to the Board of Selectmen if she so desired.

ALS BIKE RIDE

On a motion made by Gerken and seconded by Plante, the Board of Selectmen approved the request of Myke Farricker, Committee member for the 2007 Positive Spin for ALS to pass through Bolton on Sunday, May 20, 2007. Chief Alfano has approved this request and will contact the sponsor to coordinate for the day of the event. (Troup – yes, Gerken – yes, Plante – yes)

LAUREN PARENTE, BENEFIT AT HORSE SHOW RING

Mr. Pokorney of Park/Recreation stated he spoke with Mr. Kovac who is willing to host the benefit at the fairgrounds. Mr. Plante stated he is not in favor of the benefit being held at the horse show ring because of the condition of the fencing and concern with safety issues. This discussion was postponed to the next Board of Selectmen meeting on Thursday, April 26, 2007 to allow Mr. Troup time to contact Ms. Parente to discuss.

AGRETELIS EAGLE SCOUT PROJECT

Mr. Pokorney, of Parks & Recreation Commission stated that he is in communication with Steven Agretelis regarding his proposed Eagle Scout project to build dugouts at one of the baseball fields at Memorial Field and their recommendations regarding the project. Mr. Pokorney will continue to work with Mr. Agretelis to work out any questions, concerns, etc. and will attend the Board of Selectmen meeting when rescheduled tentatively set for Thursday, April 26th, 2007.

POST SPECIAL TOWN MEETING DISCUSSION

Ms. Ross reported that a good portion of the day had been spent talking with the Secretary of State's office and town counsel for an opinion as to where within the ballot question article the "Yes __, No __" vote should be printed. Town Counsel confirmed with the Secretary of State's office that it is their opinion the "Yes __, No __" vote could be located in either place - directly following the ballot question or below the summary for the ballot question. The Secretary of State's office indicated that review of various town's warrants showed it had been done either way. Based on this information the "Yes __, No __" vote will directly follow the ballot question in the warrant:

Question No. 1: Shall the Town of Bolton accept Sections 3 to 7, inclusive, of Chapter 44B of the Massachusetts General Laws, as approved by its legislative body, a summary of which appears below? Yes __ No __

Ms. Ross stated that Town Counsel has been asked to check and double check the ballot question and summary language to be sure there are no technicalities.

Ms. Gerken suggested that any presentations to be given at town meeting are provided to the Board of Selectmen and Advisory Committee prior to the town meeting.

Discussion took place regarding the best location for the projector to be located at town meeting. With the present location of the projector being at the back center of the auditorium when people walk across the back aisle of the auditorium to take their seat anything being projected at the time is interrupted.

ANNUAL TOWN MEETING WARRANT REVIEW

Ms. Ross stated that the final school numbers are due on Saturday, April 7, 2007. Amendments would need to be made on town meeting floor although Selectmen stated the amendment could only be lower than what is in the warrant.

A couple of recommended revisions were made to the Background on Capital Projects document to be published in the Annual Town Meeting Warrant.

The Board of Selectmen voted their recommendations for the following articles:

Article 5: Fiscal Year 2008 Operating Budget

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

Article 10: Amendment to the Zoning Bylaws, Section 2.3.5.2 - Dimensional Schedule

On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted to approve this article. (Troup – yes, Gerken – yes, Plante – no)

Article 15: Purchase of a New 1-Ton Truck for the Department of Public Works

The Board of Selectmen approved this article at the Board of Selectmen's meeting on Thursday, March 29, 2007 based on it being a transfer from free cash. Since then it has

been decided that it would be a borrowing and therefore, on a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve this article as borrowing. (Troup – yes, Gerken – yes, Plante – yes)

Article 16: Public Safety Building Architectural Design & Study

Mr. Plante expressed his concern with the amount of funds being received by the Public Safety Building Task Force for the project. His feeling was that the scope of work had doubled in size and would like to limit the spending to \$15,000 with this article being reduced to \$10,000 because of the approximate \$5,000 already spent. Ms. Ross stated that the RFP would not exceed the \$15,000. A question was raised as to whether the funds could be spent prior to July 1, 2007 if approved at the Annual Town Meeting in May. On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted to approve this article. (Troup – yes, Gerken – yes, Plante – no)

Article 18: Installation of Sidewalk Along Main Street

The Selectmen discussed the proposed sidewalk along Main Street from the Salt Box to the Senior Center which would extend the already existing sidewalk from the library to the Salt Box. It was noted that the seniors were not in favor of the sidewalk from the Salt Box to the Senior Center. Concerns were raised regarding the sidewalk and safety of pedestrians walking so close to the high speed traffic and the fact it had not been approved by Mass Highway. The annual impact for a 3 year borrowing would be \$7.16 per house. On a motion made by Plante and seconded by Gerken, the Board of Selectmen voted to disapprove this article. (Troup – no, Gerken – no, Plante – yes).

On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted to approve this article contingent on approval from Mass Highway. (Troup – yes, Gerken – yes, Plante – no).

Article 21: Authorize Town Election

On a motion made by Plante and seconded by Gerken, the Board of Selectmen voted to approve this article to authorize the town election and place Question 1 on the ballot for May 14, 2007 election. (Troup – yes, Gerken – yes, Plante – yes)

Question No. 1: Shall the Town of Bolton accept Sections 3 to 7, inclusive, of Chapter 44B of the Massachusetts General Laws, as approved by its legislative body, a summary of which appears below? Yes ___ No ___

Summary: Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (the “CPA”), allow communities to establish a dedicated funding source, and to receive state matching funds, with which to (1) acquire, create, and preserve open space; (2) acquire, preserve, rehabilitate, and restore historic buildings and sites; (3) create, preserve, and support affordable housing; and (4) acquire, create, and preserve land for recreational use. The dedicated funds may also be used to rehabilitate and restore open space, affordable housing, and recreational land acquired or created using CPA funds. At least 10% of the annual CPA revenues must be used or reserved for each of the following CPA purposes: (a) open space, (b) historic buildings and sites, and (c) affordable housing. All other annual CPA revenues may be used or reserved for any of the CPA purposes described above.

As approved by the April 2, 2007 Special Town Meeting, the local funding source for Bolton will be a surcharge of 3% on the annual property tax on real property, commencing in fiscal year 2008, which runs from July 1, 2007 to June 30, 2008. In addition, the CPA creates a state trust fund from which the Town will receive annual distributions of up to 100% of the amounts raised locally by the CPA surcharge. These state funds are only available to communities that have accepted the CPA. The funding source for the state trust fund is surcharges on certain filing fees of registers of deeds.

As approved by the April 2, 2007 Special Town Meeting, the following property will be exempt from the CPA surcharge: (1) \$100,000 of the value of each taxable parcel of residential real property; and (2) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined by Section 2 of the CPA. Any other taxpayer receiving an exemption on real property taxes authorized by Chapter 59 of the General Laws shall receive a pro rata reduction of the surcharge.

A Community Preservation Committee composed of seven local citizens will study the community preservation needs of the Town, consult with citizens and town committees and make recommendations on the use of the CPA revenues. All expenditures of CPA funds will be subject to the approval of Town Meeting.

On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve and execute the Annual Town Meeting Warrant for May 7, 2007.

TOWN ADMINSTRATOR REPORT

Mail box policy: Ms. Ross informed the Board of Selectmen of a letter received from a resident regarding their mail box being taken down more than once by snow plows. Ms. Ross informed the Board that she will draft a mail box policy for the board's review.

Library status: The Library Building Committee has reviewed the RFP's received for the Owner's Project Manager (OPM) Services for the renovation and expansion of the Bolton Public Library. They have narrowed their search down to three finalists and will be conducting interviews on Monday, April 10 at the Town Hall.

DPW Drainage project: Spectacle Hill Road will be closed to through traffic for one day during the week of April 17 – 20th, 2007 so that the DPW can install a drainage structure and piping in the vicinity of 89 Spectacle Hill Road.

TURNER PORPERTY

Mr. Plante recused himself from this discussion. On a motion made by Gerken and seconded Troup, the Board of Selectmen voted to start working towards the scheduling of the demolition of the Turner property if the Board has not heard from Mr. Ira Turner by April 17, 2006. (Troup – yes, Gerken – yes)

GLOBAL WARMING

Board of Selectmen member Mr. Curtis Plante informed the Board and the Energy Committee of an offer from his cousin Mr. Douglas Plante to bring a Global Warming seminar to the Town of Bolton free of charge. Mr. Curtis Plante will provide the contact information and information about his talk to the Energy Committee who agreed to host such a seminar. A suggestion was made to hold the seminar at Davis Hall in the first week of June.

ENERGY COMMITTEE APPOINTMENT

On a motion made by Plante and seconded by Gerken, the Board of Selectmen voted to appoint William Darden to the Energy Committee. Mr. Darden will replace Robyn Roberts who was appointed to the Energy Committee but has since informed the Board of Selectmen that she will not be able to join the Energy Committee at this time.

BOARD OF SELECTMEN BUSINESS

Selectmen's meeting schedule is as follows for the upcoming months:

Wednesday, May 2; Thursday, May 17 & 31; Thursday, June 14; Tuesday, June 26; Wednesday, July 11 & 25; Thursday, August 9; Wednesday, August 22; Thursday, September 13 & 27, 2007.

Department of Housing and Community Development (DHCD): Mr. Troup reported that he attended a DHCD meeting with Kevin O'Brien regarding Bolton Woods Way issue related to the problem of affordable house values exceeding the allowable maximum selling price. DHCD personnel said that DHCD would help make up the difference in price on a case by case basis as homes come up for sale. Mr. Troup stated that those houses that have sold in the past now have the correct deed riders that eliminate the price gap. In addition, DHCD said they would like to look at each refinancing on a case by case basis to be sure they are within the appropriate value range.

EXECUTIVE SESSION

On a motion made by Troup and seconded by Gerken, the Board of Selectmen voted to go into executive session under Chapter 39, Section 23B (3) at 8:45 p.m. to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. The Board of Selectmen will not reconvene to open session. (Roll Call: Troup – yes, Gerken – yes, Plante – yes)

Meeting adjourned at 8:45 p.m.