

Board of Selectmen
March 29, 2007

Present: Kenneth F. Troup
Panny Gerken
Curt Plante

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

Advisory Committee members David Lindsay and Andrew Burnett were present.

WARRANT

#07-19 \$93,346.53

#07-19A \$78,305.87

HORSE RING FENCE AND PICTURES

Mr. Brown provided the Board of Selectmen with pictures of the horse show ring fence.

DISCUSSION WITH HAROLD BROWN, DPW DIRECTOR

Stockpiling of road salt/sand: Mr. Brown would like permission to purchase salt for stockpiling purposes if at the end of the season (April) there is a remaining balance in the 423 budget. Current contract prices for salt are \$42.48 and \$43.29 per ton; rumor has it that there expects to be an increase of at least \$8.00 per ton for next winter. The stockpiling of salt for next year could save the town approximately \$9,600. In FY06 1,738 tons of salt were purchased and so far in FY07 500 tons have been purchased. Mr. Brown also recommended that he purchase approximately 2,000 yards of sand if the funds were available.

Ms. Gerken asked if Mr. Brown has ever done any comparisons with other towns. Mr. Brown stated that it is hard to compare because each town has a different topography. He did state that Harvard uses the same amount per land mile.

Harvard puts down 1 to 1 ratio of salt & sand; Bolton puts down 2 to 1 ratio (2 sand/1 salt) Ms. Ross stated that presently the balance of the snow and sand account is \$58,000 with \$11,000 left in the salt account. The balance can go into free cash. It can also be used to offset the purchase of the one ton truck or allow him to spend it to stockpile for next year.

Mr. Brown stated that he must always be looking ahead because he knows there are salt delivery delays. Mr. Lindsay suggested that Mr. Brown provide the Board with a summary of the amount of salt purchased over the last 5 years.

Mr. Brown stated that in an average winter there are 14 plowable snowstorms, with 10 storms requiring 2 sandings, and 4 storms requiring 3 sandings.

The Board of Selectmen agreed to wait until the April 26 meeting to make this decision. Mr. Plante suggest Mr. Brown think about the purchase of a one ton truck versus the salt purchase.

Current fleet and future needs:

Mr. Brown reviewed his current fleet and maintenance with the Board of Selectmen.

He stated that he really does not want a new truck and would rather purchase a used truck versus a new truck.

At a previous meeting Mr. Plante recommended that Mr. Brown get rid of the three oldest trucks. Mr. Brown's opinion was he could not do the job without the three oldest trucks or else he would have to hire out to get the job done.

Ms. Ross stated that it looks as if approximately \$100,000 is being spent on parts and labor and was curious to know how much is spent on parts versus labor and if it would be beneficial to have an on-staff mechanic. Mr. Brown stated that he would need another bay for an on-staff mechanic. Mr. Brown stated that most of the expense is parts versus labor.

Mr. Brown stated that the 1996, 2000 and 2006 International trucks are used 12 months out of the year and the 1975, 1981 and 1981 trucks are used six months out of the year.

He has 4 CDL operators to drive 6 trucks. Mr. Plante stated that if 3 out of the 6 vehicles are only year round vehicles it would be cheaper to hire as needed with the current fleet. Mr. Brown stated that the all year drive with the plow and sander for the last storm was 26 hours at \$121.50 for an estimated \$3,159.00. Mr. Brown stated he does not have extra drivers for long storms. The Selectmen recognized this as an issue that must be addressed.

After discussion the Board agreed that Mr. Brown would meet with Town Administrator Jodi Ross to review the fleet and make recommendations on which trucks will be used and if vehicles should be hired. It was also agreed that the truck for \$150,000 would be pulled from the warrant.

Proposed road construction: Mr. Brown provided the Board of Selectmen with a list of roads to be paved during 2007. Mr. Brown plans to begin paving the week of April vacation. The list included: Forbush Mill Road – 3" overlay on entire road; Meadow Road 2" overlay on entire road; Spectacle Hill Road 3" overlay beginning 642 feet in from the intersection of South Bolton road; Burnham Road – 2" overlay on entire road; Teele Road 2" overlay on entire road; McNulty Road 2" overlay on entire road; Chase Street - 2" overlay on entire road to town line; Lancaster Road – 2" overlay on entire road to town line; Powder Mill Road – 2" overlay on entire road and South Bolton Road – 2" overlay. Paving will begin at Century Mill Road for a distance of approximately 2075 feet. This is a run out road, meaning that we will pave as far as we can until we run out of funds. Mr. Brown stated this will cost an estimated \$100,000 from his budget plus the funds received from the State.

Mr. Brown stated his plan was to start paving as soon as school is out. He also hoped to do some paving during April vacation provided the road temperature is over 50 degrees. (☺) Mr. Brown stated the reason for waiting to pave until after school is out is so that

there is no interference with the school buses. He stated if he did it when school was in session he would end up with too many complaints. Mr. Brown has \$80,000 for FY07 and \$200,000 for FY08.

When Mr. Troup noted that sections of Long Hill Road are in worse condition than Meadow Road, Mr. Brown stated that if Meadow Road is done now he can get another 10 years out of it. Long Hill Road has sections that needs to be done and would not last another 10 years.

Mr. Brown will be invited back to the next Board of Selectmen meeting on April 26th, 2007 to continue discussions.

Mr. Troup asked Mr. Brown to think about drainage and culvert work on key roads. Mr. Brown stated the answer is yes but if we don't keep 5 miles going in this town we will have roads not passable.

INSURANCE ADVISORY COMMITTEE

Present: Donna Madden, Town Treasurer

Ms. Gerken stated that the Insurance Advisory Committee would not have been able to pull together and come to a unanimous vote to support the town's adoption of Chapter 32B, Section 28 Retiree Health Insurance statute, without the incredible knowledge and fabulous job done by Ms. Madden, Town Treasurer. This plan will save the seniors and the town money in the long run.

Ms. Madden stated that the statute requires retirees 65 and over and medicare eligible to take Medicare Part A & B and go on a senior plan. Of the current retiree population there are 8 retirees or spouses who are 65 or older, with 4 already having the Part B and 4 who do not have Part B. The adoption of this section requires those who have not obtained their Part B to do so and the town to reimburse the retirees for any penalties incurred.

Savings for retirees ranged from \$440 to \$1,000 over a six month period and the penalty was calculated in these figures. All in all it is a savings for the town and the seniors.

Although co-pays seem to have doubled, the premium they are paying right now is \$116.40 and they will be paying \$53.10.

If this article passes a bylaw must be written for the Personnel Bylaw and in the meantime any new hires can be informed via their offer letter that they will be responsible for Part B. The unions have expressed concerns on the continuing payment of Medicare Part B and if this article passes it will be a matter for impact bargaining.

PERSONNEL COMMITTEE

Mr. Minardi, Chairman of the Personnel Committee met with the Board of Selectmen to discuss the amendment to the Personnel bylaw to change the membership of the Personnel Committee from five to three members which will require at least two members be present in order to constitute a quorum. The amendment also includes the

deletion of the sentence "The Committee shall select a clerk from its membership who shall be responsible for the recording of minutes of all committee meetings, in accordance with the Open Meeting Law." This deletion will allow the Personnel Committee to select a clerk outside its membership. Mr. Minardi stated that come 2008 the Personnel Committee will be reviewing the entire Personnel Committee bylaw and making recommended amendments.

BOARD OF ASSESSORS

Present: Harald Scheid; Board of Assessors Jeff Nichols, Charlotte Johnson and Steve Bonina

Mr. Scheid and the Board of Assessors met with the Board of Selectmen to discuss the impending trends of the housing market in town. The Board of Selectmen received a spreadsheet that provided market conditions and new growth. Mr. Scheid stated that they had met with the Advisory Committee a couple of weeks ago to discuss market trends seen in Bolton. Statistics showed new home construction activity by building permits as follows: Fiscal Year 2001 – 62 permits; Fiscal Year 2002 – 37 permits, Fiscal Year 2003 – 46 permits, Fiscal Year 2004 – 43 permits, Fiscal Year 2005 saw a decline to 33 permits, and last Fiscal Year 2006 showed 13 permits. Mr. Scheid stated it was too early in this year to forecast what the number of building permits would be for Fiscal Year 2007 but he anticipated it would be on par with Fiscal Year 2006. They provided information on the appreciation and most recently the decline in property values. A lot of statistics measure market appreciation by looking at median selling prices. The problem with using that statistic is all it tells you are essentially is the average home that sold. As Assessors they measure trends by looking not at median assessment sales ratio rather than median selling price. For much of the early part of the 2000-2004 they saw strong appreciation of property values at 10 to 12 percent per year, and stalled in calendar year 2005 and again saw modest appreciation in calendar year 2006. Sales activity has dropped precipitously. From January to the end of February they list only 3 arm length sales that took place. An arm length sale is a real transaction between a willing buyer and seller and does not include a foreclosure sale. This reveals a slight downturn on property values of about 2%.

Mr. Scheid provided a comparison of average residential tax bills for single family homes. We average about a 6% increase per year in residential taxes. He also showed two foreclosures in 2006 and 2007. In a nutshell it tells us we are seeing a slump in the housing market. Bolton as we see is certainly in the trend as seen in the region.

Bolton ranks as having the fifth highest average tax bill out of 32 communities listed on his comparison.

New growth is anticipated at \$265,000. Mr. Lindsay, Advisory Committee Chairman and Ms. Ross, Town Administrator was comfortable with the new growth figure. Mr. Lindsay felt this was a warning for next year and we should not expect much new growth then.

Mr. Plante's recommendation was we not ignore the writing on the wall and we should consider new growth figures this year. Homes are selling at less than the asking price and some are selling for less than what their owners actually paid for them. Mr. Scheid stated that he was comfortable with this year's new growth estimate and that the average residential increase is a function of Proposition 2-1/2 and also impacted by overrides, debt exclusions and abatements. If we give up revenue someone else must pay the bill.

The Assessors will meet again with the Board of Selectmen in the fall.

REFINANCE OF BOLTON WOODS WAY

Mr. and Mrs. Sakal met with the Board of Selectmen to discuss their request to refinance their mortgage at 76 Bolton Woods Way. On a motion made by Gerken and seconded by Plante, the Board of Selectmen approved the request. (Troup – yes, Gerken – yes, Plante – yes)

SIGN REQUESTS

Sign for ATM at Country Cupboard: Scott Spaulding, met with the Board of Selectmen to request an ATM sign, made out of sign foam, 17-3/8" X 36" X 1-1/2 to be placed at the ATM located at Country Cupboard, 475 Main Street. On a motion made by Plante and seconded by Gerken, the Board of Selectmen voted to approve this request. (Troup – yes, Gerken – yes, Plante – yes)

The Painted Cupboard: Lulu Giancola met with the Board of Selectmen to request permission to place a two-sided sandwich sign, 4 feet tall by 2.5 feet wide, in front of her business located at 713 Main Street. This sign would be placed outside on the front lawn during normal business hours which are currently Tuesday through Saturday, 11:00 a.m. to 5:00 p.m. and would be removed each evening. Ms. Giancola stated that the permanent sign is fine but it sits slightly back from the road and as you come around the curve on Route 117 and come upon the property the old antique shop juts out a little bit and people are not seeing her sign. Also, the realtor sign that has been installed for the condominiums and retail unit were blocking people's view of her permanent sign. The Selectmen suggested the permanent sign be moved forward a couple of feet. They also suggested that an open sign with list of hours be added to the existing permanent sign. Ms. Giancola stated that she already has the sandwich sign because of a previous business she had. Ms. Kellett stated that there concern is not with what is happening now but that whatever is done now sets the precedent for the 4 or 5 shops to come on the property. Ms. Kellett also stated they could do without the flood light and Ms. Giancola apologized about the flood light and will put it on a timer. After much discussion, on a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to grant Ms. Giancola a temporary sandwich board type sign on a trial basis for April, May and June. (Troup – yes, Gerken – yes, Plante – yes) This will also allow time for Ms. Giancola to determine if the sign could be moved. The Selectmen asked that the sign be placed so that it does not block the sidewalk and be secured so that it does not topple over.

Mr. Plante asked what past practice has been as he agrees there are other signs out there that he knows he has not approved such as the Pizza place and Essential Therapies. Mr. Troup stated the Pizza sign is supposed to be temporary and they have been notified a number of times and he is not sure if Essential Therapies has received approval for their sandwich type sign.

Banner request: The Board of Selectmen reviewed the request of Jackie Kane to place a banner on their property located at 540 Main Street advertising the Pompositticut Farm Day Camp in Hudson. Ms. Kane was scheduled for this meeting but did not show. The Board of Selectmen did not feel this sign was appropriate but asked that the owner be contacted for more information.

WARRANT DISCUSSION

The Board of Selectmen reviewed and approved the Board of Selectmen's Statement for the Annual Town Meeting and the History and Status of Projects

Article 1: Unpaid Bills for Fiscal Year 2006

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

Article 2: Accept Annual Reports

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

Article 3: Fiscal Year 2007 Budget Transfers

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

Article 4: Fiscal Year 2007 Debt Service Principal Transfer

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

Article 5: Amendments to the Personnel Bylaw 1.14.3

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

Article 6: Fiscal Year 2008 Operating Budget

On motion made by Gerken and seconded by Plante, the Board of Selectmen voted to defer discussion of this article until the April 5, 2007 Board of Selectmen meeting.
(Troup – yes, Gerken – yes, Plante – yes)

Article 7: Acceptance of Agricultural Preservation Bylaw and Agricultural Commission

On motion made by Gerken and seconded by Troup, the Board of Selectmen voted to approve this article. (Troup – yes, Gerken – yes, Plante – no) The Board of Selectmen agreed to show the 2 to 1 vote in the warrant.

Article 8: Acceptance of Massachusetts General Law, Chapter 39, Section 23D

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

Article 9: Amendment to the Zoning Bylaws, Section 2.3.7 - Major Residential Development

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

Mr. Plante objected to the article because of how it would look on an existing country road. Not approving this article keeps the houses more spaced out and deeper in the woods so that the value of Bolton roads could be appreciated. Mr. Lindsay stated that the Planning Board's argument was that an occasional FOSPRD would not cluster the homes close to the road.

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

Mr. Wetzel respectfully requested that the Board of Selectmen not support this article as it weakens the bylaw for placing buildings closer to lot lines. He expressed his concern that in an attempt to give additional coverage to the library the bylaw continues not to make sense. His feeling is that even if the bylaw passes any lawyer could get the bylaw set aside in litigation because said changes came after the fact. Mr. Lindsay stated that at the Planning Board hearing he made a suggestion regarding the formatting of the residential district, backland lot and other district columns that is not reflected in the warrant. Mr. Plante agreed that he would rather not make revisions to the bylaw that gives the impression of trying to fix something if they thought it was broken. Mr. Plante stated that the bylaws are inconsistently written and encouraged the revamp of the bylaws. Mr. Burnett stated that the addition of the potential safety building project adjacent to his property has put some questions in his household as to whether his family will stay.

The Board of Selectmen voted to defer discussion of this article until the April 5, 2007 Board of Selectmen meeting.

Article 11: Acceptance of Oak Trail

This article may be pulled from the Annual Town Meeting warrant. The Board of Selectmen voted to defer discussion of this article until the April 5, 2007 Board of Selectmen meeting.

Article 12: Lease Agreement for the Relocatable Building on Mechanic Street (adjacent to Emerson School)

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

Article 13: Lease Agreement to Allow a Cell Tower at the Transfer Station

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

Article 14: Purchase of Software to Update the Dispatch and Records Software and Training Costs

Mr. Lindsay stated that the Advisory Committee's initial thought was that they did not want to have anything go into the stabilization fund and borrow for the truck, software and sidewalk. Ms. Gerken suggested that \$25,000 be placed in the stabilization fund. As a compromise the Advisory Committee was willing to put \$25,000 into the stabilization fund and pay \$50,000 out of free cash for the truck and borrow for the other two articles. If the Selectmen decided to do everything from free cash the Advisory Committee would revisit. The Selectmen will continue to discuss with the Advisory Committee at their meeting on Tuesday, April 3, 2007. The Police Department will also be asked to attend the Advisory Committee meeting on Tuesday, April 3, 2007 to explain the request for the \$80,000 for software and training.

Article 15: Funding for the New Ambulance

On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve this article with the words "up to" added so that the article reads as follows: To see if the Town will vote to transfer from the Ambulance Receipts Reserved for Appropriations account the sum of up to \$150,000 (One hundred fifty thousand dollars), pursuant to any applicable statute, for the purpose of purchasing a 2007 Class One, Type III A-B Ambulance and equipment to meet all state and federal specifications; or do or act relating thereto.

Article 16: Purchase of a New 6-Wheel Truck for the Department of Public Works

This article was pulled.

Article 17: Purchase of a New 1-Ton Truck for the Department of Public Works

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

Article 18: 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. The intention is to pay Jacunski and Humes for the work done with the transfer received from the Advisory Committee with any balance of funds being returned to the general fund. Funds from this article will be used for any work going forward. It was recommended that Mr. Plante attend the next Public Safety Building Task Force meeting next Wednesday, April 4, 2007. Discussion was deferred to Board of Selectmen's meeting on April 5, 2007.

Article 19: Continuation of Cleanup of Gasoline Contamination

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

Article 20: Installation of Sidewalk Along Main Street

Mr. Plante's recommendation was to pay for this project through state grants and funding. A follow up with the Public Ways Safety Committee will be done to see if they made progress with Mass Highway regarding this project. A motion made by Mr. Plante to disapprove this article was not seconded. Discussion deferred to Board of Selectmen meeting April 5, 2007.

Article 21: Acceptance of Retiree Health Insurance Statute

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

Article 20: Contribute to the Stabilization Fund

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

Article 21: Authorize Town Election

Discussion was deferred to Board of Selectmen's meeting on April 5, 2007.

GASOLINE SPILL CLEANUP

Discussion of the gasoline spill cleanup has been deferred to a future Board of Selectmen meeting.

ADVISORY COMMITTEE

The Advisory Committee has scheduled the discussion regarding borrowing versus free cash for their meeting on Tuesday, April 3 at 7:30 p.m.

COST OF LIVING ADJUSTMENT

On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve the 3% cost of living adjustment for FY08. (Troup – yes, Gerken – yes, Plante – yes)

TOWN ADMINSTRATOR REPORT

Plumbing Inspector: Ms. Ross informed the Board of Selectmen that the Advisory Committee voted to approve an increase for the Plumbing Inspector Fred Delorey to \$15,000. Mr. Delorey requested an increase to \$16,000 but based on the evaluation of permits and inspections the Advisory Committee felt \$15,000 was right. Ms. Ross stated she would analyze looking at a fee per permit type payment for the inspectors. On a motion made by Gerken and seconded by Plante, the Board of Selectmen approved this increase for the Plumbing Inspector. (Troup – yes, Gerken – yes, Plante – yes)

Friends of Library Book Sale: On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve the request of the Friends of Library for the placement of three signs on the day of their used book sale on Saturday, March 31 from 9 to 1:00 p.m. at Emerson School. The signs will be located at the entrance of the Emerson Building and two signs at the intersection of Route 117 and Mechanic Street. (Troup – yes, Gerken – yes, Plante – yes)

Turner property, 256 Green Road: Mr. Plante recused himself from this discussion. On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted to send a letter to Mr. Turner informing him that the Board noted that Mr. Turner has not returned a signed copy of the letter of agreement dated February 2, 2007. (Troup – yes, Gerken – yes) They also reminded him that the order issued on February 2, 2007 requiring Mr. Turner to notify the Board of Selectmen no later than Monday, April 16, 2007 as to his ability to complete this project by the May 1, 2007 deadline. The order further states that the Board of Selectmen will take the appropriate action on May 1, 2007 to have the structure demolished and the cellar hole filled in, with a lien placed on the property for any costs incurred if Mr. Turner can not meet the deadline agreed upon.

Energy Committee: Ms. Day informed the Board of Selectmen that two additional people had expressed interest in the Energy Committee. The Board of Selectmen had previously appointed a Committee of eight. Mr. Plante felt the two additional people could offer a lot to the Committee. Ms. Day stated the first Energy Committee is scheduled for April 5th. The suggestion was made to have the two interested parties attend the first Energy Committee meeting. The Board agreed that the terms of the Energy Committee members will be three members with a 3 year term, three members with a 2 year term and two members with a 1 year term. It will be left to the Committee to decide who will fill each term. Ms. Cussen's opinion is that she sees the article on the Annual Town meeting warrant for the cell tower as being premature. The Energy Committee may decide if there is a better alternative.

Horse Show Benefit: Based on the report that the fence located at the horse show ring is in bad condition, Mr. Plante made a motion not grant permission for use of the horse show ring for the benefit horse show. This motion was not seconded. Mr. Troup stated he would be willing to contact Ms. Parente to inform her of the condition of the fence and work with her to take down the fence if necessary, but not just to outright refuse her because of the condition of the fence. This discussion was deferred to next meeting. Mr. Plante expressed his concern with someone leaning on the fence and it falling on them. Ms. Ross stated that Mr. Brown has stated he does have the time to take the fence down. The Selectmen agreed they did not want to spend town money on the fence.

Meeting adjourned at 11:40 p.m.