

Board of Selectmen  
March 15, 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 member Andrew Burnett was present for the meeting.

#### WARRANT

#07-19 \$93,346.53

#07-19A \$78,305.87

#### PUBLIC SAFETY BUILDING TASK FORCE

Present: Chief Alfano

Chief Alfano asked the Board of Selectmen for their suggestion on a temporary name for the public safety facility for use by the architect when preparing plans. Chief Alfano provided two options: Bolton Public Safety Center or Bolton Public Safety Facility. After discussion it was agreed the project would be referred to as the Public Safety Center.

The Public Safety Building Task Force chose Jacunski Humes Architects from a number of qualified candidates who specialize in public safety buildings and complexes for towns and cities. Mr. Humes met with Chief Alfano, Town Administrator Jodi Ross, and representatives from the Fire and Ambulance Departments to go over detailed space needs assessments. He prepared an initial document of all the information keeping the economy and cost effectiveness in mind that was reviewed and fine tuned by representatives of all the departments. The Board of Selectmen and Advisory Committee were invited to attend the Public Safety Building Task Force meeting scheduled for Wednesday, April 21, 2007 at the Town Hall. The meeting is to share the space needs assessment and the architect will share his ideas, interests and concerns on the space needs assessment. There are no plans or blueprints at this time but there will be preliminary costs discussed at the meeting.

#### SPONSORSHIP

Chief Alfano recommended that part-time Reserve Officers Jacob Vicente and Dan Keller be sponsored for the full time police academy offered through the MBTA Police Training Academy. According to Chief Alfano, the Reserve Officers offered to go to the academy on their own time and expense which shows the dedication of the officers. The service record of both officers is phenomenal and each one contributes various talents in a different way. In order to enter the academy you need to be sponsored and it does not carry any attachments or future employment. It is free training for the Town of Bolton valued at approximately \$4-6,000. Chief Alfano stated that having both officers going to the academy at the same time would not have any effect on the staffing schedule. The shifts would be covered by reserve officers as first choice and then regular officers at time and a half. Normally these officers do not work during the week because they have full time jobs elsewhere but have offered to help out on the weekends. Basically they are quitting their day time job to go to the academy. Mr. Plante's only concern would be that

it does not increase the Police Departments budget and suggested that the schedule be worked in such a way so that it does not increase his overtime budget. The budget would only be affected if an officer called in sick and the shift had to be covered by a full time officer at overtime because the reserve officers were not available. Chief Alfano stated the benefit of the free training and the level of quality this training will bring these officers up to is well worth it. One of Chief Alfano's goals is employee development and he couldn't think of a better way to than to have additional training especially at no cost to the town. Chief Alfano stated that if another police officer position opened up in his department he would have to send someone to the academy and also pay for the academy along with the backup for the officer while attending the academy. On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to sponsor Reserve Officers Vicente and Keller for the police academy. (Troup – yes, Gerken – yes, Plante – yes)

#### SIGHTMOBILE AND VOLUNTARY TOLL BOOTH

Mr. Jack Shapiro met with the Board of Selectmen for approval to conduct a Voluntary Toll Booth on Saturday, May 12 from 9-12 p.m. Murphy Insurance will be notified of the event and it will also be posted on the bulletin board in front of the police station. A Police Officer will be on site for traffic control. On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve this request. (Troup – yes, Gerken – yes, Plante – yes)

Mr. Shapiro also requested approval to bring the Lions Sightmobile to the town on Saturday, June 2, 2007 from 10 a.m. to 2 p.m. as a service to the community. It will be situated at the front parking lot of Nashoba Regional High School, facing Main Street. Approval has been received from John Smith, Principal of Nashoba Regional High School. On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve this request. (Troup – yes, Gerken – yes, Plante – yes)

#### PUBLIC WAYS SAFETY COMMITTEE

Present: Dan Senie, Jackie Smith, Led Smith, Harold Brown, Chris Slade, Barbara Brown, Chief Alfano, Andrew Burnett

**Century Mill Road and South Bolton Road** - Mr. Troup reported that the short term solution to the problem at Century Mill Road and South Bolton Road was to take out the island and paint lines on the road to direct the trucks/buses for making a turn. The Smith's who are abutters to this intersection were asked if this sounded like an acceptable solution. Ms. Smith stated that many years ago when the town was trying to slow traffic down in front of Nashoba Regional High School it was her understanding that you could not stop the flow of traffic on a continuous road such as South Bolton Road unless you had a four way stop. Chief Alfano was not aware of the regulation but offered to look into it. Ms. Smith was concerned that the stop sign at South Bolton Road and Spectacle Hill Road may be illegal and not enforceable and therefore felt that a t-type intersection at Century Mill Road and South Bolton Road could have the same concerns. Mr. Senie stated that the Public Ways Safety Committee's preference was to make it an all way

stop. Ms. Smith did not see how a vehicle coming west could stop in time after coming around the corner.

Mr. Slade reminded everyone to think about how the traffic flows and agreed with the Smith's that one stop sign was the best solution versus a three way stop. Mr. Rezac, also an abutter to the intersection, stated having a three way stop would be more dangerous. Mr. Plante stated he would like to have Ms. Smith's concerns regarding the authority of stop signs on a continuous road clarified before making a decision. Chief Alfano stated that this was not a high accident intersection but that the dog leg that is there is very confusing to drivers and has potential for an accident.

After much discussion there was not a clear consensus from abutters and with the lack of information on the state statute regarding authority to put stop signs on the roadway.

The Public Ways Safety Committee's opinion was to propose the three way stop for safety of those approaching the intersection and to slow the traffic down.

Mr. Troup proposed that the short term solution be to take out the island and re-stripe the road to see if that is a reasonable solution. Mr. Plante still had concern with taking out the island which he felt would increase the speed of those on Century Mill Road taking a left turn onto South Bolton Road.

Ms. Ross noted that if there is any road widening there are wetlands in the area and a filing with the Conservation Commission may be necessary.

The Selectmen agreed to postpone the decision for a couple of weeks to allow time for Chief Alfano to clarify the regulations related to stop signs. Mr. Brown will layout the intersection showing the width of lanes and striping on paper for everyone to review.

**Manor Road** - Mr. Brown reported that he met with Brian Lorian of Mass Highway and they are willing to come to Bolton to assist in the planning, traffic counts and safety analysis. Mass Highway does not have funds for the design but felt that the State would be willing to help with the funding and paperwork for the construction. They are also willing to look at reconstruction of Route 117 from the Lancaster town line to Route 495 and the ADA accessibility issues related to sidewalks.

Mr. Troup reported that Lancaster has had several traffic studies done for some of their intersections funded by their regional planning council. Their studies are available to us and their most important intersection was 5 corners in Lancaster that he felt might be of interest to us. They also did the intersection at Route 117 and Route 110, and at Route 117 and Route 70 but they did not go back to Route 495. Mr. Senie stated that a traffic study had been done for the Pondsides development that might be useful.

Mr. Brown has provided Mass Highway with accident reports and Chief Alfano is preparing a second set of reports to be delivered to Mass Highway for their review.

They will then contact Mr. Brown for a visit to the intersections in town. The Public Ways Safety Committee should be involved in these meetings.

Chief Alfano stated that a three year study done on significant accidents or serious property damage from Route 110 to Wattaquodock Hill Road showed 96 accidents.

Selectmen agreed that an article was not needed for this project on the May 7, 2007 annual town meeting at this time. Mr. Brown also asked that Mr. Slade be involved in this project.

On a motion made by Gerken and seconded by Plante, the Board of Selectmen agreed that Mr. Brown should continue discussions with Mass Highway regarding this project. (Troup – yes, Gerken – yes, Plante – yes)

#### **BOLTON WOODS WAY**

Discussion is being postponed until the Board of Selectmen's meeting of March 29, 2007. Mr. O'Brien recommended that the responsibility of the refinancing process for affordable housing be taken under the town's purview. Therefore, Nat Tipton, Town Planner is pulling the appropriate documents together to bring this to the Board of Selectmen.

Mr. Plante stated that the request before the town is a fairly easy one to resolve. Based on the deed rider there is a stipulation that they need approval to go to refinance. Mr. Plante stated that this deed rider was prepared by the Town of Bolton and is not subject to DHCD or CHAPA. Mr. Plante requested a copy of the deed rider.

#### **SPECIAL TOWN MEETING**

The Board of Selectmen reviewed the April 2, 2007 Special Town Meeting warrant including the Board of Selectmen's statement. Revisions to the Board of Selectmen's statement will be incorporated.

#### **Article 1: Community Preservation Act**

On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to include the 100,000 exemption. (Troup – yes, Gerken – yes, Plante - yes)

The Board of Selectmen discussed their opinion related to this article and each member provided his/her recommendation for Article 1 as follows:

Mr. Troup is in favor of the 3% surcharge because it maximizes the state match.  
Ms. Gerken is in favor of the 1% surcharge.

Mr. Plante is not in favor of this article because of other future capital projects that are not covered by CPA funds.

It was agreed that a discussion will follow the caucus next Monday regarding CPA with Mr. Anker moderating the meeting.

**Article 2: Amendment to the Administrator Bylaws to Insert a Section Entitled Community Preservation Committee**

There will be an amendment on town meeting floor to change the number of the bylaw in Article 2.

On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to approve Article 2 if the CPA passes. (Troup – yes, Gerken – yes, Plante - yes)

On a motion made by Plante and seconded by Gerken, the Board of Selectmen voted to close the special town meeting warrant as amended. (Troup – yes, Gerken – yes, Plante - yes)

**ANNUAL TOWN MEETING WARRANT**

Board of Selectmen continued to review the Annual Town Meeting Warrant.

The Selectmen agreed that if final wording for articles were not received by March 29, 2007 the article would then be pulled from the warrant.

**Personnel Committee article:** Ms. Ross reported that she communicated to the Personnel Committee that their article should just address their future at this time. Ms. Cussen, Town Clerk has provided them with some recommended revisions. Mr. Troup understood that the Personnel Committee article for the annual town meeting was going to be to revise the Personnel Committee bylaw in general. The Personnel Committee will be asked to meet with the Board of Selectmen at their meeting on March 29 to discuss their proposed article for revisions to the Personnel Committee bylaw.

**Agricultural article:** The Agricultural Preservation Committee is meeting with the Advisory Committee on March 27, 2007. Mr. Plante noted that Martha Ashe has not been able to gain ground relative to her concerns with the Agricultural bylaw and he urged the Agricultural Committee to include her suggestions in the bylaw which they have not done as yet.

**Planning Board hearing:** The Board of Selectmen will be posted to attend the Planning Board hearings on March 28, 2007 regarding the zoning articles.

The Fire truck article has been removed from the warrant as the Advisory Committee has approved a transfer in the amount of \$16,842.

**DPW:** Ms. Ross reported that the 6 wheel dump truck is not showing in the budget for a borrowing because Advisory Committee's recommendation was to pull this article. Ms. Ross is waiting for direction from the Board of Selectmen. Mr. Brown felt he could wait another year before purchasing this truck.

Mr. Plante reported that his last conversation with Mr. Brown was to meet with Selectmen to discuss getting rid of possibly two or three old dump trucks that are not in

great shape and replace them with one new truck. Mr. Brown has stated in the past that he can subcontract out as necessary for larger storms. Mr. Plante pointed out that some of these vehicles are not even being used during storms. He is only utilizing 3 of the 6 vehicles during the summer months. . The Board of Selectmen recommended that Mr. Brown provide the Board of Selectmen with an inventory for the next Board of Selectmen's meeting March 29<sup>th</sup>.

Mr. Brown requested a vehicle for his custodian and the Conservation Commission and Board of Assessors have asked to use it occasionally. A question was raised as to why this vehicle was needed when employees are paid mileage. DPW has had a van donated recently. Mr. Plante asked if the town could purchase the Taurus that the Police Department received from a drug seizure and use the funds to purchase a vehicle. Chief Alfano stated that the law reads that this vehicle must be used specifically for law enforcement purposes and if the vehicle is sold the law states funding has to go into the police drug fund. Chief Alfano stated that a cruiser will be going to the EMS at Nashoba Regional High School when the new cruiser is received in the FY08 budget and the present EMS vehicle could go to the custodian, Conservation Commission and Board of Assessors. On a motion made by Gerken and seconded by Plante, the Board of Selectmen voted to pull this article and have Town Administrator Jodi Ross and Chief Alfano work out an available car to be used by the departments. (Troup – yes, Gerken – yes, Plante – yes)

**Gasoline contamination article:** Mr. Troup asked Ms. Ross to find out if we have closed any wells or taken filter out of restaurant in regard to this cleanup.

**Sidewalk article:** 16 bids were received for the sidewalk design. Mr. Plante recommended that the sidewalk article be pulled in light of recent discussions with Mr. Brown and Mass Highway not weighing in on this article at this point. Mr. Senie will be asked to contact Mass Highway regarding the proposal. Ms. Ross stated that the Council on Aging did not support the article because they felt it was too dangerous to walk along Main Street but Public Ways Safety Committee feels the sidewalk is not for the sole purpose of the Bolton Country Manor but for residents of the town. Ms. Ross stated that a former town meeting approved the funds for the design of a sidewalk and therefore should leave the article on the warrant.

**Health Insurance article:** The Health Insurance Committee will meet with the Board of Selectmen on March 29 to discuss this article.

**Stabilization fund article:** Ms. Gerken feels this article should be pulled this year. The balance of the stabilization fund article is approximately \$800,000. Some Advisory Committee members would like to see it used to lower the levy limit. It was recommended that \$25,000 be put in the Stabilization fund that will be voted on next Board of Selectmen's meeting on March 29, 2007.

Mr. Troup drafted the background on capital projects document to be published in the Annual Town Meeting warrant for review by the Board of Selectmen. Mr. Troup asked that it be sent to proponents for their review and comment.

**Budget discussion:**

Ms. Ross reported that the Advisory Committee directed her to go ahead and put the cost of living adjustments (COLA) in the figures of the non-union personnel.

The warrant articles using free cash include the 1-ton truck for \$50,000, the gas contamination clean up, the custodian's vehicle and the public safety software. She does not have the sidewalk repair shown with free cash. Mr. Troup stated that the gasoline contamination could be put in debt exclusion because the entire project is already excluded.

Ms. Ross noted that there is a snow and ice deficit of approximately \$100,000.

Ms. Gerken stated that when reviewing the bills/payroll warrant she saw some expenditures within the Public Works Department for trucks that she would like to have more information on to understand the expenditures. She would like to recommend that Department Heads meet with Ms. Ross to discuss expenditures of a significant amount of money.

She also felt that there was a slight problem with the liaisons getting in the way of the department heads reporting to Ms. Ross and she felt it was an issue. She felt that maybe the liaisons positions should be eliminated. Mr. Plante sees this as a policy change and suggested that the policies be reviewed and then a motion could be made.

Ms. Gerken made a motion that was seconded by Troup stating effective immediately all discussions concerning the operations of the Fire, Ambulance, Police and DPW departments be directed to the Town Administrator and the Board of Selectmen will no longer be active liaisons to these departments. If an issue can not be resolved with the Town Administrator the department heads always have the option of the bringing the issue to the Board of Selectmen.

Mr. Troup stated that the intent would not be to change the ultimate hiring and firing authority but that it is simply the supervision on a daily basis. Ms. Gerken stated it was her feeling that the department heads being pulled between the Board of Selectmen liaisons and the Town Administrator has created ambiguity that she would like to eliminate.

Chief Alfano stated that since he has been in Bolton he does operate through the Town Administrator as a courtesy so she knows what is going on and it works for him.

Mr. Troup did not have a problem with the motion if it will clear up any confusion.

Ms. Gerken added to her motion that Department Heads discuss any expenditures before they spend. Ms. Ross stated that in most cases the department heads do talk to her about things that are unusual. This will help to keep things more streamlined.

Mr. Plante's understanding of the motion is that department heads are not allowed to converse about their departments with the Board of Selectmen and that Ms. Ross would prefer all communication go through her. This was not the interpretation of Ms. Gerken, Mr. Troup or Ms. Ross. Mr. Troup explained that it is not intended to not allow the Board of Selectmen to talk with department heads. What the motion does address is any misconception that the liaison can do something in way of decision making.

Ms. Ross sees the Board of Selectmen as policy makers and not as managers of the town departments. She sees the Selectmen as managers of the Town Administrator who have delegated the responsibility of managing the department heads. If they want her to manage the department heads it needs to be made clear that that is what her job is.

Mr. Plante stated that when he first became Selectmen he asked why he was going through all invoices when reviewing the warrant. He didn't feel it was his job and felt it was the responsibility of the Town Administrator and department heads. He felt everyone understood what he was saying after a while and he began signing the warrant without necessarily reviewing each invoice. It is his opinion that the department heads should go through the Town Administrator. What the case has been is because of issues or problems with a department head he has been contacted by the Town Administrator as a liaison and asked to work the issue/problem out. It is his opinion that all department heads should go through the Town Administrator and the liaison position is to have more insight into that department. Mr. Plante feels the motion is cutting off communication between the Board of Selectmen and department heads.

Ms. Gerken withdrew her motion with the understanding that it is made clear with the department head that they should resolve any problems/issues with the Town Administrator.

Mr. Plante stated that during a meeting with the Advisory Committee it was noted that the increase Fire and Ambulance departments budget had increased because of communications and telecommunications expenses that were previously paid by the Police Department. Chief Alfano stated that the Police Department had been paying the phone lines (administrative and non emergency lines) for the Fire and Ambulance Departments but have now passed these bills back to the fire and ambulance departments to be a part of their budgets. Communications costs are paid through the Communications Center along with the bill for Nextel phone for Mr. Farrell.

Mr. Plante stated that it is his opinion that the number of vehicles under the control of Police Chief Alfano is on the heavy side and wondered if there was an opportunity to relinquish some of the vehicles. With the dim picture painted by the Board of Assessors regarding the revenue growth in town if we don't cut back now we will pay the consequences down the road.



Chief Alfano stated that his job as department head is to manage the resources of the department which includes eliminating waste and not having fat in budget to be cut. If he thought the fleet was excessive it would have been cut a long time ago. His fleet includes two frontline cruisers to respond to emergencies 24/7 (car 2 & car 3), a back up cruiser (car 6), and the SUV Explorer (car 4). The Department received a Ford Taurus as a result of a drug seizure (car 5). When Chief Alfano was hired he received an unmarked cruiser (car 1). Chief has asked his department to find ways to save money and reduce the budget. Mr. Plante stated that the Police Department is proposing more than an 8% increase and that he can not justify the number of police vehicles. Mr. Troup and Ms. Gerken felt that the existing fleet was justified.

Ms. Gerken stated that she felt the Tree Warden's budget was not sufficient for taking down more dead trees.

#### **TOWN ADMINISTRATOR REPORT**

**Community Preservation Act:** The Board of Selectmen has scheduled a meeting with Bolton Seniors for March 27, 2007 at 11:30 a.m. at the Bolton Country Manor to discuss the Community Preservation Act. Council on Aging Director Sheila Chmielowski will be asked to pass on any concerns the seniors may have to the Board of Selectmen prior to the meeting so that they can bring information.

Final decision deferred to April 5 Board of Selectmen meeting regarding a Community Preservation Act discussion after the Annual Town Meeting.

**MART Van:** It was reported that we are in the processing of hiring drivers. Anticipated time of arrival of MART van is May.

**Common Cause Recognition:** Ms. Ross reported that the town of Bolton has been recognized by Common Cause. The Town of Bolton was one of 50 communities recognized at the State House for having all six items on our website that included agendas, minutes, city and town budgets, general bylaws and ordinances, town meeting warrant articles and town meeting results.

**Why did the chicken cross the road?:** Ms. Ross informed the Board of Selectmen that Burt Shnitzler, Advisory Committee member was dismayed that Ms. Ross did not know the answer to Mr. Troup's question when asked, Why did the chicken cross the road? (Answer: To show the deer how it's done.) Mr. Shnitzler has provided Ms. Ross with a book entitled "Why did the Chicken Cross the Road?"

**Nashoba Winery request to construction a barn:** Mr. Pelletier of the Nashoba Winery has submitted a request to construct a barn on his property. Mr. Tipton, Town Planner has provided comment to Mr. Pelletier stating the existing special permit would need to be amended.

**Historical Commission:** Ms. Ross reported that Martha Remington, Historical Commission has informed her that they are interested in the Bonazzoli property but did

not want to fund the testing or the title search. The Commission did state that there was some MBTE contamination in the area. Discussion was deferred to a future agenda.

**Capital Planning Committee:** The Board of Selectmen authorized Ms. Ross to send a letter to the Capital Planning Committee requesting a placeholder be added to their list of capital projects for Town Hall space needs. Ms. Ross will also inform them that the preliminary guesstimate is \$1.5 million.

#### 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.

#### BANNER

Superintendent Wood has requested permission to hang a banner across Route 117 celebrating the achievement of the Nashoba Regional High School being chosen as a Compass School for 2007 – 2008 by the Massachusetts Department of Education. The Compass program was established in 2001 as a way for the state to recognize and celebrate individual school improvement, and to encourage the sharing of good ideas and effective practices among educators statewide. They would like the banner displayed March 19 through April 2, 2007 and the banner will read “Congratulations NRHS Compass School 2007”. Ms. Day stated that the time requested is when our Annual Town Meeting banner will be up but that she has contacted the Fire Department to see if they can accommodate hanging the Annual Town Meeting banner followed by the Compass banner. The Board of Selectmen were fine with this request and suggested Ms. Ross and Ms. Day work out the details.

#### HORSE SHOW BENEFIT

Lauren Parente has requested permission to hold a horse show to benefit the Leukemia and Lymphoma Society on May 20, 2007 on the horse show ring. Mr. Plante expressed his concern with the structural condition of the fence. Mr. Brown and Mr. Kenney will be asked to check on the condition of the fence. On a motion made by Gerken and seconded by Plante, the Board of Selectmen approved the benefit assuming the fence checks out to fine. (Troup – yes, Gerken – yes, Plante – yes) The Board of Selectmen received a copy of the **Riverside** appeal in their mail folder as an FYI. Ms. Ross will find out from the Board of Appeals what the timeframe is for responding to the appeal.

**St. Francis Xavier:** On a motion made by Gerken and seconded by Plante, the Board of Selectmen approved the request of St. Francis Xavier Church to have a carrying of the cross ceremony in town on April 6. The ceremony will begin in Harvard and end in Bolton. Chief Alfano has also approved this request and will escort the procession. (Troup – yes, Gerken – yes, Plante – yes) **Wastewater Treatment Plant Access:** Mr. Thomas Flatley has requested a meeting with members of the Board of Selectmen to discuss access to the wastewater treatment plant. The Board of Selectmen requested Ms. Ross contact Mr. Flatley to discuss the detail of the discussion before meeting with him.

**Televising of meetings:** There has been some interest from residents to have other Boards and Committee meetings televised. Chapter 39, Section 23B allows taping of any governmental body and permission is not required from that governmental body. In the future other meetings may be televised including Board of Health and Planning Board may be taped. BatCo is willing to do additional televising. Ms. Ross will send a memo to all Board and Committees informing them of this.

The Board deferred the Board of Selectmen business re:

- Capital Planning Committee membership/secretary?
  - Energy Committee membership and term (two more interested people) (see attached)
  - Confirm charge of Public Safety Building Committee
  - Update on Tri-Town Meeting
  -

**Wastewater Treatment Plant Committee:** The WWTP Committee is willing to be responsible for the force mains that bring effluent from the library and public safety building to the treatment plant but view it as a separate project out of the scope of the present Committee. The option is for the Board of Selectmen to recharge them doing that, expanding the group to add someone from public safety and library projects. Mr. Plante question if the point at which the connection would be made from the force main for the public safety building and Library is gravity fed and expressed his concern that the pipe be larger enough to accommodate the additional flow. The Board agreed to wait until after town meeting to see the outcome of town meeting.

**Capital Planning Committee:** The Capital Planning Committee is not actively seeking a 6<sup>th</sup> member and they are fine with taking their minutes.

Meeting adjourned.