

Board of Selectmen
November 15, 2007

Present: Panny Gerken
Curt Plante
Kenneth F. Troup

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

PRESENTATION OF POLICE AWARDS

Presentation of Police Awards by Chief Vincent Alfano to Lt. Warren Nelson, Detective Kimberly Denaro and Barbara Brown

Chief Alfano presented Certificates of Appreciation to Lt. Warren Nelson, Detective Kimberly Denaro and civilian and former police officer Barbara Brown for their efforts in successfully solving cases for the police department.

FY09 GOAL DISCUSSION WITH TOWN DEPARTMENTS, BOARDS AND COMMITTEES

Ambulance – Ambulance Director Margy Diaz stated that the department's top goal is to create and implement a volunteer recruitment and retention plan. The second goal is to focus on training and compiling a calendar to ensure training requirements and re-certifications are conducted on an on-going basis. Ms. Diaz stated that the ambulance specifications are in their final phase.

Mr. Plante stated that he attended the 20th year anniversary celebration of the Cadet EMT Program at Nashoba Regional High School and the Board of Selectmen received a citation of appreciation for their involvement.

Accountant – Town Accountant Julie Costello stated her goal is to complete the reporting requirements of GASB 45 and streamline the filing system and record storage.

Assessors - Board of Assessors Jeff Nichols & Susan Mason: Mr. Nichols stated that their goal is to successfully complete the FY09 town revaluation. They would like to digitize all houses on the computer. They anticipate far more people requesting abatements this year and want to be prepared to respond.

Capital Planning – Capital Planning Chairman Bob Minardi stated that the Committee's objective as a Committee is to evaluate purchases in excess of \$25,000. This is their first budget season and they plan to refine the forecasting process and provide an outlook for the next 5 years.

Conservation Commission – Commission member Amy Wilson and Administrative Assistant Carol Gumbart: The Commission is preparing a wetland education brochure to send out with the census this year to explain to the public when wetland permits are needed and how to proceed with the permitting process. They would like to establish a land use committee. They will create a management plan for Bower Springs Conservation area.

Council on Aging - Director Sheila Chmielowski: Ms. Chmielowski stated that their major goal for FY08 to provide van service to the elderly and handicapped was

accomplished. She thanked the Board of Selectmen, Town Administrator Jodi Ross and Town Secretary Linda Day for their efforts in bringing the MART van to Bolton. Their number one goal for FY09 is to have their own senior center building. They are restricted to 2 days – a total of eight hours per week – at the present location at the Bolton Country Manor. In other towns senior centers are open 5 days a week and have 2-3 days of hot meals. Many programs are on hold because of restraints. Ms. Chmielowski stated the council would like the Board of Selectmen to consider offering the vacated Houghton Building to the seniors. The Council is prepared to do paperwork for an incentive grant for renovations to the Houghton Building, and fundraising for a senior center.

Ms. Chmielowski stated that tax relief for seniors is another priority. The senior tax rebate program in Bolton does not have enough work for every participant to get the maximum rebate. She is concerned with what happens to the people on low and fixed incomes. Ms. Chmielowski would like to establish a meal site to serve hot meals two or three days a week. Mr. Plante stated that the First Parish Church has a full size working kitchen with a comfortable sitting environment in Davis Hall. This location could be considered as a temporary location for the hot meal program.

Library – Library Trustee Chris Sterling stated their goal is to successfully manage the construction project for the library. Their second goal is to provide seamless service in an alternative location while the renovations take place at the library. Ms. Sterling stated that their hope is to relocate to space vacated by Anker Publishing located at the Freidus Building at 580 Main Street.

MIS –Mr. Perwak stated he provides computer network support to the town hall offices, Council on Aging, financial office at Emerson, Library, DPW and limited support to the Police Department. His goal is to maintain support for these departments in a timely manner. Over the years he has been upgrading computers for town employees. He would like to capitalize on a new back up system to incorporate not only town hall but DPW and Library. The current server is old technology and needs to be updated.

Police Department – Chief Alfano stated he wanted to focus on morale and professional development including cross training in-house to save money. Chief Alfano's second goal is traffic enforcement. He stated that accidents have increased from 118 last year to 153 this year. Route 117 is the largest area of concern.

Town Planner: Ms. Atwood Burney stated that the Planning Board is reviewing the earth removal bylaw and revisions will be brought forward at the May town meeting. They also continue to work on one of their last year's goals to review the subdivision regulations and will work with other departments to get feedback. Other goals include establishing a Design Review Committee to review signs, architecture styles, etc. They are dusting off the Master Plan. Mr. Troup asked if the Planning Board will be looking at the table of uses. Ms. Atwood Burney stated they did talk about it at their last meeting and determined it will take time to identify and give definition to the current uses. This is clearly an ongoing project.

Treasurer: Ms. Madden is working with the Personnel Committee to rewrite the Personnel Bylaw to bring forward at the May Town Meeting. She is also working with the Town Administrator and consultant on the reorganization of positions. A tax title process is also being prepared.

DPW: Mr. Brown proposed replacing two culverts on Spectacle Hill Road to meet the Planning Board standards. The estimated cost is \$60,000. He will work with the Parks/Recreation Department on the improvement of Derby field. Mr. Plante suggested that, in light of the recent vote for the Public Safety Building and earlier comments about space needs, that the old fire station and its current use be looked at to determine if there is a better use and another alternative for equipment being stored there.

Public Ways Safety Committee: Leslie Breeze and Mary Cuimmo stated that their Committee's goals are to implement a pathway plan. They have met with the Town Planner Jenny Atwood Burney and will continue to work with her to develop a pathway plan. They also plan to look at traffic calming methods such as speed bumps, fog lines and signage to enhance public safety.

Advisory Committee: Mr. Lindsay stated that the Advisory Committee's first goal is to work with Town Administrator, Treasurer and Accountant to bring the Board of Selectmen a budget for FY09 that provides good balance between government services the towns needs and taxes as low as possible. They would like to improve the town's way of handling debt which includes refining and participating in the implementation of the financing plan. They would also like to establish an effective liaison to the Public Safety Center Construction Committee and the School Space Needs Assessment Committee.

As a follow up, Mr. Troup asked Mr. Brown to comment on the town buildings in terms of condition and whether there is anything we should keep our eye on or that might turn into a problem. Mr. Brown stated that all the buildings are in good shape. He stated that when the usage of the Houghton Building changes the septic system should be looked at. Town Hall is in good shape other than lack of space. A decision needs to be made at some point on the DPW Building in relation to size of department and building.

Buildings are improved on a continuance basis. Mr. Brown stated his new hire Donald Soar has worked out very well and spends a lot of his time working on upgrading the buildings as needed. Ms. Gerken stated that Mr. Brown has done an excellent job of maintaining the town buildings. Mr. Brown also continues to work with the State regarding Route 117 and various intersections.

Master Plan implementation discussion with Town Planner, Jenny Atwood Burney
Ms. Atwood Burney met with the Board of Selectmen to discuss the Planning Board's priorities from the master plan. She stated that the Planning Board would like to get the master plan submitting to the State for its approval. As far as she knows they voted to adopt the master plan and it is ready to go to the State. There are a lot of goals to talk about and they are being prioritized with the main one being the earth removal bylaw

which seems to keep coming up in town as an issue. Table of uses in the master plan is another priority, but they realize it is a bigger effort than they anticipated. Establishing a design review committee is being looked at favorably. Computerizing a tracking system for all properties is also a priority.

Ms. Atwood Burney stated that she felt the master plan was well done and she has a list of ideas and direction to work from to begin implementation. She noted the suggestion of Ms. Gumbart to establish a Land Use Committee to look at developing or preserving open space.

Mr. Troup suggested that the municipal needs be addressed as a priority. He referred to one of Mr. Brown's goals being to improve Derby Field when he knows others are thinking that it is the best place to put a school addition. The Board of Selectmen encouraged the coordination of municipal space needs.

Mr. Plante stated it would be extremely helpful if the Planning Board would be more receptive to mixed use development. There are two parcels (Davis and Kane) on Route 117 that could be developed into nice villages. Mr. Plante encouraged the opportunity to plan our affordable housing and go to the property owners as opposed to them coming to us. If it is done as a cooperative effort so many positive things can come from it. Ms. Atwood Burney would like to apply for a grant that looks at village zoning or mixed use development.

Mr. Troup stated that the Smith property and the abutting Drewicz property would be an ideal circumstance to look at mixed use. It is his feeling that it would be in the town's and possibly landowners' best interest to discuss options for this property.

Mr. Lindsay, Advisory Committee member suggested we also consider making this entire area residential as he has not seen any successful business operate in this area since he has been in town.

The Board of Selectmen recommended that Ms. Atwood Burney discuss the Land Use Committee and mixed use development with the Planning Board to be sure they are also in agreement. Mr. Troup suggested Ms. Atwood Burney talk with Betsy Cussen, Town Clerk before she leaves regarding establishing the Land Use Committee and the Committee's role, authority, budget.

BONAZZOLI PROPERTY

Present: Town Planner Jenny Atwood Burney and Conservation Commission
Administrator Carol Gumbart

It was reported that the results of testing done by Loitherstein Environmental Engineering, Inc. for the gift of land proposed by Mr. Bonazzoli showed contaminants at reportable levels. Mr. Bonazzoli claims that the test pit showing contamination was not on his property, it was the adjacent parcel that is the railroad. Ms. Ross stated Ms. Gumbart, Ms. Atwood Burney and Mr. Brown visited the site and to the best of their

knowledge – based on the deed, pictures, maps – the testing done was on Mr. Bonazzoli's property.

Ms. Ross stated that reportable levels must be reported to DEP within 120 days and it is the responsibility of the landowner to do so. She recommended that both Mr. Bonazzoli and the railroad be notified of the test results.

On a motion made by Troup and seconded by Gerken, the Board of Selectmen voted to send letters to both of the landowners informing them of the reportable levels and that it is the responsibility of the owner to report to the DEP. (Gerken – yes, Plante - abstained, Troup – yes)

In the future the Town Administrator suggested that the Board of Selectmen require a survey, deed, and clear title before any property be considered as a gift to the town as the town employees have spent many hours and town resources on this issue.

Mr. Bonazzoli came in after the above mentioned discussion and was informed of the Board's decision to notify him and the railroad regarding the reportable levels. Mr. Bonazzoli stated that the contamination is not on his property and he encouraged the Board of Selectmen to contact the railroad. Ms. Ross suggested to Mr. Bonazzoli that either he or the railroad could have a survey done to determine ownership of property. She stated the town is an outside party who did the testing in good faith after being offered the gift of land. Mr. Troup volunteered to meet with representatives of the railroad and Mr. Bonazzoli. Ms. Ross agreed to initiate contact with representatives of the railroad to initiate a meeting.

DISCUSSION WITH PUBLIC WAYS SAFETY COMMITTEE REGARDING MAIN STREET SIDEWALKS, MAIL BOXES AND OTHER ISSUES

Public Ways Safety Committee members Leslie Breeze, Mary Ciummo and Rob Hagopian and Pat Bensetler, Main Street resident

Mr. Gerken announced that this is an informational meeting with the Public Ways Safety Committee and a public forum will be scheduled for the next Selectmen's meeting on Thursday, November 29, 2007.

Ms. Ciummo outlined the Public Ways Safety Committee recommendations as follows:

Sidewalk funding: The Committee would like two budget line items for sidewalk maintenance and improvements. Funding for maintenance of the sidewalks would ensure the sidewalks are kept clear of brush and debris. Improvements would be for repairs and upgrades.

Issues on Main Street: There are fixed objects along Main Street that reduce the width of the sidewalks to a point they are not passable. The Public Ways Safety Committee recommended bump-outs to ensure there is at least a 32 inch clearance. It was noted that

the standard wheel chair size is 29 inches, and the 32 inch clearance was chosen to accommodate almost anything passing along the sidewalk.

Private party encroachment: Residents' plants and shrubbery are also encroaching on sidewalks. They would like to see DPW and the residents working to trim back the plants and shrubbery to remedy the problem. The Public Ways Safety Committee did not feel it was their responsibility to tell homeowners what type of mailboxes they could use. They just want there to be a 32 inch clearance on sidewalks. If a fixed post is used it does prevent movement of the mailbox. The residents did not like the idea of a common mailbox solution. It is the Public Ways Safety Committee's opinion that it is the Selectmen's responsibility to set up guidelines or bylaws to enforce the issue.

Ms. Breeze stated that with the recent clearing done by the DPW almost all of the issues at hand no longer exist. The additional width as a result of the clearing helped to provide more passage along the sidewalks.

With the new sidewalk on Main Street and the maintenance that was done over the summer, they would like to see the maintenance continue.

Mr. Plante would like to see DPW incorporate maintenance of the sidewalks into their spring schedule. Mr. Plante commended the Public Ways Safety Committee on a job well done on the new sidewalk from the Salt Box to the Flatley building entrance. Mr. Plante stated that all of the mailboxes along Main Street are illegal because the bylaw requires that any structure on a sidewalk be permitted by the Board of Selectmen. He felt that giving notice to some of the residents to replace mailboxes that are in disrepair is making good progress and he is pleased to see that some of the residents have taken ownership to resolve the problem. Mr. Plante noted that he is not trying to take mailboxes away from Main Street but that people be respectful to the right of passage on sidewalks. Ms. Bensetler stated that when the post office moved out of the center of town there was conversation with the Board of Selectmen and it was understood that mailboxes would be placed along Main Street.

The Public Ways Safety Committee recommended that funds for the maintenance and improvements of sidewalk be placed in the DPW's budget for FY09. The Board of Selectmen was favorable to this recommendation.

The Public Ways Safety Committee also recommended snow removal on Main Street. Mr. Plante asked about other sidewalks in town.

Mr. Lindsay recommended that a memo be forwarded to Mr. Brown to place a line item in the DPW budget for funding of sidewalk maintenance, improvements and snow removal.

Mr. Brown will be scheduled to meet with the Board of Selectmen to discuss a sidewalk snow policy. It was noted that some residents do clear the sidewalk in front of their home. Mr. Troup recommended that Mr. Brown propose a budget and then it can be

decided if a town meeting vote is necessary to determine if the voters would like it to be Main Street sidewalks only or all sidewalks in town.

TOWN ADMINSTRATOR REPORT

Process for town clerk replacement: Ms. Ross reported that approximately 83 resumes have been received and they are still coming in even though the deadline has passed. Ms. Ross is reviewing the resumes to categorize into those whose qualification best matched our requirements. She will provide the Board of Selectmen with the categorized resumes for their review and opportunity to give their input if they disagree. She recommended a screening committee of employees (Police Chief Vin Alfano, Town Treasurer Donna Madden, Betsy Cussen and herself), and a member of the Board of Selectmen, if they desired, to conduct the initial interviews and bring forth to the Board of Selectmen finalists to be interviewed. The Board of Selectmen left the number of finalists up to the screening committee. Finalist interviews will be set up the week after Thanksgiving for the Board of Selectmen.

Pond Park fence: Pond Park fence is in a state of disrepair. The DPW is looking for input to see what the Board of Selectmen would like to see as a replacement. The Selectmen would like to see some type of wrought iron. They did not want wood or tubular railing. They asked that Mr. Brown provide some alternatives of wrought iron with costs.

BOARD OF SELECTMEN BUSINESS

Audit Report: – Ms. Gerken reported that on Wednesday, November 14, 2007 an audit report was received from the Massachusetts School Building Authority for the Florence Sawyer School building project that raised two issues: 1. There was a difference in the interest rate that the state based their reimbursement on and the actual rate we obtained when we went out for bonding. 2. There is also a list of ineligible costs. Ms. Ross, Town Administrator, Ms. Gerken, Chairman of the Board of Selectmen, Ms. Madden, Town Treasurer and Mr. Lindsay, Chairman of the Advisory Committee participated in a conference call today with Joanna Aalto, Controller/Director of Audits. According to the State the project started in December of 1997 and was completed with the students entering the school in September of 1998. In the 1990's the DOA's building project program reimbursed towns differently than they do now. They reimbursed towns on a percentage of the project based on the estimate for the project that was filed at the beginning of the project and within two years of completion of the project they would do an audit and let us know the results. During that time period no information regarding projects costs was required to be sent to the State.

The ineligible costs were costs they did not allow when their audit firm went through the documents. When talking with Ms. Aalto, Ms. Gerken and Ms. Ross informed her that they felt there were a number of costs that could justified if we had time to do the research and she felt that that was a reasonable request. She did point out that our project came in on time, on budget and the ineligible costs were lower than the 728 projects they were auditing which implies the majority of the towns are in the same position were are in.

The Town requested a 60 business day extension to have time to locate the information that was considered ineligible costs for the project. They very kindly agreed to this request.

Mr. Lindsay, Chairman of the Advisory Committee stated that the town assumed an interest rate on bonds of 7-3/4% and looking at the interest rates he is guessing this was done in late 1994. We assumed \$8.1 million of interest on the bonds and it worked out to be \$5.9 million, a \$2.2 million difference in interest. We are getting reimbursed under the old assumption. Ten years have gone by and now we have to make it up over the next 10 years when we will be reimbursed at the reduced interest of \$89,000. Even if we succeed in getting all ineligible made eligible by finding invoices, etc. we are still talking about a \$162,000 less reimbursement per year.

On a motion made by Gerken and seconded by Troup, the Board of Selectmen voted not to accept the audit report of the Massachusetts School Building Authority and appeal the decision. (Gerken – yes, Plante – yes, Troup – yes)

Ms. Madden will prepare a letter requesting a 60 business day extension along with a thank you for their time spent on this matter.

Post special town meeting (November 5, 2007) discussion: All the voters were thanked for supporting the town.

Public Safety Center Construction Committee: The Board of Selectmen recommended that we advertise for volunteers to serve on the Public Safety Center Construction Committee. In the meantime the Board of Selectmen will think about the number of members they would like to serve on the committee. The Committee should include the Police Chief and a representative of the fire and ambulance departments.

Middle school survey discussion: Mr. Plante recommended that a survey be prepared to mail out with the census to find out if a regional middle school solution needs to be investigated or not. He stated that until you have all your data you can not make a decision on the type of school space that is needed. Mr. Plante found a summary of news articles written by Susan Anker for the Florence Sawyer Committee members that covered 1994 – 1998. There is a cover article on the School District Committee that says in 10 years we will want to see a regional middle school solution. He is not for or against a middle school solution. Ms. Gerken stated she was involved with a survey sent out by the Long Range Planning. This survey was done solely by volunteers and did not involve any town employees or town funds. Ms. Gerken stated that what she heard from the past and present chairman of the school committee was that it was not on their radar screen. The Stow Board of Selectmen chairman stated that they were concentrating on building a K-5 school. The representative from Lancaster stated they were concentrating on paying for the middle school that was just built.

Ms. Gerken stated that she feels that the Florence Sawyer School complex functions as a K-8 educational program and is not divided into lower grades and middle school. Ms. Gerken encouraged Mr. Plante to talk with our school representatives to get their support before going to the other towns to do a survey. Mr. Troup volunteered to work with Mr. Plante to come up with an acceptable survey. Susan Miles, Assistant Town Clerk stated that a decision on whether the survey will be mailed with the census must be made in the next three weeks as they are preparing for the mailing.

On a motion made by Troup and seconded by Gerken, the Board of Selectmen voted to go into executive session under Massachusetts General Law, Chapter 39, Section 23B(3) at 9:55 p.m. to discuss contract negotiations with non union personnel. The Board will not reconvene to open session. (Roll Call: Gerken – yes, Plante – yes, Troup – yes)

Respectfully submitted, Linda L. Day