

BOARD OF SELECTMEN'S STATEMENT

At our June 19th, 2008 meeting, the Board of Selectmen was approached by Enterprise Rent-A-Car with a proposal to locate their regional headquarters at the Bolton Office Park (formerly Flatley Building – now owned by Condyne LLC.) A portion of their operation that would be conducted in Bolton would involve the wholesale distribution of used rental cars. No retail sales would take place – however Enterprise would be parking approximately 200 – 300 cars behind the office park in the existing parking area. There would be no change in the lighting of the parking area; however they would plan to erect a fence around the site.

If Enterprise relocates to our town, the estimated increase in town revenue, due to excise taxes, is predicted to be in the range of \$120,000 - \$150,000 annually. Our current zoning bylaws (Section 2.5.5.2 J.) prohibit the sale of new or used motor vehicles in town. This special town meeting is being called to ask the voters if they would be willing to amend our zoning bylaws to allow this operation to relocate into Bolton, thus adding much-needed revenue to our town. Both the Planning Board and the Board of Selectmen unanimously support this amendment to our zoning bylaws as we feel the negative impact of this operation is negligible, and the financial gain is significant enough to offset any minor inconvenience.

The other articles amend the Base Town Map, respond to a new law requiring the town to designate an officer to issue permits for trench excavation (thus insuring safety for both workers and the public), and adding a Table of Contents to the Personnel Bylaws, along with correcting a minor numbering issue.

Curtis Plante, Chairman
Kenneth F. Troup
Stanley Wysocki

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss
SPECIAL TOWN MEETING
Monday, July 14, 2008
Nashoba Regional High School Auditorium
7:00 p.m.**

To any of the Constables of the Town of Bolton, in the County aforesaid:

GREETINGS - In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Bolton aforesaid, qualified to vote in elections and town affairs, to meet at Nashoba Regional High School Auditorium in said Bolton, on the 14th day of July, 2008 at 7:00 p.m., then and there to act on the following articles:

Article 1: Amendment to Section 2.6, Definitions, Base Map, of the Town of Bolton Zoning Bylaws

To see if the Town will vote to amend the Base Town Map to delete therefrom the Water Resource Protection District as voted by Article 13 of the 2006 Annual Town Meeting, to include Oak Trail as voted by Article 12 of the 2008 Annual Town Meeting, and to amend Section 2.6 DEFINITIONS, as follows (deletions in *parenthesis and italics*) and additions are underlined):

Base Map – the Base Town Map and Zoning District Map shall be known and referred to in the Town of Bolton Zoning Bylaws as the “Base Map”. The Base Map is the map prepared by Ducharme & Dillis Civil Design Group, Inc, revised (*October 31, 2005*) July, 2008 and on file with the Town Clerk.

Or do or act relating thereto.

Sponsor: Planning Board

Summary: This article amends the Town’s Base Map by deleting the Water Resource Protection District as voted by Article 13 of the 2006 Annual Town Meeting, by adding Oak Trail as voted by Article 12 of the 2008 Annual Town Meeting, and also amends the revision date of the Town’s Base Map as described in Section 2.6 Definitions.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: To be made on Town Meeting floor

Planning Board Report with Recommendation: To be made on Town Meeting floor

Vote Required: 2/3 majority

Article 2: Amendment to Section 2.5.5.2 (j) Activity Regulations, of the Town of Bolton Zoning Bylaws

To see if the Town will vote to amend Section 2.5.5.2 (j) Activity Regulations, of the Town of Bolton Zoning Bylaws, as follows (deletions in *parenthesis and italics*) additions are underlined):

(j) Involve the sale of new or used motor vehicles(.,) with the exception of uses authorized by a Special Permit granted by the Planning Board for the sale of new or used motor vehicles by wholesale only in the Limited Business or Commercial Districts, and uses authorized by a Special Permit granted by the Board of Selectmen for the sale of used motor vehicles in the residential district, with a limit of no more than two (2) vehicles on a property at any one time.

Or do or act relating thereto.

Sponsor: Planning Board

Summary: Our current zoning bylaws prohibit the sale of new or used motor vehicles in town. This article amends the Activity Regulations Bylaw to permit the sales of new or used motor vehicles by wholesale only authorized by Special Permit granted by the Planning Board in the Limited Business and Commercial Zoning Districts only. This would allow Enterprise Rent-A-Car to locate their regional headquarters at the Bolton Office Park (formerly Flatley Building – now owned by Condyne LLC). Used car sales may be permitted in the residential district as authorized by Special Permit granted by the Board of Selectmen with the limit of no more than two (2) vehicles on a property at any one time.

Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: To be made on Town Meeting floor
Planning Board Report with Recommendation: To be made on Town Meeting floor
Vote Required: 2/3 majority

Article 3: Amendment to Section 2.3.4 Schedule of Uses, of the Town of Bolton Zoning Bylaws

To see if the Town will vote to amend Section 2.3.4 of the Town of Bolton Zoning Bylaws, by inserting a new use under Mercantile, as follows:

	Residential	Business	Limited Business	Commercial	Industrial	Limited Business Recreation
New and used car sales - wholesale only	No	No	SP	SP	No	No
Used car sales (limited to no more than 2 cars at a time)	SSP	No	No	No	No	No

Or do or act relating thereto.

Sponsor: Planning Board

Summary: This article incorporates the action taken in article 2 by amending the Schedule of Uses – a new use would be inserted under Mercantile which would allow the sale of new or used motor vehicles by wholesale only authorized by Special Permit granted by the Planning Board in the Limited Business and Commercial Zoning Districts only. Used car sales would be permitted in the residential district as authorized by Special Permit granted by the Board of Selectmen with the limit of no more than two (2) vehicles on a property at any one time.

Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: To be made on Town Meeting floor
Planning Board Report with Recommendation: To be made on Town Meeting floor
Vote Required: 2/3 majority

Article 4: Designation of an Official to Issue Trench Excavation Permits

To see if the Town will, pursuant to Massachusetts General Laws, Chapter 82A, Section 2, vote to designate the Board of Selectmen as the means by which the Town shall designate the Board or Officer to issue permits for the purpose of making a trench excavation, as set out in M.G.L. c. 82A, Section 4 and 520 CMR 14.00, and to perform any obligations pursuant to the terms of said statute and regulations; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: New excavation and trench safety regulations have been established to protect the safety of citizens from hazards associated with trenches and to provide for penalties for individuals who violate any provision of these regulations. 520 CMR 14.00 requires that each community take affirmative action during calendar year 2008 in order to comply with the January 1, 2009 enforcement date for these new regulations. The regulations require a permit to be obtained from the appropriately designated permitting authority prior to any trench excavation in any public way, public property, or privately owned land. The term “trench” is defined as an excavation which is narrow in relation to its length, made below the surface of the ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: To be made on Town Meeting floor
Vote Required: simple majority

Article 5: Amendment to the Personnel Bylaw – To Correct the Numbering

To see if the Town will vote to amend Section 1.14.2 Authorization of the Personnel Bylaw of the Town of Bolton as follows (deletions in *parenthesis and italics*) and additions are underlined:

1.14.(2)1 Authorization

Or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This will correct the numbering of the Personnel Bylaw approved at the May 5, 2008 Annual Town Meeting.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: To be made on Town Meeting Floor

Vote Required: simple majority

Article 6: Amendment to the Personnel Bylaw – Addition of Table of Contents

To see if the Town will vote to amend the Personnel Bylaw of the Town of Bolton by adding Section 1.14 Personnel Bylaw – Table of Contents as follows (additions are underlined):

1.14 PERSONNEL BYLAW TABLE OF CONTENTS

<u>1.14.1</u>	<u>Authorization.....</u>	<u>22</u>
<u>1.14.2</u>	<u>Administration of Personnel Bylaw.....</u>	<u>22</u>
<u>1.14.3</u>	<u>Equal Employment Opportunity.....</u>	<u>22</u>
<u>1.14.4</u>	<u>Sexual Harassment.....</u>	<u>22</u>
<u>1.14.5</u>	<u>Harassment.....</u>	<u>23</u>
<u>1.14.6</u>	<u>Alcohol and Drug Free Workplace Policy.....</u>	<u>23</u>
<u>1.14.7</u>	<u>At-Will Employment.....</u>	<u>23</u>
<u>1.14.8</u>	<u>Definition of Employee Categories.....</u>	<u>23</u>
	<u>a) BENEFITS-ELIGIBLE EMPLOYEE.....</u>	<u>23</u>
	<u>b) NON-BENEFITS- ELIGIBLE EMPLOYEE.....</u>	<u>24</u>
	<u>c) TEMPORARY EMPLOYEE.....</u>	<u>24</u>
	<u>d) SEASONAL EMPLOYEE.....</u>	<u>24</u>
	<u>e) EXEMPT EMPLOYEE.....</u>	<u>24</u>
	<u>f) NON-EXEMPT EMPLOYEE.....</u>	<u>24</u>
<u>1.14.9</u>	<u>Recruitment and Appointment Policy.....</u>	<u>24</u>
<u>1.14.10</u>	<u>Overtime/Compensatory Time.....</u>	<u>24</u>
<u>1.14.11</u>	<u>Interruption of Service.....</u>	<u>24</u>
<u>1.14.12</u>	<u>Fringe Benefits.....</u>	<u>25</u>
	<u>a) Vacation Time.....</u>	<u>25</u>
	<u>b) Sick Leave.....</u>	<u>26</u>

	<u>c) Personal Leave.....</u>	<u>26</u>
	<u>d) Bereavement Leave.....</u>	<u>27</u>
	<u>e) Holidays.....</u>	<u>27</u>
	<u>f) Jury Duty.....</u>	<u>27</u>
	<u>g) Military Leave.....</u>	<u>28</u>
	<u>h) Leave of Absence.....</u>	<u>28</u>
	<u>i) Longevity Pay.....</u>	<u>28</u>
	<u>j) Insurance Benefits.....</u>	<u>29</u>
	<u>k) Workers' Compensation/Injured on Duty.....</u>	<u>30</u>
	<u>l) Pension.....</u>	<u>30</u>
	<u>m) Educational Assistance.....</u>	<u>30</u>
	<u>n) Mileage Reimbursement.....</u>	<u>31</u>
<u>1.14.13</u>	<u>Personnel Records.....</u>	<u>31</u>
	<u>a) Contents of Records.....</u>	<u>31</u>
	<u>b) Confidentiality and Access to Records.....</u>	<u>32</u>
	<u>c) Location of Records.....</u>	<u>32</u>
	<u>d) Release of Information.....</u>	<u>32</u>
<u>1.14.14</u>	<u>Performance Reviews.....</u>	<u>32</u>
<u>1.14.15</u>	<u>Grievance Procedure.....</u>	<u>32</u>
<u>1.14.16</u>	<u>Rules and Regulations.....</u>	<u>32</u>
<u>1.14.17</u>	<u>Severability Clause.....</u>	<u>33</u>

Or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This article creates a Table of Contents for the recently amended Personnel Bylaw approved at the May 5, 2008 Annual Town Meeting.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: To be made on Town Meeting floor

Vote Required: simple majority

And you are directed to serve this warrant by posting up attested copies thereof at the Town Hall, at the Post Office, and at two other public places, fourteen days at least before the time for holding said meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid;

Given under our hands and seal, this 26th day of June in the year of our Lord, two thousand eight.

Curtis Plante, Chairman)	Selectmen
)	
Kenneth F. Troup)	of
)	
Stanley Wysocki)	Bolton

A true copy. Attest: _____ Constable of Bolton _____ Date

In obedience to the Warrant, I have notified and warned the said inhabitants of the Town of Bolton to meet at the time and place, by posting up attested copies of the same at the Town Hall, at the Post Office, and at two other public places, at least fourteen days before the date hereof.

Constable of Bolton: _____ Date: _____

**Board of Selectmen
Bolton, MA 01740**

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**SPECIAL TOWN MEETING
MONDAY, JULY 14, 2008
7:00 P.M.
NASHOBA REGIONAL HIGH SCHOOL AUDITORIUM**

******PLEASE BRING THIS WARRANT TO TOWN MEETING******