

**MINUTES OF
SPECIAL TOWN MEETING
Monday, November 14, 2005
Nashoba Regional High School Auditorium
7:00 p.m.**

The meeting was called to order by Moderator, James D. Anker, at 7:10 PM after exceeding the quorum of 75, (ultimately 532 voters were checked in). The warrant was duly returned by Constable Barbara Brown. Alice Roemer, Joyce Miller, Ronald Parente, Barbara Parente, Robert Johnson, Robert Busch, and Edward Sterling were sworn in as counters. Checkers were Cornelia Ochsenein and Pamela Sowizral.

Article 1: Unpaid Bill for Fiscal Year 2005

The Town voted, pursuant to Massachusetts General Laws, Chapter 44, Section 64, to transfer from available funds the sum of \$200 (Two hundred dollars) to pay an unpaid FY05 bill to Roger E. Wheeler & Sons, Inc.

Sponsor: Cemetery Committee

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 9/10 majority VOTE PASSED: Unanimous in favor

Article 2: Transfer of Funds

The Town voted to transfer \$32,000 (Thirty-two thousand dollars) from Account 141, Board of Assessors, Line Item 5101 - Salary to Account 141, Board of Assessors, Line Item - 5200 Purchase of Service.

Sponsor: Board of Assessors

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Article 3: Rezoning Two Parcels

The Town voted to change from Residential District to Limited Business District the land shown on a plan entitled the "Plan of Land in Bolton, Mass" prepared for Irene S. Slater, Long Hill Road, Bolton, MA by Thomas Land Surveyors, Inc., dated July 21, 1986, consisting of approximately 8 acres as Lots 4 and 5 and Parcels A and B on said plan; and land described in Worcester District Registry of Deeds Plan Book 5045, Page 45, all or a portion of which is shown on a plan of land entitled "Existing Conditions Plan" prepared for Skinner Inc., Main Street, Bolton, MA by Ducharme & Wheeler, Inc, dated July 27, 2001, consisting of approximately 17.89 acres; and to amend the Town Zoning Map (Base Map) to conform thereto.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Unanimously support

Planning Board Report: After discussion at a duly posted public hearing on October 26 and continued on November 9, the Board unanimously recommended approval of the article.

Vote Required: 2/3 majority VOTE PASSED: Unanimous in favor

Article 4: Amend the Base Town Map

The Town voted to amend the Zoning Bylaws, Section 2.6 Definitions – Base Map so that the last sentence of the paragraph reads as follows: The Base Map is the map prepared by Ducharme and Dillis Civil Design Group, Inc., revised October 31, 2005 and on file with the Town Clerk.

Sponsor: Planning Board

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Planning Board Report: The Board unanimously recommended approval of the article. The base map will reflect the zoning changes and the newly accepted roads.

Vote Required: 2/3 majority VOTE PASSED: Unanimous in favor

Article 5: Creation of an Affordable Housing Trust Fund

The Town voted, pursuant to Massachusetts General Laws, Chapter 44, Section 55C, to create the Bolton Affordable Housing Trust Fund for the purposes of providing for the creation and preservation of affordable housing in Bolton for the benefit of low and moderate income households and to establish a Board of Trustees of at least six (6) members, three (3) to be the members of the Board of Selectmen, the remaining Trustees to be appointed by the Board of Selectmen, the non-Selectmen Trustees to serve for a term of two (2) years, so arranged that the term of at least one (1) non-Selectmen Trustee shall expire each year. Monies paid into the Trust need not be appropriated, accepted, or approved by Town meeting and may be expended without Town Meeting appropriation. The Town Treasurer shall be the custodian of all trust funds; the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices of municipalities.

The powers of the Board of Trustees (the Board), all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws, Chapter 44, Section 55C, shall be the following, except that the purchase, sale, lease, exchange, transfer or conveyance of any interest in real property shall be subject to the approval of the Board of Selectmen, and except that the incurring of any debt, borrowing of money, granting of mortgage or the pledging of trust assets as security for a loan shall be subject to the approval of Town Meeting by a two-thirds majority vote:

(1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of any zoning ordinance or bylaw or any other ordinance or bylaw;

(2) to purchase and retain real or personal property;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust

property as the Board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

(7) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization Committee, and to delegate to such Committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such Committee as the Board may deem necessary and appropriate;

(10) to carry property for accounting purposes using other than acquisition date values to reflect market value;

(11) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral for a loan; subject to 2/3 vote at Town Meeting.

(12) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;

(13) to manage or improve real property; to sell or transfer any property which the Board determined not to be worth retaining;

(14) to hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and

(15) to extend the time for payment of any obligation to the Trust.

As set forth in the statute:

(1) The Trust is a public employer and the members of the board are public employees for purposes of Chapter 268A.

(2) The Trust shall be deemed a municipal agency and the trustee's special municipal employees, for purposes of Chapter 268A.

(3) The Trust is exempt from Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereof.

(4) The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(5) The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of Chapter 39.

(6) The Trust is a Board of the Town for purposes of Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.

And further to authorize the Board of Selectmen to promulgate procedures for the Trust and take all actions necessary to accomplish the purpose of this article.

Sponsor: Affordable Housing Partnership

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Majority in favor

Article 6: Funding for Municipal Affordable Housing Trust Fund

The Town voted to transfer the sum of \$24,405.53 (Twenty-four thousand four hundred five dollars and fifty-three cents) from Article 8 of the November 18, 2002 Special Town Meeting to the Municipal Affordable Housing Trust Fund.

Sponsor: Affordable Housing Partnership

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved contingent upon approval of Article 5

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Article 7: Local Emergency Planning Grant

The Town voted to transfer from available funds the sum of \$12,000 (Twelve thousand dollars) to support local homeland security efforts, said funds to be expended to purchase Chemical, Biological, Radiological, and Nuclear self-contained breathing apparatus and retro-fit kits for the Fire Department, and for National Incident Management System (NIMS) comprehensive compliance training subject to reimbursement by a grant from the Executive Office of Public Safety Homeland Security Division.

Sponsor: Police Department

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Majority in favor

Article 8: Insurance Recovery Fund Transfer

The Town voted to transfer from the Insurance Recovery Fund, the amount of \$21,766.54 (Twenty-one thousand seven hundred sixty-six dollars and fifty-four cents) to the general fund.

Sponsor: Town Accountant

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Article 9: Debt Service Transfer

The Town voted to transfer from line item 01-751-5920 Debt Service Interest, the amount of \$45,000 (Forty-five thousand dollars) to line item 01-710-5910 Debt Service Principal.

Sponsor: Town Treasurer

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Article 10: Ambulance Receipt Reserve Transfer

The Town voted to transfer from the Ambulance Receipt Reserve Account to line item 01-231-5200, Ambulance Purchase of Services, the sum of \$9,500 (Nine thousand five hundred dollars) to pay for Advanced Life Support services that are provided to patients of the Bolton Ambulance Service.

Sponsor: Ambulance Service

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Article 11: Library Expansion

To see if the Town will vote to appropriate the sum of \$7,029,532 (Seven million twenty-nine thousand five hundred thirty-two dollars) for the use of the Bolton Public Library for expansion, construction, renovation, furnishing, and equipping of an addition to the Library and any associated costs, including design services, and for remodeling and renovating space within the existing building; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized, pursuant to Massachusetts General Laws, Chapter 44, Section 7(3A) or any other authority, to

borrow up to \$4,291,626 (Four million two hundred ninety-one thousand six hundred twenty-six dollars) and to issue bonds and notes of the Town, including the principal and interest on the borrowing authorized by this vote; contingent on the Town voting to exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½), therefore payable in accordance with said Chapter 44; and that the Library Board of Trustees be authorized to expend the monies so appropriated for the foregoing purposes, to contract for and expend any State or Federal aid available for the project, and to take all action necessary to carry out this project.

Sponsor: Library Board of Trustees

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Disapproved

Vote Required: 2/3 majority VOTE FAILED: YES 266, NO 238

Article 12: Acquire Taggart Property

To see if the Town will vote to appropriate the sum of \$1,500,000 (One million five hundred thousand dollars) and, pursuant to Massachusetts General Laws, Chapter 40, Section 14 authorize the Board of Selectmen to purchase for municipal purposes, by quitclaim deed, a good and marketable title to the property, owned by the Paulett L. Taggart Jr. Bolton Nominee Trust, consisting of forty-three (43) acres more or less of land shown as Parcel 14 on Bolton Assessors Map 5A, which property is recorded in a deed at the Worcester County Registry of Deeds at Book 20830, Page 190; and further, the Town of Bolton and the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of Bolton to effect said purchase; and, to meet that appropriation, transfer from available funds the sum of \$50,000 (Fifty thousand dollars), and the Treasurer be authorized, with the approval of the Board of Selectmen, to borrow up to \$1,450,000 (One million four hundred fifty thousand dollars) pursuant to Massachusetts General Laws, Chapter 44, Section 7(3), or any other authority, contingent on the Town voting to exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½), amounts required to pay the principal of, and interest on, the borrowing authorized by this vote.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 majority VOTE FAILED: YES 293, NO 155

Article 13: Acquire Smith Property

To see if the Town will vote to appropriate the sum of \$1,600,000 (One million six hundred thousand dollars) and, pursuant to Massachusetts General Laws, Chapter 40, Section 14 authorize the Board of Selectmen to purchase, by quitclaim deed for municipal purposes, a good and marketable title to the property, known as the Smith Motors property, owned by J. L. Smith Trust, consisting of approximately 8.37 acres of land, and shown as Parcel 3 on Bolton Assessors Map 1, and recorded in deed at the Worcester County Registry of Deeds as Book 11768, Page 348, Parcel 42 on the Bolton Assessors Map 1, and recorded in deed at the Worcester County Registry of Deeds at Book 13708, Page 179, and Parcel 41 on Bolton Assessors Map 1, and recorded in deed

at the Worcester County Registry of Deeds as Book 6947, Page 345, and to meet that appropriation, the Treasurer be authorized, with the approval of the Board of Selectmen, to borrow up to \$1,600,000 (One million six hundred thousand dollars) pursuant to Massachusetts General Laws, Chapter 44, Section 7(3), or any other authority, contingent on the Town voting to exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2½), amounts required to pay the principal of, and interest on, the borrowing authorized by this vote; and that conveyance not occur until the clean up of the property has been completed and the owner has demonstrated that the property has been closed with a Class A-2 Response Action Outcome Statement certified by a Licensed Site Professional, in compliance with The Massachusetts Contingency Plan and Department of Environmental Protection Regulations.; and that the Board of Selectmen be authorized to advance to the sellers the sum of \$300,000 (Three hundred thousand dollars) as a refundable deposit to be used for clean up of the property; and that the selectmen be authorized to sell, move, or demolish, in accordance with the Zoning Bylaws of the Town of Bolton, Section 1.17 Demolition Delay bylaw, any buildings on said properties.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Disapproved

Vote Required: 2/3 majority VOTE FAILED: Majority opposed

Article 14: Election

The Town voted to meet at the Town Hall in said Bolton on November 21, 2005 between the hours of 12 noon and 8:00 p.m. to vote on the following questions.

Question No. 1: Shall the Town of Bolton be allowed to exempt from the provisions of proposition two and one-half so called, the amounts required to pay for the bond issues in order to expand the Library? Yes ___ No ___

Question No. 2: Shall the Town of Bolton be allowed to exempt from the provisions of proposition two and one-half so called, the amounts required to pay for the bond issues in order to acquire the Taggart property? Yes ___ No ___

Question No. 3: Shall the Town of Bolton be allowed to exempt from the provisions of proposition two and one-half so called, the amounts required to pay for the bond issues in order to acquire the Smith Motors property? Yes ___ No ___

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority VOTE PASSED: Unanimous in favor

Meeting adjourned: 10:01 PM