

BOARD OF SELECTMEN'S STATEMENT

This is going to be a difficult year financially, but this warrant provides your town government with the tools it needs to get through the year and look to the future. The operating budget for FY2011 is essentially flat. Departments and committees did an excellent job of heeding the austerity guidance from Town Administrator Don Lowe. The school district helped out by holding its overall assessment to the three towns flat compared with last year. Because of the five year rolling average of population that is used to determine each town's assessment, Bolton's was up slightly, but we were able to hold the total town budget increase to 1.7%. Included in this modest increase was full-year funding of the new positions at the renovated library and other expenses related to operation of the improved technology that will be used at both the library and the public safety building. We are proud of the accomplishments of both construction committees completing their projects in 2010. They have provided facilities that will serve the town for many years to come.

The Advisory Committee has again done an excellent job in working with everyone and in bringing to the town meeting a budget and spending plans the town can afford. We commend their efforts.

Although there are no major new capital projects, we have included several spending articles, for example a much needed highway truck, and the second phase of the Emerson well project that began last year. DEP has approved the design that will be implemented this year. The borrowing articles in the warrant, as well as two articles related to automation of bylaws and development plans submitted to the town, will allow town employees to continue to do their jobs in an efficient manner and improve the services that we provide with little increase in costs.

We thank Bolton's voters for their continued support.

Kenneth F. Troup, Chairman
Stanley Wysocki
Curtis Plante

ADVISORY COMMITTEE'S STATEMENT

The Town's fiscal 2011 budget is the product of a great deal of work by many people. These include the department heads, who developed the original projections, and the Town Administrator, Accountant and Secretary, who combined these projections into a coherent whole. The department heads cooperated with a request from town leaders that they prepare level-services budgets. The volunteer boards and committees who oversee many of the Town's operations also made important contributions to the budgeting process. The Advisory Committee reviewed all of the material and implemented spending revisions that it believed would optimize the allocation of the Town's limited resources. The selectmen provided a last review and confirmed the budget figures which are being presented to the Annual Town Meeting. The Town is fortunate in having an unusually capable group of professional public servants and a large number of board and committee volunteers who spend many evenings overseeing the Town's governmental activities.

Revenues to the Town from property taxes are expected to rise by +3.0% in fiscal 2011. The sources of this increase are +2.2% allowed by Proposition 2½ before taking account of debt exclusions, +0.8% from additional value added to the tax base from new building and home improvement activity (often referred to as "new growth") and essentially no change from debt service payments that have been excluded by the Town's voters from Proposition 2½ limits. The leveling off in taxes from Proposition 2 1/2-excluded debt results from some of the Town's earlier borrowings being paid down about as fast as fresh debt service is being added for the new Library and Public Safety buildings.

Education is the Town's largest area of expenditure, exceeding \$11 million this coming year, or 59.7% of the entire operating budget. The percentage is 64.5% if Bolton's debt service related to the Schools is included. The overall Nashoba Regional School System budget is essentially unchanged for fiscal 2011 relative to fiscal 2010. We think that this demonstrates a praiseworthy response to the difficult economic environment on the part of the Nashoba schools' administration and School Committee, especially in light of contract requirements for higher salaries and rising health insurance and retirement benefit costs. In spite of the constraints, we believe the Nashoba system has put together a budget that ensures a high quality education for all its students. Because of a percentage-of-pupils-in-the-system moving average formula, Bolton's share of the Nashoba budget is up +1.0%. Our spending for vocational education, through the Minuteman School, will decline by -22.8%, from \$352,037 to \$271,942, due to a reduced number of Bolton students in the Minuteman program. Bolton's overall spending on education will be up +0.3% in fiscal 2011 from the current fiscal year's budgeted amount.

Public Safety (primarily Police, Fire, Dispatch and Ambulance) is the Town's next largest area of operating expenditure at \$1.6 million, or 8.7% of the overall budget. Expenses in this area are projected to be up +1.8% in the coming fiscal year. Most of this increase comes from an adjustment to the budget for payments to "call" firefighters, which were under-budgeted in fiscal 2010.

Public Works at \$1.3 million, or 7.0% of the budget, is the third largest area of Town operating expenditure. Expenses in this sector are anticipated to advance +0.9% in fiscal 2011. The primary reason for the slightly higher costs is a contractually required 3% pay increase for unionized employees in the department.

General Government expenditures are targeted at \$1.1 million, or 5.8% of the total operating budget. These are set to rise by +5.2% in fiscal 2011. They include higher building maintenance expenses related to the new Public Safety and Library buildings. Also, election expenses will be up due to the biennial mid-term elections this year for Congressional and State offices.

Of special note, the Library's operating budget, at \$384,596, is up +28.1% from the previous fiscal year. This reflects the fact that the new Library will be open for all of fiscal 2011, compared with approximately one-half of fiscal 2010. Because the new Library is larger than its predecessor, it has higher personnel, utility and maintenance costs. The percentage increase in the Library's operating budget, relative to what it was before the new building was constructed, is slightly less than what was estimated when the Library proposal was presented at Town Meeting in 2006. Now that the new building is open and functioning, the Library budget should level off in coming years.

In other areas of interest, the Town's health insurance bill is expected to rise by +18.1% to \$387,000. Also, the Town's contribution to the Worcester Regional Retirement System will rise by +16.7% to \$280,139. Given the poor performance of the financial markets during the past several years, it is likely that the Town will have to make even larger contributions to the Retirement System for the foreseeable future in order to make up substantial shortfalls from the System's unrealistic 8.5% investment return/actuarial assumption. Increases of this year's magnitude in health care and retirement plan costs are unsustainable and will lead to some combination of reductions in Town governmental activities and significantly higher property taxes if they persist.

The budget for fiscal 2011 also includes a 1% cost of living adjustment (COLA) for most Town employees. While the Town is not obligated to provide an annual increase of this type, except for certain unionized workers, the size of this increase is affordable under our budget guidelines, and it is an appropriate recognition of the contributions our employees make to the Town.

Debt service in fiscal 2011 is projected at \$2.2 million, or 11.8% of the overall budget. This is a 0.3% increase from the current year. We are paying down some of our older debt, and incremental debt service for the new Library and Public Safety Center in fiscal 2011 will be moderate. Most of the increase in debt service for the two new buildings occurred in fiscal 2009 and 2010.

In addition to the basic budget, the Town Meeting warrant contains seven articles that, if passed, will involve spending from the Town's "free cash" reserves, or require borrowing. To be paid from current reserves is a \$175,000 addition to the Stabilization Fund and \$6,550 to initiate a computerized permit tracking system. To be paid over time with borrowings are \$40,000 for new defibrillators for the Public Safety departments; \$50,000 for a new one-ton truck for the Department of Public Works; \$73,000 (of which \$49,119 will be fresh borrowing and \$23,881 will be from existing borrowed funds) to connect the Emerson School to the Florence Sawyer School's public water supply (last year's Town Meeting approved \$25,000 for this purpose); \$10,000 for Bolton's share in the development of a regional hazardous waste site; and \$35,000 to augment the Public Safety Building construction budget.

The Town's overall operating budget is set at \$18,983,007 for fiscal 2011. After adjusting for the articles using "free cash" discussed in the paragraph above, for snow and ice removal overages and for variations in State and County fees, (but excluding the addition to the Stabilization Fund) the total would be \$19,099,090. This is a +1.5% rise from last year. Over the most recent 12 months, the Consumer Price Index is up +2.1%. In real terms, Town government spending is projected to decline slightly in fiscal 2011. We believe this is an appropriate response to the current difficult economic situation.

Dave Lindsay, Chairman
Burt Shnitzler
Bob Czekanski
Randy Dinjian
Connie Benjamin
Terry Abdalian

COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss

ANNUAL TOWN MEETING
Monday, May 3, 2010
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 3rd day of May, 2010 at 7:00 p.m., then and there to act on the following articles:

Article 1: Fiscal Year 2010 Budget Transfer

To see if the Town will vote to transfer the following sum, as indicated; or do or act relating thereto.

\$62,525 From Debt Service Principal to Debt Service Interest

Sponsor: Board of Selectmen

Summary: This transfer is necessary to pay debt service interest on the public safety center bonding.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 2: Fiscal Year 2010 Transfer for the Reorganization of the Town Bylaws

To see if the Town will vote to transfer from the Board of Selectmen's FY10 budget, line item 122-5200 Purchase of Service, the amount of \$1,000 (One thousand dollars) and line item 122-5301 Engineering Services, the amount of \$7,000 (Seven thousand dollars) for a total of \$8,000, to the Town Clerk's FY10 budget, line item 161-5200 Purchase of Services, for the purpose of providing professional services for the reorganization, review and analysis of the Town bylaws; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This article seeks town meeting approval to use professional services to reorganize or revitalize the Town's existing bylaws. The current bylaws, which govern the town, have evolved into an unwieldy and confusing document over the years. This is a 1½ - 2 year multi-step process by which the Town's Bylaws are reorganized, renumbered and structured for ease of use without changing their integrity. Included in the process is an analytical review of each bylaw with the date of adoption and complete history of amendments added. The finished document organizes bylaws to make search and retrieval faster for Town employees and the public and is designed with room for growth. Besides hard copy binders, the Town is supplied with a web-based, searchable electronic version and CD's.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 3: Accept Annual Reports

To see if the Town will vote to accept the reports of the Board of Selectmen and Advisory Committee, or any other Town officers, boards, or committees for the calendar year 2009; or do or act relating thereto.

Sponsor: Board of Selectmen

Note: Copies of the Annual Reports are available at the Town Hall, Library and on our website at www.townofbolton.com.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 4: Fiscal Year 2011 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$18,983,007 (Eighteen million nine hundred eighty three thousand and seven dollars) or any other amount, as set forth in the budget for the purposes of operating and maintaining the various departments of the Town, and to meet such appropriation:

- a. The sum of \$70,000 (Seventy thousand dollars) from the Cell Tower Fund;
- b. The sum of \$120,000 (One hundred twenty thousand dollars) from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$150,000 (One hundred fifty thousand dollars) from the Overlay Reserve Account;
- d. The sum of \$291,083 (Two hundred ninety one thousand and eighty-three dollars) or any other amount, to be transferred from Free Cash;
- e. The sum of \$18,351,924 (Eighteen million three hundred fifty one thousand, nine hundred twenty-four dollars) to be raised by taxation; or do or act relating thereto.

Sponsor: Board of Selectmen

Board of Selectmen Recommendation: Approved (2 to 1)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 5: Implementation of a Permanent Regional Household Hazardous Waste Facility

To see if the Town will vote to appropriate the sum of \$10,000 (Ten thousand dollars) to cover Bolton's share of the capital costs associated with implementing a permanent regional household hazardous waste facility; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized, pursuant to Massachusetts General Laws, Chapter 44, Section 7, or any other authority, to borrow up to that amount and to issue bonds or notes of the Town; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C(k) (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote; and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: Generally the Town of Bolton holds a Household Hazardous Waste Collection Day for residents once every two to three years. These events cost the Town of Bolton an average of \$18,000. This article will fund Bolton's portion of a permanent regional collection facility that will be set up in Devens, MA. This facility will be open to region members approximately twenty days per year. The article was considered and passed at the town

meeting last year but did not pass the ballot election. Since then, the hazardous waste collaborative has received approval from eight towns. If Bolton and one other town approve, the facility will be completed and open in September 2010. Residents who use the facility to dispose of hazardous materials will be required to pay a fee for disposal. The Town will also be required to pay an annual operating contribution not to exceed \$2,000. The proposed borrowing for this article will not be approved nor will any operating costs be expended unless the debt exclusion is approved at the town election. No capital or operating funds will be expended if the facility does not open as planned.

Board of Selectmen Recommendation: Approved (2 to 1)

Advisory Committee Recommendation: Approved (5 to 1)

Vote Required: 2/3 Majority

Article 6: Purchase of Web-based Municipal Software

To see if the Town will vote to transfer from available funds the sum of \$6,500 (Six thousand five hundred dollars) to purchase web-based municipal software to be used by town departments to improve efficiency and streamline processes. This amount will fund employee training, system configuration, data conversion and software; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This article seeks town meeting approval of \$6,500 to purchase web-based municipal software to be used by town departments. The amount of \$6,500 will cover the first year costs for software, employee training, system installation and configuration, data conversion (the integration of the assessor's parcel data into the system). This software program will allow the town to provide online permit applications. This system will provide information sharing both internally and with the public. In addition, it will help with storage issues and provide information disaster recovery.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 7: Establishment of a Revolving Fund for Web-based Municipal Software Services

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, authorizing the Town Administrator to establish a Revolving Fund into which funds generated from a technology fee surcharge on permit fees of no more than 7.5% shall be deposited with an annual cap of \$20,000 (Twenty thousand dollars). The Revolving Fund shall be accounted for separately from all other monies in the town and shall only be used for such permit fee surcharges and the revolving fund shall be specifically used for the purpose of funding on-going fees for web-based municipal software and digitization of plans. The Town Administrator shall be authorized to expend from the fund; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: As an on-going funding mechanism for maintenance and operations of web-based municipal software from the previous article, this article seeks town meeting approval to authorize the establishment of a Revolving Fund which will be funded by a 7.5% technology fee surcharge applied to permits issued to fund web-based municipal software which will be used by town departments. Monies from the Revolving Fund may be used by the Town Administrator for web-based municipal software maintenance, digitization of plans and expansion of the software technology by adding additional modules and hand held devices such as netbooks in the field.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 8: Transfer of \$175,000 to the Stabilization Fund

To see if the Town will vote to transfer the sum of \$175,000 (One hundred seventy five thousand dollars) from available funds to the Stabilization Fund; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: At the May 2009 town meeting, \$175,000 was transferred from the Stabilization Fund to available funds ("Free Cash") in order to compensate for a non-recurring addition to the Assessors Overlay Account. The addition was for the purpose of covering possible costs to the town related to tax court suits involving telecommunications companies. The suits have been largely resolved, and there is no need for another such addition to the Overlay Account in fiscal 2011. This frees up \$175,000 of available funds which may now be added back to the Stabilization Fund, restoring it to its previous level.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 9: Transfer of Funds for Master Plan Enhancements

To see if the Town will vote to appropriate the sum of \$7,067.84 (Seven thousand sixty-seven dollars and eighty-four cents) to continue the efforts identified in the Master Plan that will include the hiring of a consultant to assist in the creation of design guidelines and possible zoning changes and that to meet such appropriation, the sum of \$7,067.84 be transferred from the unexpended funds allocated for funding the hiring of a consultant to create a Master Plan as approved by Article 4 of the November 15, 2004 Special Town Meeting; or do or act relating thereto.

Sponsor: Planning Board

Summary: This article seeks town meeting approval to expend the balance of the previously approved project authorized at the Special Town Meeting on November 15, 2004. The balance of the unexpended funds in Article 4 is \$7,067.84. The Master Plan has been completed and a portion of the remaining funds are needed to investigate design guidelines and zoning changes.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 10: Granting of Liquor License

To see if the Town will vote to authorize the Board of Selectmen to file Home Rule Legislation that would authorize the Town of Bolton to issue a license pursuant to Massachusetts General Laws, Chapter 138, Section 12 for the sale of all alcoholic beverages to be drunk on the premises at 92 - 100 Wattaquaddock Hill Road in Bolton, which is owned by NVW, Ltd. and operated by Nashoba Valley Spirits, Ltd. d/b/a Nashoba Valley Winery and J's Restaurant at Nashoba Valley Winery and that the legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

HOME RULE LEGISLATION AUTHORIZING THE TOWN OF BOLTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF A CERTAIN RESTAURANT

“An Act Authorizing the Town of Bolton to Grant A License for the Sale of All Alcoholic Beverages to be Drunk on the Premises of a Certain Restaurant

Section 1. Notwithstanding section 11 of Chapter 138 of the General Laws, or any vote cast in the town of Bolton pursuant to Chapter 386 of the acts of 1986, or any vote cast in the town of Bolton pursuant to Chapter 706 of the acts of 1967, or any vote cast in the town of Bolton pursuant to Chapter 146 of the acts of 1996, or any other special act or general law to the contrary, the licensing authority for the town of Bolton may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of chapter 138 for the premises located at 92-100 Wattaquaddock Hill Road owned by NVW, Ltd. and operated by Nashoba Valley Spirits, Ltd. d/b/a Nashoba Valley Winery and J's Restaurant at Nashoba Valley Winery. The license shall not be transferable off the premises. If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Bolton. The licensing authority may then grant the license to a new applicant at the same location subject to all of the procedures set forth under Section 15A of Chapter 138.

Section 2. The license shall be subject to all of said chapter 138 except said section 11.

Section 3. This act shall take effect upon its passage.”

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Although by its population, Bolton could grant additional liquor licenses, votes taken in Bolton during the late 1960s require that additional full liquor licenses can only be granted following home rule legislation. The business owner of the Nashoba Valley Winery and J's Restaurant at Nashoba Valley Winery would like to have a full license for the premises located at 92-100 Wattaquaddock Hill Road by NVW, Ltd. and operated by Nashoba Valley Spirits, Ltd. d/b/a Nashoba Valley Winery.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 11: Cell Tower Easement

To see if the Town will vote to authorize the Board of Selectmen to grant to Verizon New England Inc., and National Grid a permanent and non-exclusive 10' wide easement over the town property located at Forbush Mill Road near the transfer station as shown on Assessor's Map 5A-19 for the purpose of accessing, constructing, reconstructing, repairing, operating and maintaining a line of poles for the transmission of high and low voltage electricity and the transmission of intelligence together with all conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto, as described in easement documents to be recorded at the Worcester South District Registry of Deeds the exact location of which, shall be subject to the approval of the Board of Selectmen; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The town leased a site adjacent to the transfer station to Verizon Wireless that is building a cell tower to serve the west portion of Bolton. The easement required to get to the site from the transfer station and for obtaining electricity needs town meeting approval.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 12: Pole Easement for the Library Project

To see if the Town will vote to authorize the Board of Selectmen to grant to National Grid a permanent and non-exclusive easement over town property located at 738 Main Street as shown on Assessors Map 1-40 for the purpose of accessing, installing, constructing, reconstructing, repairing, replacing, operating and maintaining a telephone pole at the Public Library together with all conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto, to facilitate the transmission and/or distribution of electricity and the transmission and/or distribution of telecommunications in the Town of Bolton, as described in easement documents to be recorded at the Worcester South District Registry of Deeds the exact location of which, shall be subject to the approval of the Board of Selectmen; or do or act relating thereto.

Sponsor: Library Trustees

Summary: A utility pole needed to be added on the site of the renovated library. Since the pole is not on a public way, an easement is required and that easement needs town meeting approval.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 13: Propane Easement for the Library Project

To see if the Town will vote to authorize the Board of Selectmen to grant to Osterman Propane an easement for ingress and egress over town property located at 738 Main Street as shown on Assessors Map 1-40 for the purpose of installing, maintaining, servicing, repairing, reinstalling or removing a propane tank, regulators, piping and other materials at the Public Library, as described in easement documents to be recorded at the Worcester South District Registry of Deeds, the exact location of which, shall be subject to the approval of the Library Trustees; or do or act relating thereto.

Sponsor: Library Trustees

Summary: A propane tank was installed on the site of the new/renovated library. An easement is required by the propane company which allows them to access and service the propane tank.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 14: Easement for National Grid for the Public Safety Center Project

To see if the Town will vote to authorize the Board of Selectmen to grant to National Grid a permanent and non-exclusive easement over town property located at 15 Wattaquodock Hill Road as shown on Assessors Map 4C-13 for the purpose of accessing, constructing, reconstructing, repairing, replacing, operating and maintaining an overhead system and an underground system for the transmission of high and low voltage electric current and for the transmission of intelligence to the Public Safety Building together with all conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto, as described in easement documents to be recorded at the Worcester South District Registry of Deeds the exact location of which, shall be subject to the approval of the Board of Selectmen; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The underground electricity transmission system for the new public safety building requires an easement so that National Grid can maintain the utilities.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 15: Release of Interest - Old County Road Layout

To see if the Town will vote to authorize the Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 40, Section 15, to release and abandon any and all right title and interest that the Town of Bolton may have in that portion of the Old County Road Layout at or near Still River Road, as shown on a plan of land entitled “Plan of Land, Bolton, Massachusetts” recorded with the Worcester South District Registry of Deeds on October 14, 2004 in Plan Book 816, Plan 80, a copy of which is on file in the Office of the Town Clerk; and further to authorize the Board of Selectmen to convey all of the Town’s right title and interest in said portion of the way upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town, or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This release applies to land on or abutting private residences on Still River Road where that road was rerouted back in the 1930s. By releasing its interest, the town is allowing the land to legally become part of the residential lots.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 16: Funding of Oil Tank Cleanup

To see if the Town will vote to appropriate by transfer the sum of \$52,416 (Fifty two thousand four-hundred sixteen dollars) to reimburse the Public Safety Building Project for funds that were spent on the cost of engineering and soil removal due to a leak from an underground fuel oil tank, and that to meet said appropriation, \$40,000 (Forty thousand dollars) be transferred from unexpended funds from Library Building Project, as previously appropriated by Article 11 of the May 1, 2006 Annual Town Meeting, and \$12,416 (Twelve thousand four hundred sixteen dollars) be transferred from unexpended funds from the Force Main Project, as previously appropriated by Article 15 of the May 5, 2008 Annual Town Meeting; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The oil leak was detected when a 1960s-era tank was being removed as part of the project. Testing of the soils in the area and all surrounding water supply wells found that the leak was confined to the soils immediately around and below the oil tank. That soil was successfully removed. The expenses associated with testing and soil removal were not budgeted by the Public Safety Building project, so that project needs the funds to complete its work. The funds from the Library project were set aside for septic work and unexpended and the Force Main project was completed with funds remaining.

Board of Selectmen Recommendation: Approved (2 in favor, 1 abstained)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 17: Funding for Oil Leak Reporting, Well Monitoring, and Testing

To see if the Town will vote to transfer from the Stabilization Fund the sum of \$45,000 (Forty-five thousand dollars) to fund one-time unforeseen costs of completing the reporting, well monitoring, and testing associated with the oil leak at the new public safety building, or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: As noted in Article 16, the contaminated soil from the oil leak at the existing tank at the public safety building was successfully removed. The Massachusetts Department of Environmental Protection (DEP)

requires one year of additional testing and well monitoring to assure that there is no further contamination. Up to this point, all tests have been negative. These are one-time expenses that were not anticipated or budgeted. If the article is approved, the balance in the Stabilization Fund will be \$956,624.68.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 18: Additional \$35,000 to Offset Unforeseen Costs for the Public Safety Building

To see if the Town will vote to appropriate the sum of \$35,000 (Thirty five thousand dollars) to offset some of the unforeseen costs needed to complete the Bolton Public Safety Center; and that to meet said capital appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized, pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to that amount; the principal, interest, and associated costs on the borrowing; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The Bolton Public Safety Center is scheduled to be completed by mid-June 2010. To assure that the project is completed without cutting back on landscaping needed near the several abutting residences and without giving up needed equipment and furnishings for the Center, the selectmen are proposing additional funding of \$35,000 to comfortably finish the project. Items to be completed include a DEP-approved diesel oil fuel tank and its concrete pad to be used for fueling fire trucks and the ambulance. Because the public safety building project has already had a debt exclusion override approved, only a town meeting vote is needed to appropriate these funds.

Board of Selectmen Recommendation: Approved (2 in favor, 1 abstained)

Advisory Committee Recommendation: Approved (4 to 1) (if anticipated grant money is not received)

Vote Required: 2/3 Majority

Article 19: Purchase of New One-Ton Minimum 16,000GVW Truck for the Department of Public Works

To see if the Town will vote to raise and appropriate the sum of \$50,000 (Fifty thousand dollars) to fund the purchase of a new one-ton truck for the Department of Public Works and all costs incidental or related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to that amount and to issue bonds or notes of the Town; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C(k) (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote; and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The DPW uses one-ton trucks for highways and grounds work during the year and for lighter-duty plowing during the winter. Based on its analysis of the truck inventory, the DPW determined that it needs a new one-ton this year. The Capital Planning Committee approved the proposed purchase, which will not be made unless the debt exclusion override vote is affirmative.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 20: Grant for Redesign and Reconstruction of Route 117 (\$500,000)

To see if the Town will vote to appropriate the sum of \$500,000 (Five hundred thousand dollars) to fund the redesign and reconstruction of Route 117 from the Lancaster town line to Route 495; and for the payment of all other costs incidental and related thereto – contingent upon a Small Town Road Assistance Program (STRAP) grant being awarded to the Town of Bolton, and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(6), or any other authority, to borrow up to that amount and to issue bonds or notes of the Town; and to authorize the Selectmen to apply to the Massachusetts Executive Office of Transportation for grant funding under the Small Town Road Assistance Program (STRAP); or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The town is applying for a grant to redesign and reconstruct Route 117 west of Route 495. Provisions of the grant require the town to spend the money before being reimbursed with grant funds. Therefore, the town proposes to borrow the money if the grant is awarded and repay the debt after reimbursement. If the grant is not awarded, there is no expense by the town.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 21: Well for Emerson School

To see if the town will vote to appropriate the sum of \$73,000 (Seventy-three thousand dollars) for the construction of a new water line to serve the Emerson School from the Florence Sawyer School public water supply well, including engineering and construction expenses, and any other associated costs; and that to meet this appropriation, \$23,881.19 (Twenty-three thousand eight hundred eighty-one dollars and 19 cents) shall be transferred from unexpended proceeds of the town's Sewer Bonds dated June 15, 2007, which bonds were issued for the construction of a wastewater treatment plant pursuant to the vote of the town passed May 1, 2006 (Article 8), and that the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 8(5), or any other authority, to borrow the remaining amount and to issue bonds or notes of the Town; and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes and to take any other action necessary or convenient to carry out this project; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The May 2009 town meeting approved \$25,000 for the first phase of the project to serve both the Emerson School and the Florence Sawyer School with the Florence Sawyer School well, as required by a DEP audit. DEP has approved the project and established a deadline for completion of September 1, 2011. The design has been completed and the amounts needed for construction are funded by this article. The May 2009 election approved a debt exclusion for the borrowing needed for the project.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 22: Amendment to the Zoning Bylaws, Section 2.5.7.6 Wireless Communications

To see if the Town will vote to amend Section 2.5.7.6 of its Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined);

8. That any Wireless Communication Facility in the business, limited business, commercial, wireless overlay, residential or industrial zoning districts is set back from:

or do or act relating thereto.

Sponsor: Planning Board

Summary: Requires that wireless communications facilities located in any district obtain a Special Permit from the Board of Selectmen.

Board of Selectmen Recommendation: Disapproved (Unanimous)

Advisory Committee Recommendation: Disapproved (3 to 2)

Vote Required: 2/3 Majority

Article 23: Purchase of Defibrillators

To see if the Town will vote to appropriate the sum of up to \$40,000 (Forty thousand dollars) to fund the purchase of defibrillator units to replace the current defibrillator units in the ambulance, police cruisers and fire trucks, and for the placement of additional units strategically within the Town; for the purchase of accessories for such units, and for the training of personnel in areas where all defibrillators are deployed and all other costs incidental or related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized pursuant to Massachusetts General Laws, Chapter 44, Section 7(9), or any other authority, to borrow up to that amount and to issue bonds or notes of the Town; and that the Board of Selectmen be authorized to expend the monies so appropriated for the foregoing purposes; or do or act relating thereto.

Sponsor: Ambulance

Summary: The defibrillators on the public safety vehicles are 5-10 years old and need to be upgraded. For consistency of use and training, it is important that all the defibrillators be the same. Defibrillators have proven to save lives and it is important that the equipment is up-to-date.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 24: Amendment to the Zoning Bylaws, Section 2.5.5.2, (j) Activity Regulations – Used Cars

To see if the Town will vote to amend Section 2.5.5.2 (j) Activity Regulations, of the Town of Bolton Zoning Bylaws, (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 Board of Selectmen for the sale of used motor vehicles in residential districts subject to the following restrictions.

- (a) Limit of no more than two (2) vehicles for sale on a property at any one time.
- (b) The grant of a special permit may be conditioned upon time and use.
- (c) Is conducted by the resident of the premises.
- (d) The use is clearly incidental to and secondary to the use of the premises for residential purposes and the external character of the premises is that of a one-family residence.
- (e) Not more than two (2) persons other than the residents of the dwelling and not more than a total of four (4) are employed at any one time on the premises.
- (f) No noise, vibration, dust, heat, odors, glare, traffic congestion, unsightliness or other nuisance results which is discernible from other properties, or which is detrimental to the environment.
- (g) The requirement of 2.4.2.5 Signs in Residential Zones applies.
- (h) In the Residential District, the pre-existing non-conforming use of property for the sale of used motor vehicles as of the effective date of this bylaw, which use does not conform to this bylaw, may continue subject to 2.1.3.3 of the Zoning Bylaws.

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Since the mid-1980s, the Board of Selectmen has approved Class II licenses for used car sales to a few homeowners under the provisions of the Home Occupation bylaw. These types of used car sales were prohibited in a 2004 zoning bylaw revision. This article proposes to codify the 1980s practice by incorporating home occupation requirements into the bylaw section dealing with auto sales. The change would not affect the prohibition of all other forms of car sales as was intended in 2004.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Disapproved (Unanimous)

Vote Required: 2/3 Majority

Article 25: Amendment to the Zoning Bylaws, Section 2.3.4 Schedule of Uses – Used Cars

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 Recreation Business
Used car sales	SSP	No	No	No	No	No

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: If the previous article is approved to allow used car sales as home occupations, the table of uses needs to be modified by adding the use of used cars with a special permit from the selectmen. If the bylaw change is not approved, this article can be passed over.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 26: Amendment to the Zoning Bylaws, Section 2.5.5.6 Site Plan Approval Process

To see if the Town will vote to amend Section 2.5.5.6 of its Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined); or do or act relating thereto.

Site Plan approval will be required of all non-residential uses (*uses*) in the Limited Business, Limited Recreation Business, Business, (*Commercial*) (and) Industrial, and Residential (Zones) Districts exempting agricultural, horticultural, floricultural and viticultural uses.

Sponsor: Planning Board

Summary: Requires all non-residential uses go through site plan approval process. Currently non-residential uses located in the Residential District are not required to obtain Site Plan Approval.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: 2/3 Majority

Article 27: Feasibility Study for Improvements to the Minuteman Regional Vocational Technical School

To see if the Town will approve the sum of \$725,000 (Seven hundred twenty five thousand dollars) of borrowing authorized by the Minuteman Regional Vocational Technical School District, for the purpose of paying costs of a feasibility study to consider options for making improvements to the District's high school building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include, but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District's high school, or any combination of the

foregoing, said sum to be expended at the direction of the School Building Committee. The Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs of the Project that the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District, and that the total amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: Bolton's estimated share after 40% Massachusetts School Building Authority (MSBA) reimbursement is \$7,240, payable over a five-year period, beginning in FY2012. The Feasibility Study is a collaboration between the Minuteman Regional Vocational Technical School District and the MSBA to find the most fiscally responsible and educationally appropriate solution to the facility's condition as outlined in the Statement of Interest (SOI) previously submitted by the Minuteman District to MSBA. Minuteman facilities were last upgraded in 1974. Approving and conducting the Feasibility Study is not approval of a future construction project, but is the first step in exploring solutions to the capital problems that have been identified and outlined in the SOI. Local communities and regional school committees must follow the MSBA's statute and regulations, which require MSBA collaboration and approval at each step of the process. The Minuteman Regional School Committee has authorized the amount of debt for the Feasibility Study, but according to the terms of the District Agreement in order to proceed with the Study, the Minuteman District needs the approval of its sixteen (16) member towns. If all towns do not approve the article, Minuteman will need to reapply for MSBA funds, will "lose its place in line," and the time line will be extended for any anticipated project. The cost of the Feasibility Study is estimated to be \$725,000, before 40% MSBA reimbursement.

Board of Selectmen Recommendation: Approved (Unanimous)

Advisory Committee Recommendation: Approved (Unanimous)

Vote Required: Majority

Article 28: Authorize Town Election

To see if the Town will vote to meet at the Town Hall in Bolton, on Monday, May 10, 2010 between the hours of 12 noon and 8 p.m. to elect by ballot the following officers; or do or act relating thereto.

ONE YEAR: One Moderator, One member of the Cemetery Committee, One Town Clerk, One Parks & Recreation Commissioner, One Trustee of the Francis E. Whitcomb Benevolent Fund

THREE YEARS: One member of the Board of Selectmen, One member of the Board of Health, One member of the Board of Assessors, One member of the Cemetery Committee, One Commissioner of Trust Funds, Five Constables, One Library Trustee, One member of the Nashoba Regional School Committee, Two members of the Park and Recreation Commission, One Trustee of the Francis E. Whitcomb Benevolent Fund.

FIVE YEARS: One member of the Planning Board, One member of the Housing Authority

And you are directed to serve this warrant by posting up attested copies thereof at the U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days 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 1st day of April in the year of our Lord, Two thousand ten.

BOLTON BOARD OF SELECTMEN

Kenneth F. Troup, Chairman) Selectmen

Stanley Wysocki) of

Curtis Plante) 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 U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days before the date hereof.

Constable of Bolton: _____ Date: _____

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss
ANNUAL TOWN ELECTION
Monday, May 10, 2010
12 noon to 8:00 p.m.**

To the Constables of the Town of Bolton in the County of Worcester,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the Elections and in Town affairs, to meet at the Town Hall, First Floor, 663 Main Street on Monday, the Tenth day of May, 2010 between the hours of 12 noon to 8:00 p.m. to vote on the following question:

Question No. 1: Shall the Town of Bolton cease assessing the excise imposed under General Laws Chapter 59, Section 8A on certain animals, machinery and equipment owned by individuals and non-corporate entities principally engaged in agriculture?
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 issued to cover capital costs associated with implementing a permanent regional household hazardous waste facility? 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 issued for the purchase of a one-ton truck for use in the Department of Public Works?
Yes ___ No ___

And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library, Town Hall and Police Station, in said Town at least seven (7) days before the time of holding said Election.

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 1st day of April in the year of our Lord, Two thousand ten.

BOLTON BOARD OF SELECTMEN

Kenneth F. Troup, Chairman

Stanley Wysocki

Curtis Plante

A true copy, Attest: _____ Constable _____ Date _____

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Bolton by posting up attested copies of the same at the U.S. Post Office, Town Library, Town Hall and Police Station at least seven (7) days before the date of the meeting, as within directed.

Constable of Bolton: _____ Date: _____

**Board of Selectmen
Bolton, Ma 01740**

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**ANNUAL TOWN MEETING
WARRANT
MONDAY, MAY 3, 2010
TUESDAY, MAY 4, 2010 if necessary**

**ANNUAL TOWN ELECTION
MONDAY, MAY 10, 2010**

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