

TOWN OF BOLTON



ANNUAL TOWN MEETING

WARRANT

MONDAY, MAY 5, 2008

Annual Town Meeting

7:00 p.m.

Monday, May 5, 2008

Nashoba Regional High School Auditorium

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

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BOARD OF SELECTMEN’S STATEMENT

The budget for FY09 is presented without the need for an override, but the overall financial condition of the country and state have gotten closer to home this year as we have seen revenues shrink. Everyone is working together on keeping spending in line while meeting town services.

The school budget is barely level services, but Bolton is hit harder in the assessment increase than the other towns because of the rolling average of population that is used by the district. We met the commitment made at the special town meeting to keep the debt payment for the public safety and library projects at a reasonable level. We have been pleased with our ability to borrow money at low rates. A special thanks to the Advisory Committee and the Town Administrator's Financial Team for their continued work on both the budget and revenue sides.

The selectmen continue to provide oversight of the two big capital projects as well as a proposal to connect both buildings to the new wastewater treatment plant. Approval of the connection project is included on this warrant. The warrant also includes some modest changes and increases that will allow us to continue to meet the service needs of the town. We would like to thank the Town Administrator and her department heads for their efforts in providing these services. One of the articles updates our Personnel Bylaws. It also dissolves the Personnel Committee and we thank all those who have served the town on that committee over the last 19 years. Those volunteers performed an important service that we are now transitioning to the town hall staff. It will be easier for the town to meet all of the Federal and State laws that apply to human resources and provide appropriate benefits administration.

We hope that voters will take the time to study the warrant, take advantage of the various information sources available through the town, and attend the town meeting. We represent all of you and want to have an informed electorate to decide Bolton's future.

Anne (Panny) Gerken, Chairman
Curtis Plante
Kenneth F. Troup

ADVISORY COMMITTEE'S STATEMENT

The Town's fiscal 2008 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 and Town Accountant, who refined and pruned these projections into a coherent whole. 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 this material and made modifications which would benefit the Town. Finally, the Selectmen provided a last review and established the final 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 an even larger 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 +5.9% in fiscal 2009. The sources of this increase are the basic +2.5% allowed by Proposition 2½, +1.5% from additional value added to the tax base (often referred to as "new growth") and +1.9% from debt service payments that have been excluded by the Town's voters from Proposition 2½ limits. Taxes on a per house basis should rise by a little less than this because there are a few more houses and building lots over which taxes will be spread in the coming fiscal year relative to the current one.

Education is the Town's largest area of expenditure, approaching \$11 million this coming year, or 61.0% of the entire budget. The percentage would be higher if debt service related to the Schools were included. The overall Nashoba Regional School System budget is up +4.9%. We think that this is reasonable given higher costs for salaries, transportation and health insurance. We commend the Schools' administration and the School Committee for crafting a budget that ensures high quality education, but is, in addition, fiscally conservative. Because of a State formula, Bolton's share of the Nashoba budget is up +6.3%, somewhat more than the overall rise for the System. The fiscal 2009 Nashoba assessment is up a narrower +5.4% from what was budgeted for fiscal 2008 because the Town budgeted for a higher assessment than ultimately occurred in fiscal 2008. Due to an increase in the number of Bolton students attending Minuteman vocational high school, our spending for vocational education will rise by a substantial +34.6%. The Town's entire spending on education will be up +6.1% in fiscal 2009 from the current year's budgeted amount.

Public Safety (primarily Police, Fire, Dispatch and Ambulance) is the Town's next largest area of expenditure at \$1.6 million, or 9.0% of the overall budget. Expenses in this area are projected to be up +4.6%. The Police Department will be adding an additional full-time officer in fiscal 2009; however, because the additional officer will allow for more efficient scheduling, overall wage costs for the Police should be approximately the same next year as this year, except for a contract-required +3.0% cost of living adjustment.

The Ambulance Department budget is up sharply, +31.5%, in fiscal 2009 due to an increase in the utilization of the Town's ambulance service and a need to compensate our call EMTs for training sessions. We are also providing small annual stipends to those who have supervisory positions in the Ambulance Department. The increase in spending is being significantly offset by an increase of \$32,000 in the amount of revenues that the Town will draw from the Ambulance Receipts Reserved fund. Even with this level of withdrawal, enough is expected to accumulate in the Ambulance fund to purchase a new ambulance every five years, if needed.

The Fire Department's budget is actually projected to decline by -6.2%. This is due to the Fire Department's not having spent its full budget for wages paid to our call fire fighters in recent years, reflecting a reduced incidence of fires in the Town. The smaller budget nevertheless allows for new annual stipends to those with supervisory positions in the Fire Department and additional stipends for those who participate in training sessions. The Advisory Committee has voted to transfer, from its Reserve Fund, whatever is needed in the unlikely event that the fire fighter wages account is depleted prior to the fiscal year-end.

The fiscal 2009 Communications (Dispatch) budget is essentially flat with that of the current fiscal year except for wage step and cost of living increases.

Public Works at \$1.4 million, or 7.6% of the budget, is the third largest area of Town expenditure. Expenses in this sector are anticipated to rise by a slim +0.6% in fiscal 2009. The primary reason for the low rate of increase was a conscious -7.7% reduction in highway maintenance expense undertaken in order to keep the Town's overall budget below the level at which an unsustainable drain on the Town's cash reserves would occur. The favorable budget impact of the highway maintenance reduction was partially offset by a +13.2% increase in the projected operating cost of the Town's transfer station; this is due to the fact that we plan to have a hazardous waste disposal day in fiscal 2009, whereas we have not had one in fiscal 2008.

General Government expenditures are targeted at \$1.1 million or 6.4% of the total budget. These are set to decline by -5.9%. One of the reasons for the decrease is the absence in fiscal 2009 of a substantial upgrade for the Emerson/Sawyer school complex that was undertaken in the current fiscal year. Also, we have been able to reduce the legal services and the building insurance budgets. In addition, the Conservation Commission's Land/Capital Improvement budget, which had not been fully spent over the past few years was reduced by \$5,000. Finally, the Advisory Committee has reduced its Reserve Fund by \$25,000, or by 20%.

In other areas of interest, the Town's health insurance bill is expected to rise by only +2.1% to \$295,000; this is very encouraging after several years of double-digit advances. Less favorable, the Town's contribution to the Worcester Regional Retirement System will rise by +10.9% to \$225,000. If investment returns from financial markets are low over the next few years, the Town will have to make relatively large contributions to the Retirement System in order to make up any shortfalls from the fund's actuarial assumptions.

Debt service is projected at \$1.9 million, or 10.5% of the overall budget. This \$1.9 million is a +7.6% increase over last year. The rise is due to the need to begin paying for the new Library and Public Safety Facility that the Town is building. Debt service is likely to continue to rising for the next few years as the construction of these two projects proceeds.

The overall Town budget is \$17.9 million. This is a +4.9% increase from last year. Given the +4.0% increase in the Consumer Price Index over the past 12 months, we think that the Town's expenditure increase is reasonable. Interestingly, the Gross Domestic Product advanced +4.9% over the most recently reported 12-month period so that our Town budget is projected to grow at exactly the same rate as the surrounding economy that supports it.

In addition to the basic budget, the Town Meeting warrant contains eight articles that, if passed, will involve spending from the Town's "free cash" reserves or require borrowing. The Advisory Committee recommends that two of these items, \$100,000 for two used trucks for the DPW and \$12,000 for a copier/scanner, be amortized over a three-year period through use of a borrowing. The article requesting \$1 million for a conservation land acquisition off Hudson Road would require a longer-term borrowing (probably 20 years), but the Advisory Committee recommends against approving this purchase. The Committee also recommends against approving \$15,000 for an engineering study of the intersection of Golden Run Road and Quail Run Road. The remaining four articles, three of which the Advisory Committee recommends approving (it is split 3-3 on the fourth one), will cause \$56,339 of our "free cash" reserves to be used. An estimated \$662,000 of these reserves will remain to help with our budgets in future years.

Dave Lindsay, Chairman
Burt Shnitzler
Stan Wysocki
Bob Czekanski
Randy Dinjian
Graham Sliker

COMMONWEALTH OF MASSACHUSETTS
TOWN OF BOLTON
WORCESTER, ss

ANNUAL TOWN MEETING
Monday, May 5, 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 5th day of May, 2008 at 7:00 p.m., then and there to act on the following articles:

Article 1: Unpaid Bills for Fiscal Year 2007

To see if the Town will vote to transfer from available funds the sum of \$139 (One hundred thirty-nine dollars) for the purpose of paying the following unpaid FY07 bills, pursuant to Massachusetts General Laws, Chapter 44, Section 64; or do or act relating thereto:

\$139.00 National Grid

Sponsor: Board of Selectmen

Summary: This is necessary to pay unpaid bills from the previous fiscal year for services that have been rendered.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 4/5 majority

Article 2: 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 2007; 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

Advisory Committee Recommendation: Approved

Vote Required: simple majority

Article 3: Fiscal Year 2008 Budget Transfers

To see if the Town will vote to transfer the following; or do or act relating thereto:

\$ 15,000 From Ambulance Receipts Reserved for Appropriation
To 0100-132-5790-000 Advisory Reserve Fund

Sponsor: Board of Selectmen

Summary: These wage transfers are necessary due to shortages in the Ambulance wage accounts.
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 4: Fiscal Year 2009 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$17,895,026 (Seventeen million, eight hundred ninety-five thousand, twenty-six 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 \$90,000 (Ninety thousand dollars) from the Cell Tower Fund;
- b. The sum of \$100,000 (One hundred thousand dollars) from the Ambulance Receipts Reserved for Appropriation to be applied to the Ambulance Department budget;
- c. The sum of \$90,000 (Ninety thousand dollars) from the Overlay Reserve Account;
- d. The sum of \$566,651 (Five hundred sixty-six thousand, six hundred fifty-one dollars) or any other amount, to be transferred from Free Cash;
- e. The sum of \$17,048,375 (Seventeen million forty-eight thousand three hundred seventy-five dollars) to be raised by taxation; or do or act relating thereto.

Sponsor: Board of Selectmen
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 5: Acceptance of Massachusetts General Law, Chapter 32B, Section 3

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, Section 3, which authorizes the appropriate public authority of the town to negotiate with and purchase, on such terms as it deems to be in the best interest of the town and its employees, from one or more insurance companies, savings banks or non-profit hospital, medical, dental or other service corporations, a policy or policies of group life and accidental death insurance covering employees, and group general or blanket insurance providing hospital, surgical, medical and dental benefits covering employees and their dependents, and to execute all agreements or contracts pertaining to said policies or any amendments thereto for or on behalf or in the name of the town; or do or act relating thereto.

Sponsor: Town Treasurer
Summary: This article formalizes the establishment of the Insurance Advisory Committee, which is currently an active organized committee that reviews health and life insurance offerings for all Bolton employees and retirees.
Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 6: Tax Title Transfer

To see if the Town will vote to authorize the Board of Selectmen to transfer to the Bolton Conservation Commission pursuant to Massachusetts General Laws, Chapter 40, Section 8C, the care, custody, management and control of a certain parcel of land of the Town containing 5.0 acres of land more or less located in the Pine Hill section of the Town of Bolton, being shown as

Parcel 1 on Assessors Map 8A, and further referenced in the Corrected Judgment in Tax Lien Case recorded in the Worcester County Registry of Deeds in Book 42420, Page 357; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The town obtained title to this property pursuant to a tax title foreclosure for non-payment of taxes and pursuant to a Judgment of the Land Court. The parcel is located in the northwest corner of Bolton adjacent to the Still River. It has been sought for many years by Friends of the Oxbow and other conservation groups for further protection of the river. This article completes a long and arduous process.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 majority

Article 7: Amend the Personnel Bylaw

To see if the Town will vote to amend the Personnel Bylaw of the Town of Bolton, by deleting the bylaw in its entirety and replacing it with the following;

1.14.2 Authorization

Pursuant to the provisions of the Massachusetts General Laws (M.G.L.) Chapter 41, Sections 108A and 108C and other enabling acts, the town establishes plans that authorize a Classification Plan classifying positions in the service of the town into groups and classes doing substantially similar work or having substantially similar responsibilities, except for the following:

1. those under the control of the school district
2. those covered by collective bargaining agreement
3. those filled by popular election; and
4. those with individual contracts with the town.

1.14.2 Administration of Personnel Bylaw

This Personnel Bylaw shall be administered by the Town Administrator under the general direction of the Board of Selectmen. The Board of Selectmen may establish policies and procedures as necessary for the administration of this Personnel Bylaw. The Town Administrator shall periodically review the Bylaw and make recommendations to the selectmen for any changes, as appropriate.

It shall be the responsibility of the Town Administrator to research and recommend to the Board of Selectmen the appropriate agencies for the review of the town's Classification and Compensation Plans at reasonable intervals.

1.14.3 Equal Employment Opportunity

The provisions of this bylaw shall be applied equally to all employees covered by the Classification Plan without discrimination as to race, sex, color, handicap, national origin, military status, religion, age (as defined by law), ancestry, sexual orientation (as defined by law) and genetic information consistent with federal and state law.

The town of Bolton is an equal opportunity employer. All employment decisions are made on a non-discriminatory basis as defined by the M.G.L. Chapter 151B, Section 4, Item 1 (Unlawful Practices) as well as without regard to political beliefs, military status, or any other factors which cannot lawfully be the basis for an employment decision.

1.14.4 Sexual Harassment

Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by state and federal law. Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the town may find themselves in connection with their employment is unlawful and will not be tolerated by the town. The town also condemns and prohibits sexual or other harassment by any applicant, client, vendor or visitor.

In accordance with the M.G.L. Chapter 151B, Section 3A, the town has established a Sexual Harassment policy which shall apply to all elected officials, department heads, and town employees, a copy of which is detailed in a separate policy. This policy shall be issued annually to all town employees and new hires, and is available upon request from the Town Administrator.

1.14.5 Harassment

Harassment on the basis of race, color, religious creed, national origin, sex, ancestry, sexual orientation (as defined by law) or on the basis of age (as defined by law), disability, genetic information, or military status (hereafter referred to as “protected class harassment”) is a form of behavior that adversely affects the employment relationship.

In accordance with the M.G.L. Chapter 151B, Section 4, the town has established a Harassment Policy which shall apply to all elected officials, department heads, and town employees, a copy of which is detailed in a separate policy. This policy shall be issued to all town employees and new hires, and is available upon request from the Town Administrator.

1.14.6 Alcohol and Drug Free Workplace Policy

Employees shall not manufacture, distribute, dispense, possess or use a controlled substance while in the employ of the town. The possession or use of alcohol while at work or the reporting for work under the influence of alcohol is prohibited.

The town is authorized to establish an Alcohol and Drug-Free Workplace policy, a copy of which is detailed in a separate policy.

1.14.7 At-Will Employment

Employees of the town of Bolton covered by the Classification Plan shall serve “at will” and may be terminated by the town or may terminate their employment at any time, with or without notice, absent a limiting statute or contractual agreement between the town and the employee.

1.14.8 Definition of Employee Categories

The following are the definitions of Employee Categories for positions covered by the Classification Plan:

- a) BENEFITS-ELIGIBLE EMPLOYEE is an employee who works 20 hours or more on a regular basis throughout the year.
- b) NON-BENEFITS-ELIGIBLE EMPLOYEE is an employee who works fewer than 20 hours per week throughout the year.
- c) TEMPORARY EMPLOYEE is an employee who works a schedule of hours on a short-term basis.
- d) SEASONAL EMPLOYEE is an employee who works temporarily during a specific season.
- e) EXEMPT EMPLOYEE is an individual who is paid on a salary basis at a rate not less than \$455 per week and is employed as a bona fide executive, administrative, or professional employee, and is not entitled to overtime compensation under the federal Fair Labor Standards Act or state law if she/he meets the following criteria:
 - 1) Executive - primary duty is to manage a department;
 - 2) Administrative - primary duty is office or non-manual work directly related to management policies, or directly assisting an executive; or
 - 3) Professional - primary duty requires advanced knowledge acquired by specialized study, work is intellectual and the result is not standardized.
- f) NON-EXEMPT EMPLOYEE is an employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

1.14.9 Recruitment and Appointment Policy

The town is authorized to establish a Recruitment and Appointment Policy, a copy of which is detailed in a separate policy and which is available upon request from the Town Administrator.

1.14.10 Overtime/Compensatory Time

Payment for overtime shall be in accordance with the terms of the Fair Labor Standards Act of 1938 as amended. If an assignment requires actual work in excess of 40 hours per week, such overtime work must be authorized in advance by the Department Head. Non-exempt employees shall be paid one and one-half times their regular hourly rate for hours actually worked beyond 40 in the workweek. Compensatory time may be taken in lieu of overtime pay, at the rate of time and one-half, only by mutual agreement of both employee and supervisor prior to overtime hours being worked. If such agreement is made, then compensatory time should be taken within a reasonable time of being earned. Supervisory, administrative, professional, and managerial employees are exempt employees under the Fair Labor Standards Act and are not eligible for

overtime pay. An employee is eligible to be paid for any unused compensatory time upon termination or retirement.

1.14.11 Interruption of Service

Any regular employee who leaves town service while in good standing may be rehired by the appointing authority and, upon successful completion of one year's service, will be given credit for prior time actually employed by the town.

1.14.12 Fringe Benefits

a) Vacation Time - All benefits-eligible employees shall be entitled to paid vacation in accordance with the following schedule:

<u>SERVICE</u>	<u>VACATION</u>
Less than 5 years (up to 59 months)	2 weeks per year (10 days)
5 years to less than 10 years (60 months to 119 months)	3 weeks per year (15 days)
10 years to less than 20 years (120 months to 239 months)	4 weeks per year (20 days)
20 years plus (240 months plus)	5 weeks per year (25 days)

Based on the above schedule, an employee shall accrue 1/12 of eligible yearly vacation time per month. Vacation earned is posted on the first day of each month following the completion of the previous month's employment (e.g. a 40 hour-per-week employee eligible for two (2) weeks vacation per year would earn .83 vacation days per month or 10 days divided by 12 months). Vacation, however, may not be taken during the first 90 days of employment. The accrual of vacation benefits shall be based on actual service in the employ of the town.

An employee shall request and receive approval for vacation leave from his or her Department Head in writing.

Benefits-eligible employees (those who work an average of at least 20 hours per week) are entitled to vacation leave in the same proportion that the employee's service relates to full-time service, excepted on a prorated basis. Temporary, seasonal, and non-benefits-eligible employees are not entitled to accrue vacation days with pay.

Employees are required to take vacation on a regular basis to allow for the proper rest from the rigors of work. With prior approval of the Department Head and Town Administrator, and after validation of available earned days by the Town Treasurer, employees may be allowed to carry over no more than five (5) days of unused vacation into the following fiscal year.

A benefits-eligible employee who has accrued vacation under this policy, and whose employment ends for any reason prior to usage of such vacation, shall be paid for any accrued vacation time remaining.

At the Department Head level, the Board of Selectmen shall have the authority to consider prior relevant employment when establishing vacation time.

b) Sick Leave

All benefits-eligible employees shall accumulate sick leave at the rate of one and one quarter day for each month of employment (15 days per fiscal year). Unused sick leave may be accumulated up to a maximum of 120 working days. Sick leave is intended for use in time of illness only and as such carries no “buy-back” or “cash-in” valuation.

New employees are entitled to sick leave after completing one month of service.

Benefits-eligible employees who do not work an average of 40 hours per week are entitled to sick leave and may accumulate sick leave on a pro-rated basis.

Sick leave is generally for protection of employees against loss of pay due to personal illness. However, sick leave may be used by an employee for illness of a dependent child, spouse, or other immediate relative, with the approval of his or her Department Head.

In the event that any employee exhausts his or her accumulated sick time, each benefits-eligible employee of the town of Bolton, with the permission of his or her Department Head, may donate up to six (6) days of his or her sick time accumulated to that employee in a given fiscal year. The affected employee must first exhaust all personal, vacation time, and sick leave in order for this to occur.

For an illness or injury that exceeds five (5) consecutive days, the employee shall provide the Department Head with medical certification of such illness. Department heads may verify the use of sick leave by employees.

Accrued sick leave may be used for maternity leave purposes.

c) Personal Leave

All benefits-eligible employees, on each July 1 (beginning of the fiscal year) shall receive three (3) paid personal leave days which may be taken during the following 12 months as requested by the employee and approved by the Department Head.

Benefits-eligible employees who work a minimum of 20 hours per week shall receive personal leave days in the same proportion that the employee’s service relates to full-time service (i.e. on a prorated basis). Personal days may not be carried over into the next fiscal year, or paid in wages to the employee if not used.

d) Bereavement Leave

All benefits-eligible employees may be granted up to three days of Bereavement Leave for the purpose of arranging for and attending the funeral of a member of the employee's immediate family, as defined as the employee's spouse or partner, mother, father, mother-in-law, father-in-law, sister, brother, child, grandchild, grandparent, or other relative residing in the employee's household. An employee may be granted up to one day of Bereavement Leave for the purpose of attending the funeral of an aunt, uncle, niece, nephew, or other close relative. The Department Head shall have the discretion and authority to approve an employee's request for bereavement leave.

e) Holidays

All benefits-eligible employees whose compensation is based on a weekly rate, will receive one day at regular straight-time compensation (on a pro-rated basis for benefits-eligible employees working less than 40 hours) for the following holidays:

- One-Half Floating Day
- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Patriots' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

Each holiday will be observed by the town of Bolton on the day designated by state law.

f) Jury Duty

In the event that an employee is summoned for jury duty, he or she will be excused from work after providing his or her Department Head with a copy of the jury duty notice. An employee shall report for work when not required to report to court on his or her regularly scheduled work day. An employee who is summoned for jury duty shall be paid at his or her regular straight time wages for jury duty during scheduled work, for up to the first three days of jury duty. After three days of jury duty, the employee shall be paid the difference between his or her wages and the jury fees. In order to receive jury duty pay, the employee must present a statement of jury service to his or her Department Head, who shall submit the request to the Town Treasurer with the corresponding payroll. Paid jury duty after 30 days of such service is subject to the approval of the Town Administrator. The town will comply with any applicable state and federal law or regulation regarding jury duty.

g) Military Leave

All town employees are covered under Massachusetts General Laws, Chapter 149, Section 52A. An absence for military training shall not affect the employee's right to receive normal vacation, sick leave, bonus, advancement and other advantages of his or her employment normally to be anticipated in his or her particular situation.

For military service, the town shall provide such leave as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

h) Leave of Absence

The town abides by all federal and state laws regarding employee leaves of absence, including, but not limited to, Family and Medical Leave Act (FMLA), Massachusetts Maternity Leave Act (MMLA), and Small Necessities Leave Act (SNLA), copies of which are detailed in separate policies. These policies shall be issued to all Town employees and new hires, and are available upon request from the Town Administrator.

If an employee is in need of a leave of absence, he or she shall consult with his or her Department Head, who shall bring such request to the Town Administrator for review of the options available.

i) Longevity Pay

All benefits-eligible employees who work an average of 40 hours per week shall receive longevity payments according to the following schedule:

Length of Service	Annual Amount
10 years	\$250
15 years	\$350
20 years	\$450
25 years	\$550

Benefits-eligible employees who do not work an average of 40 hours per week shall receive longevity payments on a pro-rated basis.

On an annual basis the selectmen should review any benefits-eligible employee who has accumulated over 20 years of service to the town and may award a meritorious award up to \$100 for this service.

This amount shall be paid in one lump sum in the first pay period following the anniversary of the employee's date of hire. The date of hire shall be considered the date when the employee began working for the town at least 20 hours per week on a continuous basis.

Temporary, seasonal, and non-benefits-eligible are not entitled to longevity pay.

Longevity pay shall be paid annually and shall be based only on actual service for the prior year.

j) Insurance Benefits

1. Health Insurance

a. Benefits-Eligible Employees

Health insurance is offered in accordance with Chapter 32B of the Massachusetts General Laws. The town contributes to the cost of the health insurance premium at a rate as set by the Board of Selectmen. Health insurance is offered at the time of employment and during the annual open enrollment period. Benefits-eligible employees, working a minimum of 20 hours per week, totaling a minimum of 1040 hours on a fiscal year basis, are entitled to join the town's health insurance plan. The town currently offers a variety of health insurance programs.

Open enrollment is offered once a year. At that time, employees shall have the opportunity to change their current benefits plans and coverage. Employees will be notified by the Treasurer's office of the dates of the open enrollment period and when changes will become effective. Active benefits-eligible employees 65 years of age or over may remain on the current active health plan until retirement. However, at age 65, Medicare-eligible employees must apply for Medicare coverage through Social Security and defer Part B coverage until retirement.

Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), an employee or his or her eligible dependents may be entitled to continued coverage in the town's group health insurance plan in the event the employee resigns or is terminated or an event occurs that renders the employee no longer eligible for health insurance benefits. Under such COBRA coverage, the employee will be required to pay the full cost of his or her monthly insurance premium, plus a 2% administration fee, for the employee and his or her dependents. Specific information is available from the Town Treasurer's office.

b. Benefits-Eligible Retired Employees

Retired employees under the age of 65 on the town's health insurance plans will be covered on active health plans until age 65. Retirees must enroll in Medicare if eligible to do so, and then will be required to enroll in one of the senior plans offered if they choose to remain covered by the town. It is the town's intention to cover the cost of Medicare Part B for any retiree or employee who was hired prior to May 7, 2007. Retired employees not eligible for Medicare will remain on their current active plan upon providing proof they are ineligible for Medicare.

2. Basic Life Insurance

The town of Bolton offers basic life insurance coverage to employees upon hire, with the town sharing equally the cost of the premium with employees. Retirees may continue their coverage at reduced coverage and cost.

k) Workers' Compensation/Injured on Duty

Police and Fire uniformed employees are covered under the provisions of M.G.L Chapter 41, Sections 100 and 111F, and are entitled to the rights and benefits of these laws. All other employees are covered under the Massachusetts Worker's Compensation Law, M.G.L., Chapter 152, and are entitled to the benefits and provisions of the law.

l) Pension

All benefits-eligible employees are required to join the Worcester Regional Retirement System, with payroll deductions made in accordance with state law and date of hire.

m) Educational Assistance

All benefits-eligible employees who have worked with the town at least one year are eligible for reimbursement for tuition and registration fees for work-related courses which serve to improve their knowledge and skills and enhance their job performance with the town.

Approval for a particular course must be requested by the employee to his or her Department Head prior to enrollment in the course. The Department Head shall submit the request to the Town Treasurer who shall approve the request contingent upon available funds in the current year's Educational Assistance budget.

Reimbursement shall be made upon successful completion of the course or program, with a minimum grade of "B" or equivalent. The employee must provide the Department Head with proof of successful course completion, including grade received, and proof of course payment, which shall be submitted to the Town Treasurer for processing.

The town may require the employee to sign an agreement to remain in employment with the town for a period of up to two years after the completion of the course, or else be required to reimburse the town for such reimbursement.

n) Mileage Reimbursement

When employees have prior approval from their Department Head to use their personal vehicle for town business, they may be reimbursed for that business travel at the approved per-mile rate set by the Treasurer based on the U.S. General Services Administration's Privately Owned Vehicles Reimbursement Rates. The Treasurer will notify all departments of any changes in this rate. Reimbursement will be paid to and from the work site location, not from the employee's home.

1.14.13 Personnel Records

The Town Administrator shall be responsible for maintaining and administering personnel records as may be required by law, and as necessary for effective personnel management.

a) Contents of records

The Town Administrator shall maintain or cause to be maintained a personnel record for each employee in compliance with Massachusetts General Laws, Chapter 149, Section 52C. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy.

Without limiting the applicability or generality of the foregoing, all of the following written information or documents regarding an employee shall be included in the personnel record for that employee: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the town in response to the town's advertisement by the employee; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods (if any); waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee. A personnel record shall be maintained in typewritten or printed form, or may be handwritten in indelible ink.

b) Confidentiality and Access to Records

Personnel records shall be confidential and access to an employee's records shall be limited to the Appointing Authority, the Town Administrator, who shall be charged with administering the personnel system, and the Town Treasurer on a need-to-know basis. Appointing authorities and/or the employee's Department Head may directly access a report contained in an employee's personnel file upon request to the Town Administrator. Any employee may upon written request to the Town Administrator review his or her personnel file. Such review shall be in the presence of the Town Administrator. An employee may also obtain a copy of his/her personnel file upon five (5) days written notice.

c) Location of Records

A central file for all employees covered under the Personnel Bylaw shall be located at Town Hall. On behalf of the town, the Town Administrator shall maintain custody of all personnel records.

d) Release of Information

Unless written authorization is received from an employee, except to verify employment dates, job title, and/or gross salary, no other information concerning an employee shall be released.

1.14.14 Performance Reviews

Appointing authorities and/or Department Heads shall from time to time conduct performance reviews of their employees.

1.14.15 Grievance Procedure

A grievance is a dispute between an employee and the appointing or supervisory authority arising out of an application for the benefits under this bylaw. The town has established a Grievance Procedure, a copy of which is detailed in a separate document. This procedure shall be issued to all town employees and new hires, and is available upon request from the Town Administrator.

1.14.16 Rules and Regulations

Subject to the approval of the Board of Selectmen, the Town Administrator may, from time to time, issue rules and regulations concerning the administration of this Personnel Bylaw.

1.14.17 Severability Clause

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: In the fall of 2007, the town hired a consultant to analyze operations in the town hall, including the administration of the human resources function. One of the conclusions of the study was that employment laws, along with the town government structure, had changed significantly since the original Personnel Committee was formed in 1988. With the hiring of a full-time Town Administrator and Town Treasurer, much of the work conducted by the Personnel Committee had been transferred to those employees. In addition, the personnel bylaw was filled with policies that had become outdated, not in line with town policies and practices, and were not reflecting state and federal laws.

The updated bylaw presented above changes the responsibility for administering the bylaw to the Town Administrator and Town Treasurer, under the general direction of the Board of Selectmen. At a joint meeting of the Board of Selectmen and the Personnel Committee held on 2/13/08, it was agreed that the Personnel Committee should be dissolved. The other primary changes include policies which have been removed (although still referenced) so that they may be updated periodically by the Board of Selectmen without the need for a town meeting vote. These policies include the Alcohol and Drug Free Workplace, Harassment, Sexual Harassment, Recruitment and Appointment, and Grievance Procedures policies. The bylaw also grants non-union personnel a total of three personal days, consistent with the town's collective bargaining units. The language under insurance benefits was updated to reflect current health and life insurance policies. In Educational Assistance, the updated bylaw no longer allow employees to be reimbursed for books they purchase while taking town reimbursed courses (tuition and fees are still reimbursed). The bylaw ties mileage reimbursement to the U.S General Services Administration's Privately Owned Vehicle Reimbursement Rates, instead of being set by the Personnel Committee and Treasurer. The bylaw charges the Town Administrator with maintaining personnel records, which was already a town practice.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 8: Tax Collector to Become an Appointed Position

To see if the Town, consistent with Massachusetts General Laws, Chapter 41, Section 1B, will vote to have the elected position of Tax Collector become an appointed Tax Collector of the Town; provided however, that this vote is contingent upon successful passage of a ballot question pertaining thereto on a Town Ballot. If approved and the office becomes appointed, any incumbent serving at the time of voter acceptance continues to serve until the remainder of his or her term expires. If a person is elected to the position at the time the change to an appointed status occurs, the newly elected office holder serves until an appointment is made. Such appointment shall be made by the Board of Selectmen for a term not to exceed 3 (three) years, unless such mode of appointment or term is otherwise provided by law; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: This is being proposed as a result of the town's organizational study and to provide added flexibility in filling the position after the incumbent retires or vacates her office. If this passes at this town meeting, it will be voted on by ballot at the annual town election next year (in May 2009.)

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved (5 to 1)

Vote Required: simple majority

Article 9: Home Rule Bylaw Regarding Holdover Status for Elected Officials Other Than Members of the Board of Selectmen

To see if the Town will vote to adopt a bylaw pursuant to the Home Rule Amendment amending Article 1.0 (Administrative Bylaws), Section 1.1 (General Provisions), by adding Subsection 1.1.6, Providing Holdover Status for Elected Officials Other Than Members of the Board of Selectmen as follows:

**TOWN OF BOLTON
HOME RULE BYLAW**

WHEREAS, the Town Meeting is the Town of Bolton legislative body, and under Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts (The Home Rule Amendment), the Town Meeting has the power to adopt legislation affecting the internal affairs of the Town; and

WHEREAS, the Town wishes to adopt legislation to allow it to provide "holdover" status to all elected Town officers, except to members of the Board of Selectmen, whose term of office terminates as a result of such officer's physical relocation of his or her residence from the Town of Bolton to another municipality;

NOW, THEREFORE, the Town adopts the following bylaw pursuant to The Home Rule Amendment by amending Article 1.0 (Administrative Bylaws), Section 1.1 (General Provisions), by adding the following subsection 1.1.6, Holdover Status for Elected Officials Other Than Members of the Board of Selectmen, as follows:

1. In the event an individual holding an elected office in the Town, other than a member of the Board of Selectmen, ceases to be a resident of the Town of Bolton, the individual may remain in the elected office as a holdover until the Board of Selectmen, in a written document signed by the members of the Board of Selectmen, or by a majority of the members of said Board, and filed with the Town Clerk's office, appoint a temporary officer to hold the elected office and exercise the powers and perform the duties of that office until another individual is duly elected or appointed and qualifies under the law. In no case, however, shall an individual remain as a holdover in the elected office for more than ninety (90) days. This Section shall not apply to any member of the Board of Selectmen.
2. Within 10 days after his/her appointment, any temporary officer must be sworn and shall post a bond, if required, for the faithful performance of his/her duties. Failure to do so will result in a rescission of the appointment.
3. This Section of the Bylaw shall be effective as of April 1, 2008; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The current elected Tax Collector is relocating out of Bolton. Without this Home Rule Bylaw she will be unable to continue to serve the town as Tax Collector once she resides outside of Bolton. This bylaw will allow her, and other elected town officials (other than members of the Board of Selectmen) to continue to serve until a successor is appointed by the selectmen to fulfill their term.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority

Article 10:	Amendment to the Administrative Bylaws, Section 1.9.1 Dog and Kennel
Bylaw	

To see if the Town will vote to amend Section 1.9.1, Dog and Kennel Bylaw of the Administrative Bylaws of the Town of Bolton, by deleting Section 1.9.1.8; or do or act relating thereto.

Sponsor: Town Accountant

Summary: Section 1.9.1.8 of the Dog and Kennel Bylaw requires that all licensing fees and fines be deposited to a Dog Fund to be expended by the Town Clerk, without further appropriation, for the payment of costs incurred in administering the dog license program and for payment of other costs listed therein. This article amends the current bylaw to conform to M.G.L Chapter 44, §53 and M.G.L. Chapter 140, §147 which requires all licensing fees and fines to be deposited to the general fund unless otherwise provided by statute.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority

Article 11:	Amendment to the Zoning Bylaws, Section 2.5.7 Wireless Communication
Bylaw	

To see if the Town will vote to amend Section 2.5.7 of the Town of Bolton Zoning Bylaws as follows (deletions in *parenthesis and italics*) and additions are underlined):

2.5.7 Wireless Communication Bylaw

2.5.7.3 Applicability and Special Permit

No Wireless Communication Facility shall be erected, installed, modified, replaced or maintained except upon the grant of a Special Permit in compliance with the provisions of this Wireless Communication bylaw. The provisions of the Wireless Communication Bylaw will apply to all Wireless Communication Facilities whether as a principal use or an accessory use and to any and all modification, extensions, and additions to, or replacements of existing Wireless Communication Facilities.

All modifications, extensions and additions to, or replacements of a Wireless Communication Facility shall be subject to a modification of the Wireless Communication Bylaw Special Permit following the same requirements as required for an original application.

(A Wireless Communication Bylaw Special Permit may be granted only for)

The Wireless Communications Overlay District is an overlay district mapped over other districts with regard to specific locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the Wireless Communication Facility Overlay District must be in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit. The Wireless Communication Overlay District shall be superimposed on the Town of Bolton Zoning Map so as to indicate the extent and location thereof.

(A.) Wireless Communication District A.

(Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the) This overlay district consists of all land located within the business, limited business, commercial and industrial zoning districts as (specifically provided hereafter, in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.) shown on the official zoning map for the Town of Bolton.

Wireless Communication District B.

This overlay district consists of land designated on the Bolton Assessors Maps as:

<u>Location</u>	<u>Parcel ID</u>
<u>41 Main Street</u>	<u>Map 5E, Parcel 9</u>
<u>96 Hudson Road</u>	<u>Map 3D, Parcel 15A</u>
<u>Main Street</u>	<u>Map 4C, Parcel 38A</u>
<u>Forbush Mill Road</u>	<u>Map 5A, Parcel 19</u>

(B.) Wireless Communication District C.

(Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in) This overlay district consists of the residential zoning district as specifically provided

for (*hereafter*) in conformance with 2.5.2.5 Agricultural/Business Use and in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

No Wireless Communication Facility shall be erected, installed, modified, replaced, maintained and/or used in a Wetland Resource Area as defined in the Wetlands Bylaw 1.18.2.;

or do or act relating thereto.

Sponsor: Planning Board

Summary: **Summary:** This article amends the Wireless Communication Bylaw by adding a wireless overlay district permitting towers on certain parcels within town as long as other requirements of the bylaw are met. The parcels that make up the overlay district include those sites in town that currently have wireless communication towers as well as the transfer station on Forbush Mill Road.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: Planning Board Report with Recommendation: 2/3 majority

Article 12: Acceptance of Oak Trail

To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 82 to accept Oak Trail as a public way as shown on a plan entitled “Street Acceptance Plan, The Oaks, Bolton, Mass, dated July 17, 2007”; and to authorize the Board of Selectmen to accept a deed by gift of a fee interest in said way; or do or act relating thereto.

Sponsor: Planning Board

Summary: Oak Trail is the roadway in the Oaks Subdivision located off of Ballville Road, which has been constructed in accordance with the Rules and Regulations of the Planning Board.

Board of Selectmen Recommendation: Recommendation to be made on Town Meeting floor.

Advisory Committee Recommendation: Approved subject to April 17th public hearing.

Vote Required: simple majority

Article 13: Town Easement for Installation of Dry Hydrant at 626 Main Street

To see if the Town will vote to authorize the Board of Selectmen to accept a permanent and non-exclusive easement from the owners of property located at 626 Main Street (the Salt Box property) to allow the Town to access the property for the purpose of installing and maintaining a dry hydrant on the property; or do or act relating thereto.

Sponsor: Fire Chief

Summary: This article allows the town to enter into an easement to allow the town to enter said property for the purposes of accessing water in the event of a fire. The owner of the property has agreed to grant the town an easement.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority

Article 14: Town Easement for Drainage at 155 Nourse Road

To see if the Town will vote to authorize the Board of Selectmen to accept a permanent and non-exclusive drainage easement from the owners of property located at 155 Nourse Road, Bolton, Massachusetts, over the area shown as “Utility Easement” on the plan prepared by JLA Land Survey, dated July 21, 2005; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: There used to be a long-standing drainage problem in front of 155 Nourse Road which caused severe icing on the road in that area. In 1999 the Department of Public Works installed drainage in order to correct the problem. This was done with the understanding that a drainage easement would be granted by the property owners. This article will authorize the Board of Selectmen to accept the easement on the Town's behalf.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: simple majority

Article 15: Transfer of Borrowed Funds to Construct a Sewer Force Main

To see if the Town will vote to appropriate the sum of \$290,000 (Two hundred ninety thousand dollars) for the purpose of constructing a sewer force main for municipal purposes only from the sites of the Bolton library and fire station (or proposed public safety center), or any other municipal buildings, to the wastewater treatment plant located behind the Emerson and Florence Sawyer Schools, including engineering and preliminary expenses, and any other associated costs; that to meet this appropriation, \$290,000 (Two hundred ninety thousand dollars) 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 Board of Selectmen is authorized to take any other action necessary to carry out this project; provided, however that no expenditures shall be made hereunder until the Board of Selectmen determines (which determination shall be conclusive) that after the transfer of such unexpended bond proceeds, the remaining amount of unexpended bond proceeds from the town's Sewer Bonds dated June 15, 2007 is sufficient to complete the wastewater treatment plant project referred to above; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: The town appropriated \$2.5 million at the May 2006 town meeting to design and construct a wastewater treatment plant at the Florence Sawyer and Emerson Schools. The project is virtually complete and substantially under budget, leaving approximately \$395,000 in excess funds. The town hired an engineer who has initially estimated the cost of constructing a force main to connect the library, public safety center, the Houghton Building or other municipal buildings to the treatment plant at approximately \$390,000, with \$100,000 being paid for by the library and public safety center projects. The engineer hopes to have firmer numbers by town meeting which will be shared with the voters prior to voting. Approving this article will allow the town to use a portion of excess treatment plant funds to construct the force main, thus eliminating the need for two new or shared septic systems, and it would also allow other municipal buildings (the Houghton Building and Town Hall) the opportunity to hook into the force main if needed in the future. The Board of Selectmen intends to submit to the next town meeting special legislation to create a Bolton Town Center Sewer District for the management and control of the force main and connections of municipal buildings to the wastewater treatment plant.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 majority

Article 16: Authorizing the Town to Construct a Sewer Force Main in Certain Park Land

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact the following special legislation for the Town of Bolton:

AN ACT AUTHORIZING THE TOWN OF BOLTON TO CONSTRUCT A SEWER FORCE MAIN IN CERTAIN PARK LAND

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Bolton, acting by and through its Board of Selectmen, may: (1) use a portion of the property identified as the Memorial Playground or Recreation Area located on Wattaquaddock Road in said town and acquired in 1947 for park and recreation purposes for the purpose of constructing an underground sewer force main to connect the Bolton Public Library located at 738 Main Street, and the Public Safety Center to be located at 15 Wattaquaddock Road to the wastewater treatment plant located behind the Emerson and Florence Sawyer schools at 100 Mechanic Street; and (2) grant a temporary construction easement to its general contractor for the purpose of constructing the underground sewer force main through the Memorial Playground and Recreation Area; (3) temporarily change the use of the Memorial Playground or Recreation Area to allow construction of the underground sewer force main, but the town shall require its general contractor to restore the parcel to the condition it was in before the sewer force main installation.

SECTION 2. This act shall take effect upon its passage;

or do or act relating thereto. The General Court may make clerical or editorial changes of form only to the bill.

Sponsor: Board of Selectmen

Summary: The town purchased this parcel for park and recreation (Memorial Park and Recreation Area) which is protected under Article 97 of the Massachusetts Constitution. In order for the town to allow the installation of the force main, it is considered to be a change of use and requires a 2/3 vote of the Parks and Recreation Committee, the Board of Selectmen, and the town meeting to file special legislation. We hope the legislature will approve this request with the caveat that the town returns the land to its original state after the installation of the force main.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 majority

Article 17: Purchase of Two Used 6-Wheeler Minimum 35,000 GVW Trucks for the Department of Public Works

To see if the Town will vote to appropriate the sum of \$100,000 (One hundred thousand dollars) to purchase two used 6-wheeler minimum 35,000 GVW Trucks for use in the Department of Public Works, 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, the principal, interest, and associated costs on the borrowing to be contingent on the Town voting to exempt such borrowing from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C(k) (Proposition 2 1/2); 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 Department of Public Works fleet is rapidly aging. The two trucks will be replacing a 1975 Mack and a 1981 International. The funds appropriated in this article will allow the DPW to purchase two newer trucks and to properly outfit them for sanding and plowing operations.

Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: 2/3 majority

Article 18: Continuation of Cleanup of Gasoline Contamination

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$45,000 (Forty-five thousand dollars), pursuant to any applicable statute, for the continuation of the cleanup of the gasoline contamination on Town and private land which resulted from the leaking underground gasoline storage tank connections at the Highway Department; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: The gas spill contamination cleanup and monitoring has been ongoing since 1995. All activities associated with this project are mandated by the Department of Environmental Protection. The monitoring has indicated that the site is now clean. In order to officially close the site, the Town needs to file closure paperwork and seek approval from the D.E.P. The money appropriated in this article will fund the final round of testing and all closure related activities.

Board of Selectmen Recommendation: Approved
Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 19: Intersection of Golden Run Road and Quail Run Road Engineering Study

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000 (Fifteen thousand dollars), pursuant to any applicable statute, for full engineering plans, including wetlands delineation, and any associated costs to improve a drainage problem at the intersection of Golden Run Road and Quail Run Road; or do or act relating thereto.

Sponsor: Department of Public Works

Summary: Occasionally in the springtime a vernal pool overflows onto the town-owned intersection of Golden Run Road and Quail Run Road. A solution that may help alleviate this problem would be to redirect the flow from Golden Run Road to an undeveloped parcel of land owned by New England Power. New England Power has requested that the Town have engineering plans drawn up in order to consider this request; however they have not indicated they will approve the actual construction. The funds appropriated in this article will cover engineering only, not construction. The estimated cost of constructing this project may be somewhere between \$150,000 and \$200,000, which would be brought to a subsequent town meeting for approval.

Board of Selectmen Recommendation: Approved (2 to 1)
Advisory Committee Recommendation: Disapproved
Vote Required: simple majority

Article 20: Purchase and Installation of a Vehicle Exhaust Emissions System at Fire Station

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,200 (Six thousand two hundred dollars), pursuant to any applicable statute, for the purchase and installation of an exhaust emissions system for one diesel fire engine at the Fire Station; or do or act relating thereto.

Sponsor: Fire Department

Summary: The Fire Department received a \$20,700 FEMA Grant in 2003 which paid for the major portion of the exhaust emissions system plus the connection for two engines and the ambulance to the system. The funds being requested will be for the purchase and installation of equipment to connect the new fire tanker.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved
Vote Required: simple majority

Article 21: Purchase of a New Town Hall Copy Machine

To see if the Town will vote to appropriate the sum of \$12,000 (Twelve thousand dollars) to purchase a new copy machine for the Town Hall, 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, the principal, interest, and associated costs on the borrowing authorized by this vote to be exempt from the limitation on total taxes imposed by Massachusetts General Laws, Chapter 59, Section 21C (Proposition 2 ½) only in the event that the voters exempt said borrowing amount at the annual Town election; 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: Board of Selectmen

Summary: This article will allow the town to replace the 10-year-old copier located in Town Hall, which is repeatedly breaking down, and finding parts has become difficult.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Article 22: Funding for July 4th Celebration

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000 (Five thousand dollars), pursuant to any applicable statute, for the purpose of contributing to funding of the July 4th Celebration; or do or act relating thereto.

Sponsor: Board of Selectmen

Summary: A non-profit corporation has been formed by some interested residents to hold a Fourth of July parade, fireworks display, and family events in the area of Memorial Field. Most of the costs of the celebration would be by private donations.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: No recommendation (3 to 3)

Vote Required: simple majority

Article 23: Acquire Bonazzoli Land

To see if the Town will vote to authorize the Board of Selectmen pursuant to Massachusetts General Laws (M.G.L.) Chapter 40, Section 14 to purchase, by quitclaim deed, a good and marketable title to the property owned by August G. Bonazzoli Jr. and Deborah M. Bonazzoli, consisting of forty- three (43) acres of land, more or less, shown as Parcels 15 and 20 on Bolton Assessors Map 2D, and being a portion of the property described in a deed recorded with the Worcester County Registry of Deeds in Book 27827, Page 233; that the Board of Selectmen be authorized pursuant to M.G.L. Chapter 40, Section 15A to transfer such property to the care, custody, management and control of the Conservation Commission in accordance with Massachusetts General Laws Chapter 40, Section 8C, as it may hereafter be amended, and other M.G.L. statutes relating to conservation, to be managed and controlled by the Conservation Commission of Bolton, as land for conservation and passive recreation purposes; and further, that the Conservation Commission is hereby authorized to file on behalf of Bolton any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of

Massachusetts deemed necessary under the Self-Help Act (M.G.L. c. 132A, s. 11) and/or any others in any way connected with the scope of this vote; and further, that the Board of Selectmen is hereby authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Bolton to effect said purchase, and that to fund said purchase, including all costs incidental and related thereto, the sum of \$1,000,000 (One million dollars), is hereby appropriated, at to meet that appropriation, the Treasurer is hereby authorized, with the approval of the Board of Selectmen, to borrow up to \$1,000,000 (One million dollars) pursuant to M.G.L. c.44, s.7(3), or any other authority, contingent on the Town voting to exempt from the limitation on total taxes imposed by M.G.L. c.59, s.21C(k) (Proposition 2½), amounts required to pay the principal of, and interest on, the borrowing authorized by this vote; or do or act relating thereto.

Sponsor: Conservation Commission

Summary: The purpose of purchasing, for \$1,000,000, the Bonazzoli property, consisting of approximately 43 acres, is that such property abuts one hundred (100) acres of land that is designated as open space in the approved Century Mill Estates Subdivision, thus, the Bonazzoli property would substantially enhance the trail and other open space and conservation systems in a Core Conservation Area. The Conservation Commission plans to apply for a grant from the state's Self-Help Program, which provides a reimbursement for up to and including one-half of the purchase price.

Board of Selectmen Recommendation: Disapproved

Advisory Committee Recommendation: Disapproved

Vote Required: 2/3 majority

Article 24: Field and Track Synthetic Turf Replacement Project at the Nashoba Regional High School

To see if the Town will vote pursuant to Massachusetts General Laws (M.G.L.) Chapter 71, Section 16B, or any other authority, to disapprove the bond authorization voted on April 3, 2008 by the Nashoba Regional School District for the field and track replacement project at the Nashoba Regional High School; or do or act relating thereto.

Sponsor: Nashoba Regional School District School Committee

Summary: The Nashoba [Regional](#) School Committee believes that the high school's track "is in desperate need of replacement" and that a synthetic turf field "will require significantly less maintenance". They further state that a new synthetic field "will be usable in all weather conditions" and will also be able to be used by many more of the high school's sports teams than the present field is. The new field will be funded by a \$1,280,000 10-year bond issue and the school committee believes that the current interest rate environment is a favorable one for issuing bonds.

Because of the counter-intuitive manner in which regional school district capital projects are voted, it is necessary to vote "No" to approve the project, or to vote "Yes" in order to oppose the project.

Board of Selectmen Recommendation: Recommendation to be made at Town Meeting

Advisory Committee Recommendation: Recommendation to be made at Town Meeting

Article 25: Authorize Town Election

To see if the Town will vote to meet at the Town Hall in Bolton, on Monday, May 12, 2008 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 Town Clerk;

THREE YEARS: One member of the Board of Selectmen, One member of the Board of Health, One member of the Board of Assessors, One Library Trustee, One member of the Cemetery Committee, Two Parks & Recreation Commissioners, One Trustee of the Francis E. Whitcomb Benevolent Fund, One Commissioner of Trust Funds;

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 3rd day of April in the year of our Lord, Two thousand eight.

Anne E. (Panny) Gerken, Chairman) Selectmen

Curtis Plante) of

Kenneth F. Troup) 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: _____