



BOARD OF SELECTMEN
Meeting Agenda
October 31, 2016
Boxborough Town Hall
Grange Meeting Room

1. CALL TO ORDER, 7:00 PM

2. ANNOUNCEMENTS

3. APPOINTMENTS

[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]

- a) Citizens concerns

4. MINUTES

- a) Regular session, October 3, 2016
b) Executive session, October 17, 2016

ACCEPT & POF
ACCEPT & POF

5. SELECTMEN REPORTS

6. OLD BUSINESS

- a) Special Town Meeting
- i. Open/re-close the warrant
Move to open the warrant to add an article for \$15,000 for the purpose of procuring the services of a consultant to assist in reviewing the previous HKT analysis and to advise the Boxborough Building Committee (BBC) on space needs and site/building options, and further, to re-close the warrant
 - ii. Review and vote recommendations

VOTE:
VOTE:

7. NEW BUSINESS

- a) MART Contract (Tentative)
Move to execute the Transportation Service Contract by and between Montachusett Regional Transit Authority (MART) and the Town of Boxborough for a term of approximately thirty-two months commencing on the date last executed and ending on June 30, 2019
- b) Updated Rules for Senior Tax Work-off Program
Move to adopt the updated Council on Aging Senior Tax Work-off Program Rules as written (or... as revised)
- c) Appointment of Robert Comacho as the Temporary Building Inspector (Contract)
Further to the recommendation of Inspector of Buildings/Code Administration Officer, Gerry Noel, move to appoint Robert Camacho as the Temporary Building Inspector (Contract)
- d) Resignation of Police Officer Patrick Colburn, effective December 26, 2016
Move to accept and place on file the resignation of Police Officer Patrick Colburn effective December 26, 2016

VOTE:
VOTE:
VOTE:
ACCEPT & POF

8. CORRESPONDENCE

ACCEPT & POF

- a) Internal Communications
- b) Minutes, Notices & Updates
- c) General Communications

9. PRESS TIME

10. CONCERNS OF THE BOARD

11. EXECUTIVE SESSION

Move to adjourn to executive session in the Town Administrator's office

- i. to discuss strategy with respect to litigation*
- ii. to consider the purchase or value of real estate*
and to adjourn immediately thereafter

ROLL CALL

VOTE:

N.B. The Chair shall state that an open meeting may have a detrimental effect on the negotiating position of the Board.

12. ADJOURN

Upcoming Board of Selectmen Meetings

11/7; 11/28; 12/5; 12/19; 1/9/17

BLF: 11/15

STM: 12/12



BOARD OF SELECTMEN
Meeting Minutes
October 3, 2016

APPROVED: _____

PRESENT: Les Fox Chair; Susan Bak, Clerk; Vince Amoroso and Rick Barrett and Robert Stemple, Member

ALSO PRESENT: Selina Shaw, Town Administrator

EXECUTIVE SESSION

- At 6:31 PM, Chair Fox moved to adjourn to executive session to discuss strategy with respect to litigation and to reconvene in open session at 7:00 PM in the Grange Meeting Room to consider the regular business on the agenda. Further stating that an open meeting may have a detrimental effect on the negotiating position of the Board. Seconded by Member Bak. **Approved 4-0 by Roll Call Vote: Fox "aye," Amoroso "aye," Bak "aye," and Barrett "aye." (Member Stemple not present for vote.)**

Chair Fox reconvened the meeting at approximately 7:00 P.M. in the Grange Meeting Room of Boxborough Town Hall.

The documents discussed herein have been included with the file copy of the agenda packet for the above-referenced date and are hereby incorporated by reference.

ANNOUNCEMENTS

Chair Fox read the announcements.

PUBLIC HEARING

- Chair Fox opened the FY 2017 Tax Classification Hearing - Adoption of Residential Factor at 7:09 PM. Though some residents were in attendance none were present to participate in this hearing. Town Assessor, Ruth Anderson spoke to the Power point that she presented. It was noted that what residents vote to spend money on at Town Meeting has the most impact on the tax levy. The Selectmen provided their input; including the pros/cons of splitting the rate between commercial and residential and what is commercial "personal" property. As there was no further discussion the hearing was closed. Chair Fox moved to adopt a residential factor of one, i.e. a single tax rate, and to authorize the Town Assessor to digitally sign the LA-5 form on behalf of the Board for submission to the Department of Revenue. Seconded by Member Bak. **Approved 3 (Bak, Barrett & Fox) -2 (Amoroso & Stemple).**

The Board took up two items that were recently brought to their attention.

- It was recently determined that a professional commercial property appraisal is required in an Appellate Tax Board matter and there are not sufficient funds in the Assessor's Consulting budget to cover this unanticipated expense. Chair Fox moved to approve and forward to the Finance Committee, for their approval the Request to Transfer \$7,500 from the Reserve Fund to Assessor Consulting, Account # 001-141-5306-0000. Seconded by Member Bak. **Approved 5-0.**
- There was a follow up discussion on the Notice of non-exercise of the Town's Ch. 61 Option on the "Vorce" property. It has been determined that specific title references need to be added to the Notice of non-exercise that the Town previously issued. Chair Fox moved to revise the Notice of Non-exercise of Option pursuant to MGL. Ch. 61B, §9, which was executed on September 26, 2016, to include references to Book 14822; Page 561, and Book 26793; Page 415. Seconded by Member Bak. **Approved 5-0.**

APPOINTMENTS

- Fire Chief Randolph White and Police Chief Warren Ryder were present to discuss the public safety radio system update and plans. The Town has been struggling with public safety communication issues for over 20 years. In 2014, a consultant was tasked with determining the Town's current and future public safety communication needs through effective and cost efficient updates to our public safety communications system. Chief Ryder referred to a report on these efforts. Based on these recommendations the Town installed a three site transmission system. For the most part, the current system is functioning as it should; however height restrictions are hampering communication. The Chiefs are present to advise that they would like to bring in testing equipment to see if additional height will address these communication issues. The cost for this testing was discussed.

- Sharon Garde, a candidate for appointment to the Acton-Boxborough Cultural Council was present. (ABCC) Chair, Sunanda Sahay, and member Nancy Evans had been in attendance but were unable to remain for this item. Garde spoke to her desire to join the ABCC. Further to the recommendation of the Acton-Boxborough Cultural Council, Chair Fox moved to appoint Sharon Garde to the ABCC for a term effective immediately and ending on June 30, 2019. Seconded by Member Bak. **Approved 5-0.**

- There were no Citizens concerns.

MINUTES

- Chair Fox moved to accept the minutes for the regular session of September 26, 2016, as written. Seconded by Member Bak. **Approved 5-0.**

SELECTMEN REPORTS

- Member Amoroso reported on the Minuteman School District. The District obtained majority support for the building project through the recent Districtwide vote and Boxborough voters came out strongly in support. He also advised that Belmont one of the towns in which the majority of town residents voted down the project and reviewed the possible avenues that Belmont may now take including initiating the withdrawal process. The anticipated project completion date is Fall 2020.
- Member Barrett reported on efforts concerning the formation of a Veterans Memorial Committee. There will be a meeting on Tuesday to continue to refine the organizational structure and charge. He intends to bring the potential appointments forward soon.
- Chair Fox reported on Hager Well facilities. They are waiting responses from DEP on several matters. For now, the systems are getting the job done; however, they require constant checking and manual “backwashing” when necessary.
- He also reported that many residents have voiced concern about the lack of water conservation during the current drought and that the Town should be doing more to promote conservation. It was suggested that the Public Safety’s NIXLE or Reverse 911 communication systems could be used to get the word out to residents on this.

OLD BUSINESS

- The Board reviewed the FY 18 Budget and Annual Town Meeting proposed guidelines and timeline. Chair Fox moved to adopt the FY 18 Budget and Annual Town Meeting proposed guidelines and timeline as presented. Seconded by Member Bak. **Approved 5-0.**
- There was a review of the list of proposed Special Town Meeting articles.
- Chair Fox spoke to requests to use the Boxborough Town Seal or components of the Seal.
 - He reviewed the previous discussion that had taken place concerning the A-B Rotary Club’s request to use the Town Seal and possible use of a disclaimer. MGL Ch. 268 § 35 and the input received from Town Counsel was discussed. The Board provided their input. The consensus was not to approve this request. Chair Fox moved not to authorize use of the town seal on AB Rotary letterhead. Seconded by Member Bak. **Approved 5-0.**
 - It was related that the True West Brewery has also made a request, not to use Town Seal per se; but rather to use of a component from the town seal, specifically, Luther Blanchard, in their logo. The Blanchard image in the center of the Seal is what makes it distinctive. Concern was also voiced that this would be used in a “for profit” enterprise. The consensus was not to approve this request. The True West Brewery Co. was encouraged to develop their own art work depicting Minuteman Luther Blanchard that does not closely resemble image on the Town Seal. Chair Fox moved not to allow True West Brewery to use the Town’s original art work depicting the likeness of Luther Blanchard for the True West Brewery logo. Seconded by Member Bak. **Approved 5-0.**

NEW BUSINESS

- The Board opened discussion on entering into a Training Reimbursement Agreement for Firefighter/EMT Zachary Broderick and how the terms of the current Collective Bargaining Agreement relate to this request. Chair Fox moved to execute the Fire Academy and Training Reimbursement Agreement between the Town of Boxborough and Zachary Broderick **Approved 4-0-1 (Member Stemple recused himself).**
- Chair Fox moved to accept and place on file the Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268A, §23(b)(3), submitted by Lonnie Weil. He then read said Disclosure into the record. Seconded by Member Bak. **Approved 5-0.**

- There was a brief discussion of the November 8, 2016 Election Warrant. Chair Fox moved to notify and warn the inhabitants of the town of Boxborough who are qualified to vote in the State Election to vote at Boxborough Town Hall, 29 Middle Road, Boxborough, MA on Tuesday, the eighth day of November 2016 from 7:00 AM to 8:00 PM to cast their votes in the State Election. He then read the Election Warrant into the record. Seconded by Member Bak. **Approved 5-0.**

CORRESPONDENCE

- Member Amoroso was asked to expand on the Mass. Dept. of Elementary & Secondary Ed. (DESE) letter regarding capital assessment for non-member towns and how it may impact to Boxborough after we leave the Minuteman District next year.

ADJOURN

- The meeting was adjourned at approximately 9:55pm.

6a



**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING
DECEMBER 12, 2016
LIST OF ARTICLES**

- 1. LAND PURCHASE FOR CONSERVATION PURPOSES**
- 2. GENERAL BYLAW AMENDMENT – AMEND DOG LICENSING BYLAW**
- 3. PAYMENT OF PRIOR FISCAL YEAR BILLS**
- 4. REPAIRS TO FLERRA FIELD PLAYGROUND**
- 5. AMEND FY2017 BUDGET – POLICE AND EMPLOYEE BENEFITS**
- 6. PILOT AGREEMENT FOR SOLAR PHOTOVOLTAIC FACILITY**
- 7. ACCEPT PROVISIONS OF SECTION 60 OF THE ACTS OF 2016 TO ESTABLISH AN INJURED ON DUTY (IOD) FUND FOR POLICE AND FIRE**
- 8. MUNICIPAL FACILITIES SPACE NEEDS CONSULTANT**

To either of the Constables of the Town of Boxborough, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1 to meet at the Blanchard Memorial School, Massachusetts Avenue, Boxborough, MA on Monday, December 12, 2016 at 7:00 p.m. to act on Articles 1 through 8 of this Special Town Meeting Warrant.

ARTICLE 1 LAND PURCHASE FOR CONSERVATION PURPOSES

(Two-thirds vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum for the total cost of the purchase not to exceed \$575,000 to be expended by the Conservation Commission of Boxborough, in accordance with the authority granted to it under Massachusetts General Laws, Chapter 40, Section 8C, by and on behalf of the Town, for the acquisition of that certain tract of land totaling 15.67 acres, more or less, located at 311 Whitcomb Road in Boxborough, identified as 08-001-000 on the Boxborough Assessor's Maps, being a portion of that land described in a deed recorded with the Middlesex South Registry of Deeds in Book 11391 at Page 514, including costs incidental and related thereto, for conservation and passive recreation purposes, said land to be held in the care, custody, management and control of the Conservation Commission of Boxborough thereafter, and to authorize the Treasurer with the approval of the Selectmen to borrow said sum under the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8C, and/or any other enabling authority; and to issue bonds and notes of the Town therefor; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further to authorize the Conservation Commission or its designees to apply for, accept and expend on behalf of the Town of Boxborough such other funds as may be provided to pay for all or a portion of the costs of acquiring these properties, including but not limited to grants and/or reimbursement from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) grant program (Massachusetts General Laws Chapter 132A, Section 11), which grants and/or funds shall be used to repay all or a portion of the borrowed funds, provided, however, that said acquisition is conditional upon the Town of Boxborough receiving a LAND grant for said acquisition in the amount of not less than 50% of the total cost of the purchase; and to authorize the Conservation Commission and Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxborough to effect said acquisition; or take any other action relative thereto.

Summary

The Conservation Commission proposes to purchase 15.67 acres of land (Elizabeth Brook Knoll) on the western side of Boxborough bordering Harvard on West Whitcomb Rd., next to the Cisco property. This is a collaborative effort with the Boxborough Conservation Trust (BCTrust), the Town of Harvard and the Harvard Conservation Trust. The Town of Harvard and the Harvard Conservation Trust are similarly pursuing an abutting 50 acre parcel in Harvard known as Horse Meadows Knoll on Sherry Road. Together, these two acquisitions will net approximately 64 acres of prime upland habitat, aquifer recharge area and public hiking trails. Boxborough and Harvard have each submitted LAND grant applications for their respective parcels. The LAND grant is expected to cover more than half of the total cost of the proposed purchase for Boxborough.

Purchasing Elizabeth Brook Knoll as Conservation Land directly aligns a number of the goals and objectives identified in Boxborough 2030 and Boxborough's Open Space and Recreation Plan (OSRP) 2015-2022 as follows:

Boxborough 2030 Goal 1.3 and OSRP Goal No. 1: To protect and/or acquire additional lands for conservation, water resource protection, wildlife habitat, agricultural land preservation, recreation, trails, and wildlife corridors.

OSRP Goal No. 2: To protect the town's heritage and character through the preservation of scenic areas, roadways, and landscape features, both natural and historical.

OSRP Goal No.7: To coordinate open space planning efforts with neighboring communities to create a regional open space and trail network.

The added value of this purchase includes:

DISCOUNTED PRICE: The Seller’s interest in conservation has resulted in an agreed price that is below the appraised value. This addition to the attractive price, more than half of the total purchase cost is expected to be covered by the LAND grant and a contribution by the BCT.

Appraised Value	\$625,000
Estimated Total Cost (includes purchase price, survey, title, and contingency)	\$575,000
LAND Grant Award (minimum 50% match of total cost)	- \$287,500
Contribution from BCT(paid deposit)	-\$27,000
Net Cost to Town(maximum not to exceed)	\$260,500

PROTECTION OF WATER RESOURCES: The property’s mixed deciduous-coniferous upland forest captures, conserves, and filters rainwater runoff prior to recharging a major surficial aquifer, thereby reducing the threat of pollution not only to the aquifer itself, but also to area wetlands and nearby Elizabeth Brook and Beaver Brook in the SuAsCo and Merrimack River watersheds. About 25% of the northern portion of the property is in a Zone 2 well-head protection area, and about 30% of the southern border of the property is an interim well head protection zone.

PROTECTION OF PRIORITY HABITAT: The entire Boxborough parcel, and abutting Harvard parcel, is identified by NHESP as a “Priority Habitat” for rare and endangered species, and connect with other Priority Habitat parcels under conservation restrictions (abutting CISCO properties).

PASSIVE RECREATION: Provides opportunity for prime hiking trails in an invasive-free mature forest setting with nearly 200 feet of vertical rise.

LINKAGE: Provides trail and hiking opportunity in Boxborough into Harvard.

EQUITY: Creates prime hiking trails in walking distance to multi-family housing on Boxborough's west side.

REMOVAL OF DEVELOPMENT THREATS: Preserves natural habitat and water resources.

The Conservation Commission recommends (6-0).

Purchasing Elizabeth Brook Knoll as Conservation Land will contribute toward the Town’s goals and objectives for protecting and/or acquiring additional lands for conservation, water resource protection, wildlife habitat, recreation, trails, and wildlife corridors. The combination of the negotiated purchase price, available LAND Grant funding, and BCT contribution, also provides the Town with the immediate opportunity to purchase valuable conservation land at a relatively low price.

The Board of Selectmen recommends...

The Finance Committee does not recommend (5-0).

The Finance Committee recognizes and appreciates the efforts of the Boxborough Conservation Trust, the Conservation Commission and others in bringing this opportunity to the Town in such an expeditious manner. This is a joint venture with the Town of Harvard, who are planning to purchase an adjoining lot, so providing a greater contiguous area of conserved land across the town border. The land will provide access to conservation land hiking trails to the west of Interstate 495 which are lacking at this time. However, the Finance Committee considers several other factors to be of importance in support of their recommendation.

In addition to the costs associated with the purchase of the property, the Town will lose the tax income from a lot that is currently assessed at \$709,800. This, along with the actual cost of purchase, will add to the property tax rate by an amount that will depend on the funding mechanism, but which will be at least \$0.04.

In 2014, the Town adopted the Community Preservation Act, with a surcharge of 1% on property tax that is supplemented by a variable state match, which was 29% of the FY15 tax surcharge. One of the main purposes of these funds is for open space and recreation, including the purchase of land for conservation. The Finance Committee is both surprised and concerned that this proposed purchase has not been reviewed or considered by the Town's Community Preservation Committee for potential funding with CPA monies, since the state match effectively represents a further discount on the purchase price.

There are currently several large capital projects being considered within the Town, some of which are likely to require the purchase of land in the immediate or near future. These include improvements for the Fire Department, the DPW facilities and the Police Department. The Recreation Commission is considering how best to provide new recreational facilities for the Town, identified as a priority in their plan, and which may also require purchase of land. The Regional School District is well advanced in the development of a comprehensive capital plan, which will require the Town to make a significant financial commitment. These should all be priorities for the Town. For conservation and open space, the priorities are listed in Table 29 of the Open Space and Recreation Plan – 2015-2022, which identifies land that is currently privately owned but which would be a priority for the Town to purchase, were it to become available. This table lists 26 parcels comprising a total of 61 lots identified by an Assessor ID number. These parcels were identified as the priorities by the Conservation Commission, Planning Board, Board of Health and Agriculture Commission amongst others. The parcel at 311 Whitcomb Road is not one of those priority parcels. As such, the Finance Committee believes that at this time, with significant capital expenditure ahead, the Town should focus its resources on its obligatory needs (the "must-haves") rather than discretionary items (the "nice-to-haves") and so does not recommend this article.

ARTICLE 2 GENERAL BYLAW AMENDMENT – AMEND DOG LICENSING BYLAW

(Majority vote required)

To see if the Town will vote to amend the Dog Licensing Bylaw by adding the ***bold, italicized*** language and deleting the strikethrough language as follows:

Section 1. All dogs six months or older in the Town of Boxborough shall be licensed by the Town Clerk annually beginning January 1st and not later than ~~March 10~~ ***April 1*** of each calendar year. Upon receipt of payment of the licensing fee, the Town Clerk shall issue a license and a tag. The tag, along with current rabies tag, shall be worn by the dog on a collar or harness when the dog is off its owners or keeper's property. The License Period shall be January 1 to December 31 of each calendar year.

Section 2. Fees for dog licenses are:

Spayed/Neutered	\$10.00
Intact	\$15.00
Up to 4 dogs	\$25.00
Kennel 5 - 10 dogs	\$50.00
Kennel 11+ dogs	\$75.00

Section 3. Any person who is the owner or keeper of a dog in the Town of Boxborough and who fails to license said dog by ~~the March 10 deadline~~ ***April 1*** in any year, shall be subject to a penalty of ~~fifty dollars (\$50.00)~~ ***twenty-five dollars (\$25.00)*** per dog to be payable to the Town Clerk upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~

Section 4. Any person who by ~~March 20~~ ***May 1*** fails to license a dog which is owned or kept in the Town of Boxborough shall be subject to a penalty of ~~seventy-five dollars (\$75.00)~~ ***fifty dollars (\$50.00)*** per dog to be payable to the Town upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~

Section 5. Any person who by ~~March 30~~ ***June 1*** fails to license a dog which is owned or kept in the Town of Boxborough shall receive a demand from the Animal Control Officer – Dogs and Cats by certified and regular mail for immediate payment of the license fee, one hundred dollars (\$100.00) fine per dog and the cost of the postage. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~ Those who continue to fail to comply with the provisions of this bylaw will have their names turned over to the Boxborough Police for enforcement and possible court action.

Summary

The proposed amendment provides for a more reasonable schedule of deadlines; the April 1 licensing deadline would enable dog owners to participate in annual rabies clinics offered in area communities by the Nashoba Associated Boards of Health. It is proposed to extend the late fee deadlines in order to provide for more sufficient time between the dates. The late fee structure would be reduced to provide for a less onerous incentive for owners to license their dogs. The final proposed change would eliminate payment of late fees to the Dog Officer – Dogs and Cats. When the bylaw was initially adopted, penalties were paid to the Dog Officer to help compensate the position for being underpaid. The position is now fairly compensated; additionally, it is the Town Clerk's office that collects the fines and responds to citizens' concerns.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes the recommended changes to the fine structure in the dog licensing bylaw are reasonable and appropriate, as recommended by the Board of Selectmen, and for the reasons the Board has stated. There should be no significant financial impact on the Town should the amendment pass.

ARTICLE 3 PAYMENT OF PRIOR FISCAL YEAR BILLS

(Nine-tenths vote required)

To see if the Town will vote to transfer from Free Cash the sum of Five Hundred Forty-eight Dollars (\$548) more or less, for the purpose of paying prior fiscal year bills: 1) \$148 to United Site Services and 2) \$400 to Meenmore Condominium Trust c/o Evergreen Management, Inc., or take any other action relative thereto.

Summary

This is a housekeeping article. Funding of a prior year's bill must be approved by Town Meeting.

United Site Services provided portapotties at Flerra Fields and Steele Farm for activities sponsored by the Recreation Commission and had not previously submitted two bills, totaling \$148, for payment. The bills, for FY 2014 and 2015 respectively, were finally submitted to the Town in August 2016.

In May 2016, Meenmore Condominium Trust paid in advance for the use of Town Hall meeting rooms. In September, the Town was notified that the rooms would not be needed for various dates during the period October 2016 – May 2017. The payment of \$400 provides a refund of the payment in advance for those unused dates.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

This article is a result of one vendor reconciling its books after year end close. A second expense is a reimbursement for an advance deposit by a group using town facilities.

ARTICLE 4 REPAIRS TO FLERRA FIELD PLAYGROUND

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Ten Thousand Dollars (\$10,000) more or less, for the purpose of replacing two slides, installing wood chips and placing a sign at Flerra Field playground, or take any other action relative thereto.

Summary

The play ground equipment at the Flerra Field playground has been in the state of disrepair. On October 12, the playground was inspected by the Town's insurer in accordance with U.S. Consumer Product Safety Commission and American Society for Testing and Materials. The inspector noted several areas of concern and among the actions recommended were: 1) the replacement of two cracked sliding boards that could quickly splinter causing more serious safety hazards, 2) the installation of an additional six inches of wood chips (engineered wood fiber) to ensure appropriate impact attenuation and 3) the posting of a sign listing rules and age appropriateness of the playground (2 yrs to 12 yrs).

This article would provide the funding necessary to remedy the existing hazards and bring the playground into compliance.

The Recreation Commission recommends...

The Board of Selectmen recommends...

The Finance Committee recommends (5-0).

The play structures at the Flerra Field playground are in desperate need of repair, imposing safety hazards for the users of the structure. This warrant article will not only fix the damaged parts of the play structure; it will also bring the playground into accordance with standard safety regulations as established by the U.S. Consumer Product Safety Commission.

ARTICLE 5 AMEND FY2017 BUDGET – POLICE AND EMPLOYEE BENEFITS

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Nine Thousand Dollars (\$9,000), more or less, for the purpose of funding the expenses and employee benefits associated with the hiring of a full-time police officer; or take any other action relative thereto.

Line Item	Account Name	Appropriated at ATM 5/9/16	Proposed Increase/Decrease	Total FY 17 Allocation
210	Total Salaries – Police	\$1,063,333	<\$4,517>	\$1,058,816
210	Total Other – Police	\$144,740	\$4,517	\$149,257
210	Total Police	1,208,073	0	1,208,073
915	Total Other – Employee Benefits	\$677,800	\$9,000	\$686,800
Net amount required to transfer from free cash			\$9,000	

Or take any other action relative thereto.

The Board of Selectmen recommends...

The Finance Committee recommends (5-0).

The Finance Committee believes this article will significantly reduce the police overtime budget, alleviate staff fatigue, and decrease the likelihood of future Reserve Fund Transfers (RFT's) pertaining to overtime. Over the past three years, the overtime budget has been on average 42% over budget. This is due to staff shortages and major investigations, which resulted in forced overtime. In order to more effectively manage the overtime budget and staffing, the Finance Committee recommends you vote in favor of this article.

ARTICLE 6 PILOT AGREEMENT FOR SOLAR PHOTOVOLTAIC FACILITY

(Majority vote required)

To see if the Town will vote to authorize the Board of Selectmen: (i) to enter into an agreement for “payments in lieu of taxes” pursuant to M.G.L. c. 59, s. 38H(b), or any other enabling authority, for personal property taxes attributable to a solar photovoltaic energy facility to be installed on certain property located in the Town of Boxborough and shown on Assessor’s Map 13 as Lot 021, for a term of years and on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and (ii) to take all actions necessary or appropriate to administer and implement such agreement; or take any other action relative thereto.

Summary

This article will enable the Board of Selectmen to enter into a payment in lieu of taxes (PILOT) agreement with the developer of a solar photovoltaic facility – a carport – at 1300 Massachusetts Avenue. The agreement will provide both the company and the Town with tax stability over the term of the agreement.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes this article is a great opportunity to generate revenue for the Town. By authorizing the Board of Selectmen to enter into a PILOT (payment in lieu of taxes) agreement with the developer of the solar facility at 1300 Mass Ave, the Town will be creating an additional stream of revenue that was not previously available. In addition, approval of this article will also set a precedent for future like developments, further giving the Town an opportunity to expand revenue streams. As a result, FinCom supports this agreement.

**ARTICLE 7 ACCEPT PROVISIONS OF SECTION 60 OF THE ACTS OF 2016 TO ESTABLISH
AN INJURED ON DUTY (IOD) FUND FOR POLICE AND FIRE**

(Majority vote required)

To see if the Town will vote to accept Section 60 of the Acts of 2016, An Act Modernizing Municipal Finance and Government, or take any other action relative thereto.

Summary

Acceptance of this section, which amends Section 111F of Chapter 41 of Massachusetts General Laws would allow the Town to establish, appropriate money to and expend from a special injury leave indemnity fund for payment of police officer and firefighter injury leave compensation or medical bills, as well as provide for replacement staff for those injured employees. Previously, insurance proceeds were not available to be expended; therefore, if the departmental budget was insufficient to meet the additional costs attributable to injured on duty leave, a transfer from the reserve fund was required

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes that the change to MGL is a benefit to Boxborough though we believe it doesn't go far enough. This article allows the Town to create a fund that will cover the police and fire departments when personnel are out for extended periods of time. In the past the departments' budgets were hit for double charges to cover the injured personnel and for temporary replacements. The Town is now able to create a fund that rolls over from year to year. This fund will allow the Town to cover unforeseen expenses due to injury to firefighters or police personnel. Monies can be appropriated to and insurance proceeds can be deposited into the fund; over time unused funds no longer deemed to meet the purpose of the fund or required for expenses in the foreseeable future may be released to the general fund.

ARTICLE 8 MUNICIPAL FACILITIES SPACE NEEDS CONSULTANT

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000), more or less, for the purpose of procuring the services of a consultant to assist in reviewing the previous HKT analysis and to advise the Boxborough Building Committee (BBC) on space needs and site/building options, or take any other action relative thereto.

You are required to serve this Special Town Meeting Warrant by posting copies thereof, attested by you, at the Town Hall, at the Sargent Library, at the Police Station, at the Fire Station, and at the Blanchard Memorial School, fourteen days at least, before the time appointed for such meeting.

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before November 28, 2016.

Leslie R. Fox, Chairman
Board of Selectmen

Susan M. Bak, Clerk
Board of Selectmen

Vincent M. Amoroso
Board of Selectmen

Richard M. Barrett
Board of Selectmen

Robert T. Stemple
Board of Selectmen

PROPOSED
For BoS Discussion October 31, 2017



Town of Boxborough
Council on Aging
Senior Tax Work-off Program Rules

1. Taxpayer must be over the age of sixty by the July 1st preceding the start of the program year.
2. There are currently no income eligibility requirements.
3. Taxpayer must reside at the location in which the abatement is being applied.
4. Taxpayer may receive abatements under work-off program in addition to any property tax exemptions for which they may be eligible.
5. Participant may be credited with up to 125 hours at the current state minimum wage.
6. The amount credited, i.e. the abatement, is considered to be income for federal tax purposes (including Social Security and Medicare) but not state tax purposes. A W2 will be generated for all participants.
7. Taxpayer must have resided in Boxborough for at least 5 (five) years. If both owners of record would like to participate, and only one has been a resident for five years and is otherwise eligible, the other owner shall also be considered eligible.
8. Parcels with multiple owners - all owners of a parcel may receive abatements under the program if they otherwise qualify. Owners must be listed on tax collector's records as owner.
9. Seniors shall apply no later than November 30th to work in the Senior Tax Work-off year that begins December 1st.
10. In general, work shall be done on municipal property. Any exception to this rule must be authorized by a majority vote of the Board of Selectmen.
11. Abatements will appear on the third and fourth quarter bills as an adjustment to the tax.
12. Abatements will be charged against the Assessor's overlay account.
13. The number of participants in the program may be limited by the Board of Selectmen.
14. In order to allow all participants to have an equal opportunity to work, participants shall be called on a rotational basis.
15. Specialist tasks shall be determined by the Town Administrator based on department heads' recommendations. Specialist tasks will be assigned to qualified service volunteers in a fashion that best suits the needs of the requesting department, and not necessarily on a rotational basis.
16. Any program records are public records with the exception of the application form consent information.

OLD



Town of Boxborough Council on Aging Senior Tax Work-off Program Rules

1. Taxpayer must be over the age of sixty.*
2. There are currently no income eligibility requirements.
3. Taxpayer must reside at the location in which the abatement is being applied.*
4. Taxpayer may receive abatements under work-off program in addition to any property tax exemptions for which they may be eligible.*
5. Taxpayer must have resided in Boxborough for at least 5 (five) years. If both owners of record would like to participate, but only one has been a resident for five years and is otherwise eligible, the other owner shall also be considered eligible.
6. Parcels with multiple owners - all owners of a parcel, may receive abatements under the program if they otherwise qualify. Owners must appear on tax collector's records as owner.
7. The enrollment period is September, October, and November only for the following Sr. Tax Work-off year.
8. Participant shall be credited with the state's minimum wage – currently \$7.50/hour.*
9. Maximum abatement is \$750 per fiscal year.* Under current minimum wage, this works out to 100 hours.
10. In general, work shall be done on municipal property. Any exception to this rule must be authorized by a majority vote of the Board of Selectmen.
11. Abatements will appear on the third and fourth quarter bills as an adjustment to the tax.*
12. Abatements will be charged against the Assessor's overlay account.
13. The number of volunteers to participate in the program may be limited by the Board of Selectmen.
14. ~~An activity log, noting each participant's contact information, skill set(s), record of calls to participant offering work and result of that call (e.g., no answer, available, declined) shall be maintained under the direction of the CoA Coordinator.~~
15. In order to allow all participants to have an equal opportunity to work, participants shall be called on a **rotational** basis. ~~This shall apply to the following non-specialist tasks, as determined by the CoA Coordinator or Town Administrator: filing, stuffing/folding, Library, phone coverage, School.~~
16. Specialist tasks shall be determined by the Town Administrator based on department heads' recommendations. Specialist tasks will be assigned to qualified service volunteers in a fashion that best suits the needs of the requesting Department, and not necessarily on a rotational basis.
17. ~~The decision of whether or not service volunteer is qualified will be at the discretion of the CoA Coordinator or Town Administrator.~~
18. ~~Any department not complying with these regulations shall be removed from the program.~~
19. Any program records are public records with the exception of the application form consent information.

*Specified under the state law MGL Chapter 59, Section 5K

7c

Selina Shaw

From: Gerry Noel <gnoel@boxborough-ma.gov>
Sent: Tuesday, October 18, 2016 2:05 PM
To: sshaw@boxborough-ma.gov
Subject: Contracted Inspector

Selina,

The Duties I am expecting from the Certified Building Official Robert Camacho, is to enforce the provisions of the Massachusetts State Building Code. He will be authorized to review plans at 1415 Massachusetts Avenue also known as Paddock Estates and perform the inspection in accordance to his interpretation of plans reviewed. He will sign for compliance with said code and fail for noncompliance. I will be performing all final signoffs for this project.

This is a short narrative of Mr. Camacho credentials as follows;

- Master's in education
- Worked in the construction industry, family business
- Certificates Massachusetts State Building Inspector 15 years
- Certifies Massachusetts State Building Commissioner 9 years
- Teaches National and Massachusetts State Building Code at various venues.

If there is anything I may have left out please let know.

Gerry Noel-CBO
Inspector of Buildings/
Building Commissioner
Town of Boxborough
29 Middle Road
Boxborough, MA 01719
gnoel@boxborough-ma.gov
Bus. 978-264-1725
Fax. 978-264-3127

7d

October 13, 2016

Board of Selectmen
Boxborough Town Hall
29 Middle Road
Boxborough, MA 01719

Dear Members of the Board:

I am writing to inform you that I have decided to resign from my position with the Town of Boxborough effective December 26, 2016. Thank you for your attention to this matter.

Sincerely,



Patrick Colburn

Cc: Town Clerk

8a



**Internal Communications and Outgoing Communications
October 31, 2016**

1. Memorandum from MAPC Exec. Dir. Marc Draisen dated October 5, 2016, to MAPC Council Reps. & other Local Officials – calling for them to provide Project Concept submissions for their CY 2016 Technical Assistance Program. *
2. Communications from xfinity [Comcast] to the Boxborough Board of Selectmen:
 - a. From Sr. Mgr. of Gov't Affairs, Michael Galla, dated October 4, 2016, advising updating their contact information; informing that the new Sr. Mgr. of Gov't Affairs is Greg Franks, and providing updates for their confidential emergency procedures [*confidential procedures, not included in public packet*].
 - b. From new Sr. Mgr. of Gov't Affairs, Greg Franks dated October 5, 2016, providing "Important Information about Comcast Set-top Boxes [promoting samples included]"
 - c. From Sr. Mgr. of Gov't Affairs, Greg Franks dated October 19, 2016, advising of upcoming changes to XFINITY TV Channels and Service charges.
3. Letter from MassDoT District 3 Highway Dir., Jonathan Gulliver, dated October 17, 2016, to BoS Chair Les Fox, regarding the status of the resurfacing & culvert repairs for Route 111 in Boxborough.*#

Previously distributed

* Indicates that the item is included in the agenda packet as well as in the general notebook.



received
10-11-2016

MEMORANDUM

To: MAPC Council Representatives and Other Local Officials
From: Marc D. Draisen, Executive Director
Subject: Call for Project Concepts
Date: October 5, 2016

I am writing today to invite you to submit project concepts for work to be undertaken by the Metropolitan Area Planning Council (MAPC), for the benefit of your municipality through our Technical Assistance Program (TAP). In calendar year 2016, this program has enabled MAPC to work with individual cities and towns and groups of municipalities on over 75 projects.

Through this Call for Project Concepts, we are soliciting ideas for projects that will commence in 2017. Municipalities can submit concepts for individual, community-specific projects and for multi-community projects. Direct calls for applications are generally released twice a year in the fall and spring. Awards are made on a rolling basis pending the availability of funding, with a batch of awards often made in the late fall and late spring of each year.

Eligible projects cover a wide variety of topics, including but not limited to: housing and economic development; regionalization and shared services; public safety; public health; smart growth; climate change; clean energy; equity; fair housing; equitable transit-oriented development (E-TOD); bicycle/pedestrian mobility; environmental and resource protection; creative community placemaking; and arts and culture planning.

After you submit a concept, we will work with you to determine the best funding source or sources for each project, based on the specific ideas you present and the timetable and criteria of the funding sources that are best suited to fund the work. Just come up with the best concepts you can in accordance with the guidelines in this memo and we will try and fund as many projects as possible through our technical assistance resources or by working with you to apply to state grant programs. Generally speaking, we give preference to projects that advance the regional land use and policy plan, *MetroFuture: Making a Greater Boston Region*. We also give preference to projects that align with the state's Community Compact Best Practices. Projects that involve multiple municipalities and projects that will advance equity within the region are always considered important priorities. For further information on the program's priorities, please see www.mapc.org/tap.

Funding Sources

The MAPC Technical Assistance Program (TAP) is funded through two primary sources: District Local Technical Assistance (DLTA) and Planning for MetroFuture Technical Assistance (PMTA). DLTA comes through a state appropriation, whereas PMTA arises from the assessment dollars that you all contribute to our region-wide work. MAPC actively fundraises to expand our technical assistance budget by seeking funds from philanthropic sources. This year, the Barr Foundation has also provided generous support to assist in several topical areas, particularly E-TOD and climate adaptation. We also leverage funds from state-administered grant programs, including significant

resources from the Community Compact Program, the Department of Housing & Community Development (DHCD), and the Executive Office of Energy & Environmental Affairs (EOEEA).

Applying for Assistance

Please submit a short, 1-2 page maximum project concept on municipal letterhead to Manager of Technical Assistance Programs, Jennifer Erickson, at jerickson@mapc.org with the following:

1. Lead Municipality and Lead Contact for Submittal: Designate a lead contact for the submittal. In the event that this is a multi-municipal proposal, indicate the lead municipality for the submittal and whether firm commitments have been secured from participating municipalities.
2. Project Description and Context: Provide a 1-2 paragraph description of the project. Provide an overview of project context, including geographic location and relevant previous and current planning efforts, e.g., plans, reports or studies.
3. Project Need and Alignment with Local, Regional, and State Goals: Describe the community need(s) the project will address, and its alignment with local, regional and/or state goals. You can learn more about the overall priorities for the TAP and each funding source at www.mapc.org/tap/faq.
4. Project Deliverable(s) and Outcomes: Identify the specific products expected from the project (e.g., master plan, draft or adopted bylaw or ordinance, inter-municipal agreement, streamlined permitting procedures, collective purchasing agreement). Also, identify the anticipated outcomes and changes in the municipality and/or region that you expect will be achieved.
5. Community Engagement: Explain how local officials, community groups, business and/or institutions will be involved in the planning process, as appropriate, and how the project will involve groups that are historically under-represented in planning processes (e.g., low-income individuals, racial/ethnic minorities, youth, seniors, recent immigrants, small business owners, etc.).
6. Project Timeline: Outline the anticipated project timeline and associated project milestones (e.g., must be completed in time for close of fall Town Meeting warrant in August).
7. Municipal Commitment: Describe the municipal commitment to the project. Indicate the support of the mayor, city manager, or town administrator and municipal boards, committees, and/or commissions. For single-municipality and multi-municipal project concepts, detail each municipality's commitment to move ahead with the project in a timely fashion (e.g., will establish a multi-municipal project advisory committee to move the project along).
8. Municipal Contribution: Define any in-kind and/or financial contribution by the municipality to the project, e.g., X hours of municipal planner staff time or Planning Board volunteer time to assist in analysis; X dollars towards direct costs, such as meeting refreshments and translation and interpretation. (Note: Some of MAPC's technical assistance funding sources require a local financial contribution, whereas others do not.)

9. Signature: The submittal must be signed by the mayor, city manager, or town administrator. In the case of a multi-community project, the lead municipality's representative will sign the approved scope of work after the project has been accepted. For multi-municipal project concepts, it is ideal – but not required – to verify support from the mayor, city manager or town administrator in each participating municipality in the form of a signature on the submittal by all participating municipalities.

Decision-Making Timeline

MAPC will acknowledge receipt of project concepts within two business days. MAPC reviews submitted applications on a rolling basis. To check on the status of your submittal, contact Manager of Technical Assistance Programs Jennifer Erickson: 617-933-0759 or jerickson@mapc.org.

Approved projects are awarded a funding allocation that is based on an assessment of anticipated tasks. If MAPC cannot fully fund the project, we will work with the municipality (or municipalities) to achieve additional funding from other sources. Most awards will draw upon a variety of funding sources – including DLTA, PMTA, grants from private foundations, leveraged grants from state programs, and fee-for-service contributions.

Selected projects are assigned to a Project Manager, who works with municipalities to develop detailed scopes of work.

Discuss a Project Concept with MAPC Staff

Please feel free to contact any member of the MAPC staff with whom you have worked on a project in the past or any of the program staff listed below to discuss a potential project.

Departments and Divisions

- Mark Racicot (land use, housing, economic development): 617-933-0752, mracicot@mapc.org
- Mark Fine (municipal services): 617-933-0789, mfine@mapc.org
- Ani Krishnan (energy): 617-933-0715, akrishnan@mapc.org
- Martin Pillsbury (environment): 617-933-0747, mpillsbury@mapc.org
- Eric Bourassa (transportation): 617-933-0740, ebourassa@mapc.org
- Barry Keppard (public health): 617-933-0750, bkeppard@mapc.org
- Tim Reardon (data services): 617-933-0718, treadon@mapc.org

Subregional Coordinators

- Jennifer Erickson, Inner Core Committee Coordinator, 617-933-0759, jerickson@mapc.org
- Heidi Stucker, MAGIC Coordinator, 617-933-0739, hstucker@mapc.org
- Karen Adelman, MWRC Coordinator, 617-933-0704, kadelman@mapc.org
- Sam Cleaves, North Shore Task Force Coordinator, 617-933-0748, scleaves@mapc.org
- Amanda Chisholm, North Suburban Planning Council Coordinator, 617-933-0736, achisholm@mapc.org
- Emily Torres-Cullinane, South Shore Coalition Coordinator, 617-933-0735, etorres@mapc.org
- Christine Madore, Southwest Advisory Planning Committee Coordinator, 617-933-0774, cmadore@mapc.org
- Gregory Miao, Three Rivers Interlocal Council Coordinator, 617-933-0769, gmiao@mapc.org



Charles D. Baker, Governor
 Karyn E. Polito, Lieutenant Governor
 Stephanie Pollack, Secretary & CEO
 Thomas J. Tinlin, Administrator

3

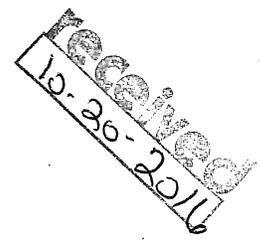
by email



October 17, 2016

Leslie Fox, Chair
 Board of Selectmen
 Town of Boxborough
 29 Middle Road
 Boxborough, MA 01719

John Markiewicz, Chair
 Planning Board
 Town of Boxborough
 29 Middle Road
 Boxborough, MA 01719



Dear Chairman Fox and Chairman Markiewicz;

I am writing in response to your recent correspondence regarding the status of the resurfacing and culvert repairs for Route 111 in Boxborough.

Regrettably, funds that the District had anticipated for this project were not available this construction season. While paving sections of the Route 111 corridor in Boxborough continues to remain a priority, District-wide paving projects are scheduled as funding becomes available. The District has proposed this project for the 2017 construction season however the actual timing for this project will not be determined until the Spring of 2017, when the District Maintenance budget has been finalized.

In the interim, I have asked the District Maintenance section to review the corridor for areas that require immediate patching and maintenance attention. Additionally, please note that the design and permitting is now underway for the culvert repairs and related work which is also anticipated to be undertaken next year.

If I can provide any additional information, please feel welcome to contact me.

Very truly yours,
 MassDOT-Highway District 3

Jonathan L. Gulliver
 District Highway Director

Cc: Selina Shaw-Town Administrator-Boxborough
 Boxborough Board of Selectmen,
 Boxborough Planning Board
 State Representative James Eldridge
 State Representative Jennifer Benson
 Tom Garmon, DPW Director-Boxborough
 Boxborough Fire Chief Randolph White
 Boxborough Police Chief Warren Ryder
 Donny Dailey, MassDOT Legislative Affairs



**Minutes, Notices and Updates
October 31, 2016**

Minutes

1. Minutes of Finance Committee meetings held July 15, 2016; September 19, 2016; and October 3, 2016
2. Minutes of Zoning Board of Appeals meetings held September 27, 2016 and October 4, 2016

Notices

1. Notice of a Boxborough Building Committee held October 24, 2016
2. Notice of a Finance Committee meeting held October 24, 2016
3. Notice of ABR School District related meetings for the:
 - a. Outreach Subcommittee
 - i. held October 19, 2016
 - ii. held October 24, 2016
 - b. Negotiation Subcommittee [Executive Session] held October 20, 2016
 - c. Regular ABRSC held October 20, 2016
 - d. Budget Subcommittee held October 26, 2016
 - e. Policy Subcommittee held October 26, 2016
 - f. AB SpEd PAC held October 19, 2016
 - g. Acton Health Insurance Trust held October 28, 2016
 - h. Concord Area Special Ed. Collaborative held October 28, 2016
4. Notice of a Personnel Board meeting to be held November 10, 2016
5. Legal Notice from the Board of Selectmen for a Public Hearing to be held November 7, 2016 to consider the Transfer of a Hotel All Alcoholic Beverages License from Driftwood Special Servicing, LLC (dba Holiday Inn Boxborough) to Boxborough Regency, LLC at 242 Adams Place.
6. Legal Notice from the Conservation Commission for a Public Hearing to be held November 2, 2016 to consider an Abbreviated Notice of Resource Area Delineation filed on behalf of Landwest Development LLC. For the property located at 886 Mass. Ave. (*Mass. Ave. & Hughes Lane*) owned by The Fair Oaks Park Realty Trust.