



## BOARD OF SELECTMEN

Meeting Agenda

November 7, 2016

Boxborough Town Hall

Grange Meeting Room

### 1. CALL TO ORDER, 7:30 PM, TOWN ADMINISTRATOR'S OFFICE

### 2. EXECUTIVE SESSION

*Move to adjourn to executive session to consider the value of real estate and to reconvene in open session at 8:00 PM in the Morse-Hilberg Meeting Room to consider the regular business on the agenda*

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.

### 3. ANNOUNCEMENTS

### 4. PUBLIC HEARING, 8:10 PM

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, Boxborough, MA

*Move to approve the 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, Boxborough, MA and the change in manager*

VOTE:

### 5. APPOINTMENTS

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

- a) Police Chief Warren Ryder and Special Police Officer Nicholas M. Storelli, candidate for Full Time Probationary Police Officer, for an initial term commencing November 8, 2016 and ending on June 30, 2017, 8:15 PM

*Move to appoint Nicholas M. Storelli to the position of Full Time Probationary Police Officer, for an initial term commencing November 8, 2016 and ending on June 30, 2017*

VOTE:

- b) Boxborough members of the Acton-Boxborough Regional School Committee (ABRSC) re: Board of Selectmen recommendation of preferred voc ed options for Boxborough students, 8:20 PM

*Move to recommend that the Acton-Boxborough Regional School Committee designates Assabet Valley Regional Vocational Technical High School, Minuteman Regional Vocational Technical High School, and Nashoba Valley Regional Vocational Technical High School as preferred options for vocational education for Boxborough students commencing the 2017-2018 school year*

VOTE:

- c) Citizens concerns

### 6. MINUTES

- a) Regular session, October 17, 2016  
b) Goals workshop, October 29, 2016 - Tentative  
c) Executive session, October 31, 2016  
d) Release of executive session minutes – dates, TBD - Tentative

ACCEPT & POF

ACCEPT & POF

ACCEPT & POF

### 7. SELECTMEN REPORTS

**8. OLD BUSINESS**

- a) Amendment to Purchase and Sale Agreement for 311 Whitcomb Road (decrease in sales price from \$540,000 to \$500,000)  
*Move to execute the amendment to the purchase and sale agreement for the acquisition of 311 Whitcomb Road from Martin W. and Irene H. Schramm* **VOTE:**
- b) Veterans Memorial Committee – appointment of Cemetery Commission designee  
*Further to the recommendation of the Cemetery Commission, move to appoint Rebecca Neville to the Veterans Memorial Committee for a term commencing immediately and ending on June 30, 2017* **VOTE:**
- c) Special Town Meeting  
Final votes and sign warrant **VOTE:**

**9. NEW BUSINESS**

- a) Acceptance of grant from Central Massachusetts Law Enforcement Council (CEMLEC)  
*Move to accept a grant in the amount of Five Thousand Dollars (\$5,000) from CEMLEC for the purpose of acquiring a mapping station for the BPD's crash reconstruction officers* **VOTE:**
- b) Establish maximum useful life of DPW front end bucket loader, Fire department utility truck, DPW pick-up truck, Animal Control pick-up truck, Police security camera/video, Police fingerprinting and Library A/V system  
*Move that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowings authorized by the vote of the Town as described below is hereby determined pursuant to G.L. c. 44, §7(9) to be as follows:*

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Article #</u>	<u>Maximum Useful Life</u>
Front end bucket loader	\$196,000	32	25 years
Fire department utility truck	\$44,500	29	6 years
DPW pick-up truck	\$40,000	33	7 years
Animal Control pick-up truck	\$40,000	30	5 years
Police security camera/video	\$40,000	28C	10 years
Police fingerprinting	\$28,500	28F	10 years
Library A/V system	\$10,500	16	8 years

- c) Proposed BoS meeting schedule – January – June, 2017  
*Move to adopt the meeting schedule for the Board of Selectmen for the period January 23 – June 5, 2017 as proposed (... as revised)* **VOTE:**

**10. CORRESPONDENCE**

**ACCEPT & POF**

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

**11. PRESS TIME**

**12. CONCERNS OF THE BOARD**

**13. EXECUTIVE SESSION**

*Move to adjourn to executive session in the Town Administrator's office to discuss strategy with respect to litigation 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

## 14. ADJOURN

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### Upcoming Board of Selectmen Meetings

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

**BLF:** Dec TBD

**STM:** 12/12



**Transfer of Liquor License - REVISED**

**LEGAL NOTICE  
TOW N OF BOXBOROUGH  
BOARD OF SELECTMEN**

**PLEASE NOTE THE REVISED START TIME:**

The Board of Selectmen will hold a public hearing at 8:10 p.m. in the Morse/Hilberg Meeting Rooms, Boxborough Town Hall, 29 Middle Road, on Monday, 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, Boxborough, Massachusetts.

All are welcome to attend.

Per Order  
Board of Selectmen

**TRANSFER OF LIQUOR LICENSE  
LEGAL NOTICE  
TOW N OF BOXBOROUGH  
BOARD OF SELECTMEN**

The Board of Selectmen will hold a public hearing at 7:10 p.m. in the Morse/Hilberg Meeting Rooms, Boxborough Town Hall, 29 Middle Road, on Monday, 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, Boxborough, Massachusetts.

All are welcome to attend.

Per Order  
Board of Selectmen

AD#13494935  
Acton Beacon 10/27/16

**TRANSFER OF LIQUOR LICENSE-  
REVISED**

**LEGAL NOTICE  
TOW N OF BOXBOROUGH  
BOARD OF SELECTMEN**

**PLEASE NOTE THE REVISED  
START TIME:**

The Board of Selectmen will hold a public hearing at 8:10 p.m. in the Morse/Hilberg Meeting Rooms, Boxborough Town Hall, 29 Middle Road, on Monday, 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, Boxborough, Massachusetts.

All are welcome to attend.

Per Order  
Board of Selectmen

AD#13497596  
Acton Beacon 11/3/16



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

012200001

ABCC License Number

Boxborough

City/Town

Oct. 17, 2016 @ 1:15 PM

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- New License
- Transfer of License
- Change of Manager
- Change of Beneficial Interest
- Change Corporate Name
- Change of DBA
- Alteration of Licensed Premises
- Change of Location
- Pledge of Collateral (i.e. License/Stock)
- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Change Corporate Structure (i.e. Corp / LLC)
- Change of Hours
- Issuance/Transfer of Stock/New Stockholder
- Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee  D/B/A

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Manager

\$12 Hotel (i.e. restaurant, package store)     (Annual or Seasonal)     (i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes  No   
If Yes, Chapter   
of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority:

Please indicate what days and hours the licensee will sell alcohol:

If **Approving With Modifications**, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

Changes to the Premises Description	Indoor Area Total Square Footage	Floor Number	Square Footage	Number of Rooms
Patio/Deck/Outdoor Area Total Square Footage <input type="text"/>	<input type="text"/>			
Seating Capacity <input type="text"/>	Number of Entrances <input type="text"/>			
	Number of Exits <input type="text"/>			

Abutters Notified: Yes  No  Date of Abutter Notification  Date of Advertisement

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By:

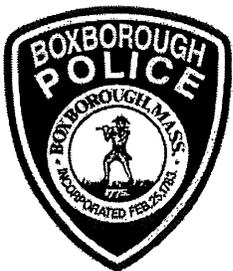
Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date APPROVED by LLA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5a



**BOXBOROUGH POLICE DEPARTMENT**  
520 Massachusetts Avenue, Boxborough, Massachusetts 01719  
Phone: (978) 264-1750 · Fax: (978) 268-5123

To: Board of Selectmen  
From: Chief Warren B. Ryder  
Date: October 28, 2016  
Re: Full Time Officer Appointment

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Dear Board,

I respectfully request that Nicholas M. Storelli be appointed to the position of Full Time Probationary Police Officer for the Town of Boxborough effective November 8, 2016 to fill a current full time vacancy.

Nicholas was appointed as a Special Police Officer for the Boxborough Police Department in August of this year and has been helping to fill shifts on a 40 hour per week basis.

If appointed, Nicholas will begin his full time employment immediately. He has completed our twelve week field training curriculum and has received high praise from his supervisors and coworkers.

WBR/cop

56

**Selina Shaw**

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**From:** Selina Shaw <sshaw@boxborough-ma.gov>  
**Sent:** Monday, October 31, 2016 1:54 PM  
**To:** 'Mary Brolin'  
**Cc:** 'Neyland Maria'; 'Kathleen Neville'; 'Brigid Bieber'; Vincent Amoroso (amorosovm@gmail.com); Les Fox (lesfox@comcast.net)  
**Subject:** Meet with BoS - Nov 7?

Good afternoon, Mary.

Les, Vince and I met with Andrew Shen and Glenn Brand on Tuesday afternoon and discussed the process for getting the word out on vocational education options for Boxborough students as well as the design tech program at the junior high.

The latter conversation focused on the benefits of the program and the manner in which the cost is assessed to Acton and Boxborough. Both Vince and I have had discussions with Kevin Mahoney, suggesting that the cost of the program, which has been included in the assessment to each of the towns, serves to inflate the per pupil cost, and as a service being provided by MM to the AB **District**, it would seem to be more appropriate to invoice the District and then pass on the cost to Acton and Boxborough by way of AB's assessments to each of the towns.

We also discussed the process by which preferred voc ed school(s) would be named. The Board of Selectmen will be preparing a memo to the ABRSC and would like to invite the Boxborough members of the ABRSC to attend the BoS meeting on the 7<sup>th</sup>, at which time the selectmen will present you with the memo providing their recommendations on the matter. It will then be up to the SC to vote on the designation of preferred school(s) and forward that designation to DESE.

A short while ago, Andrew sent an email to follow up with us on the items we had discussed at our meeting. You were included in the distro.

Look forward to hearing from you about the 7<sup>th</sup>. I expect that the agenda item would take place at roughly 8:20.

Regards,  
Selina

Selina S. Shaw  
Town Administrator  
29 Middle Road  
Boxborough, MA 01719  
(978) 264-1700 general  
(978) 264-1712 direct  
(978) 264-3127 fax  
<http://www.boxborough-ma.gov>

***Boxborough: A Rural, Engaged Community for All***

***\*\*Please note new email address: [sshaw@boxborough-ma.gov](mailto:sshaw@boxborough-ma.gov)\*\****

*When writing or responding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.*



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**October 17, 2016**

Approved: \_\_\_\_\_

**PRESENT:** Susan Bak, Chair Pro Tem; Vincent Amoroso, Member; Rick Barrett, Member; and Robert Stemple, Member

**ABSENT:** Les Fox

**ALSO PRESENT:** Selina Shaw, Town Administrator and Cheryl Mahoney, Department Assistant

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.

Chair Pro Tem Bak called the meeting to order at 7:01 P.M. in the Grange Meeting Room of Boxborough Town Hall.

**ANNOUNCEMENTS**

Chair Pro Tem Bak read the Announcements.

**PUBLIC HEARING**

- At 7:09 PM Chair Pro Tem Bak opened a Public Hearing to consider proposed revisions to the Dog Licensing Bylaw brought forward by Town Clerk, Liz Markiewicz. A list of those present for this hearing is attached and incorporated by reference. Town Clerk Markiewicz opened discussion on these revisions which will be presented at Special Town Meeting. Several years ago this Bylaw was amended to bring it in-line with revisions at the State level. Since these amendments were approved Markiewicz has learned that the Town has more latitude than previously thought in the setting of late fees and various deadlines; allowing us to make the licensing process more manageable. She reviewed the proposed revisions to this Bylaw and the feedback that has been received. Markiewicz further noted that some language is being stricken. These late fees were previously to compensate the Animal Control Officer (ACO), who provided these services under a non-standard pay structure. The ACO is now a fulltime employee with all the benefits that entails. The ACO was provided a copy of the proposed revisions and has not commented. The ultimate goal is to ensure that all dogs are licensed and vaccinated. The Board provided their feedback. There was discussion of the reduction to the fee structure that Markiewicz is proposing. It was suggested that these fees, should actually be \$25, \$50 and \$100 respectively. The members of the public also provided their input, however as no dog owner seem to be present, the Board invited dog owners to provide their feedback as to the fee structure, being revised this evening. As there was no further input the hearing was closed. Member Amoroso moved to amend the fee structure to \$25, \$50 and \$100 respectively. Seconded by Member Stemple. **Approved 4-0.**

**APPOINTMENTS**

- Conservation Commission Chair, Dennis Reip was present to introduce a new candidate for appointment to the ConsComm. and to discuss the Special Town Meeting Land acquisition article. Members of the Boxborough Conservation Trust (BCT) were also present for these discussions.
  - Reip introduced Stephen Schmitt and provide information on Schmitt's background and how his experience will be benefit. Schmitt spoke to his background. Schmitt was thanked for volunteering and invited to attend Boxborough Building Comm. meetings. Further to the recommendation of the Conservation Commission, Member Amoroso moved to appoint Stephen Schmitt to the Conservation Commission for a term commencing immediately and ending on June 30, 2018. Seconded by Member Stemple. **Approved 4-0.**
  - Reip opened a discussion of the article to be placed on the December 12 Special Town Meeting warrant for the purpose of acquiring land located at 311 Whitcomb Road for conservation purposes. Reip reviewed the draft article, summary and incorporated projected data, provided in the agenda packet. This draft has been reviewed by Town Counsel. We are waiting to see if the Town is awarded a State Land Grant. They are here tonight to ask the Selectmen for a recommendation supporting this article. Members of the BCT spoke to the grant process; funding structure; Harvard's parallel efforts to acquire the adjoining parcel and how "packaging" these parcels should make this a more attractive grant opportunity. The Board provided their input as to the article and information provided therein. Further to the recommendation of the ConsCom Member Amoroso moved to recommend supporting an article to acquire this property. Seconded by Member Stemple. **Approved 4-0.** Member Amoroso will a draft recommendation for the Board to review.

- Alexis Ladd and others of the Fostering Racial Justice Group (FRJG) were present to discuss the opportunities provided by the recent the Community Health Network Area (CHNA) grant award and how they intend to make anti-bias training available to Boxborough and the other FRJG communities. Ladd introduced the FRJG members that were present. She provided background on FRJG's goals and recent efforts in Boxborough, including the incorporation of a diversity component into the Boxborough2030 Plan. She spoke to a Powerpoint presentation and a brief video concerning implicit bias. The FRJG member also provided their input. Ladd reviewed the proposed training phases; the respective cohorts identified to participate and an overview of the respective levels of training that would be provided. Member Amoroso read from Wellesley Police Chief's speech made earlier today at the Int'l Assoc. of Chiefs of Police conference regarding racial tension in the country and law enforcement professionals' need to maintain good relations with all members of their communities; specifically the nation's minority population. Ladd invited the Selectmen to participate in the proposed trainings, and to "like" them on Facebook. The consensus of the Board was to support these efforts.

*The Board took Agenda Items #5 a -c, out of order.*

#### **MINUTES**

- Member Stemple moved to accept the minutes for the regular session of September 19, 2016, as revised and the executive sessions of September 29, 2016 and October 3, 2016, as written. Seconded by Chair Pro Tem Bak. **Approved 4-0.**

#### **APPOINTMENTS (Continued)**

- Steele Farm Advisory Committee (SFAC) Chair, Ed Whitcomb and SFAC members were present to discuss a Community Preservation Comm. (CPC) application for work on the Wetherbee Farmhouse and proposed trail work on the Picnic Street Trust Property.
  - Whitcomb reviewed the Farmhouse preservation efforts currently underway. The Redhawk report should be ready by the end of the year. They want to keep up this momentum. Work to the farmhouse is currently part of the SFAC Capital Plan and they recently submitted their initial project application with the CPC. Though Selectmen do not need to formally approve this application the SFAC wants to keep the Selectmen updated. He related the information that SFAC has indicated to Redhawk that they would like to see in the report. SFAC and Boxborough Hist. Society Capital Campaign members provided their input. The Board provided their input and thanked those present for their efforts. Member Stemple moved to support the request of the Steele Farm Advisory Committee to submit an application to the Community Preservation Committee for the preservation of the Levi Wetherbee farmhouse at Steele Farm. Seconded by Chair Pro Tem Bak. **Approved 4-0.**
  - The proposed trail work on Picnic Street Tr. property was discussed. SFAC has voted to approve the work necessary to complete the "blue" trail connection from the Picnic Street Trust property to the main red trail that runs down the middle of the Steele Farm meadow. Whitcomb advised that this area is very wet and provided some details on the proposed trail work. SFAC reviews these projects with the ConsComm. Land Stewardship volunteers do most of this trail work. Member Stemple moved to authorize the Steele Farm Advisory Committee to undertake trail work on the Picnic Street Trust property. Seconded by Chair Pro Tem Bak. **Approved 4-0.**
- There were no Citizens concerns.

*The Board passed over Agenda Items #4di & ii, so they could be taken up as part of the STM discussion.*

#### **SELECTMEN REPORTS**

- Member Amoroso reported that earlier tonight he participated in a Boxborough Building Comm. (BBC) planning meeting. The BBC would like to ask the Selectmen to move back their meetings to 7:30 pm so the BBC can meet prior to the Selectmen/FinCom meeting on Monday evenings.
- Member Barrett reported that he has been concentrating on the Veterans Memorial Comm. which he will report on later.
- Member Bak reported that she and TA Shaw participated in a joint meeting with RecCom, ConsCom and the DPW to discuss Flerra Meadows; specifically the conditions at the playground and our insurance provider's inspection report. DPW will be adding a budget for RecCom related maintenance to next year's budget; RecCom will be putting forth an STM article to address the immediate repairs; and Capital Plan will be updated to include some of the discussed items including picnic benches.

She also reported the Town Meeting Study Comm. is getting some great feedback on their survey. They are working to develop a Facebook page; "Why I go to Town Meeting..." videos; drafting a letter to new residents; exploring ways to remind residents of town meeting dates; and continuing to explore various opportunities to provide information to residents.

She also provided information on the Town's roadway projects.

#### **OLD BUSINESS**

- Member Barrett updated the Board as to the formation of the Veterans Memorial Committee (VMC) and presented a draft revised charter. He reviewed the input received on the earlier version of this charter and the possible composition of this committee. He advised that Kevin Mahoney, from the Hist. Comm. has already volunteered to participate. The original charter submission also outlined the actions and initiatives for this effort, which were removed from the draft currently under review. These actions and

initiatives will now be used more to assist in defining the pathway for the group. Minor grammatical revisions were suggested and accepted.

- Member Barrett moved to adopt the revised charter, as further revised tonight. Seconded by Chair Pro Tem Bak. **Approved 4-0.**
- Member Barrett moved to appoint Kevin Mahoney to serve on the Veterans Memorial Committee for an initial term commencing immediately and ending June 30, 2017. Seconded by Chair Pro Tem Bak. **Approved 4-0.**

- The Selectmen opened discussion on a Disclosure of Appearance of Conflict of Interest submitted by Lonnie Weil. On Oct. 3, 2017, the Selectmen accepted a Disclosure submission filed by Weil. This current Disclosure submission supplements Weil's previous filing. Chair Pro Tem Bak 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. She then read said Disclosure into the record. Seconded by Member Stemple. **Approved 4-0**
- Police Chief Warren Ryder was present to discuss Boxborough Police Dept. staffing and use of body cameras by officers. Lt. Warren O'Brien was also present for these discussions.
  - Chief Ryder advised that that, in general, he has been dealing for some time with staffing issues, specifically short staffing and filling overtime. He also informed the Board that the department is currently short two full-time officers; one due to injury and another who is in the process of resigning. These factors compound an already difficult situation. He spoke to a Powerpoint presentation. He outlined the department's working model – 24/7, 2 officer shift coverage, 3 shifts per day with officers working 4 days on 2 days off. This is unsustainable with current staffing levels, even with overtime. He reviewed the efforts he has made, in recent years, to manage with these staffing issues. The need to backfill shifts has been an issue for some time resulting in the department salaries typically running up to 40% over budget. Pursuant to his memorandum he is here to propose a Special Town Meeting article to revise his budget so he can address the immediate staffing issues with hiring additional officers. He clarified that increases to staffing would only be to fill existing empty shift assignments and will not result additional shifts or the need for additional vehicles. This article should have zero net impact on his salary budget as the increase should be offset by eliminating need for current levels for overtime. It was noted that there may be non-salary employment costs. The Board provided their input. The Chief will be revising this presentation based on the feedback received. There was discussion as to the significant influx of new residential units in Town and its possible impact on public safety services. The Chief advised that the reality is his staff is fatigued, they are just trying to manage the immediate staffing concerns, and they can't plan out for the long term until the current deficits are addressed. Member Barrett moved to support the inclusion of an article on the special town meeting warrant to transfer funds interdepartmentally for the purpose of funding an additional full-time police officer. Seconded by Chair Pro Tem Bak. **Approved 4-0.**
  - Chief Ryder opened the discussion of a proposed pilot program to deploy Body cameras and submitting a grant application to cover some of the costs for this program. He read from the grant application. He is looking to acquire six units and several officers have volunteered to participate in a one year pilot program. There was discussion as to other Mass. communities are utilizing body cameras. He provided a general outline of how the department intends on deploying these units and the records collection/retention procedures; noting that the specifics are still under discussion. The Board asked that the Chief begin to draft a policy while we wait to see if the grant is awarded. Once the grant is award the Chief will come back before the Board to seek final approval of the pilot program. Member Barrett moved to support the use of body cameras by Boxborough police officers, subject to policies to be developed and approved. Seconded by Member Stemple. **Approved 4-0.**
- The Board reviewed the revised list of articles for the December 12<sup>th</sup> Special Town Meeting. The Public Safety Communication article has been withdrawn. There was discussion as to possible the public response to some of the articles, specifically the Conservation Commission's Land Purchase. Chair Pro Tem Bak moved to close the warrant for the special town meeting to be held at 7 PM on Monday, December 12, 2016 in the Blanchard Memorial School Gymnasium. Seconded by Member Stemple. **Approved 4-0.**
- There was discussion as to the Selectmen article recommendation assignments. The respective liaisons will draft the Board's recommendations for review.

#### **CORRESPONDENCE**

- It was noted that the town seal petitioners were notified in writing of the Selectmen's decision of Oct. 3<sup>rd</sup>. To date there has been no response.

#### **CONCERNS OF THE BOARD**

- As Chair Fox will be unable to attend the scheduled meeting on Nov. 14<sup>th</sup> it will be rescheduled to Nov. 7<sup>th</sup>.

#### **EXECUTIVE SESSION**

- At 9:50 PM Chair Pro Tem Bak moved to adjourn to executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (MassCOP Local 200 – Boxborough Police Officers) and to adjourn immediately thereafter. Chair Pro Tem further stated that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board." Seconded by Member Stemple. **Approved 4-0 by Roll Call Vote: Bak "aye," Amoroso "aye," Stemple "aye," and Barrett "aye."**



8a

AMENDMENT TO PURCHASE AND SALE  
AGREEMENT

BUYER: Town of Boxborough, by and through its Board of Selectmen  
SELLER: Martin W. Schramm, Jr. and Irene H. Schramm  
PROPERTY: 311 Whitcomb Road, Boxborough, MA 01719

WHEREAS, the Buyer and the Seller have entered into a binding purchase and sale agreement for the transfer of the above referenced premises;

IT IS HEREBY AGREED by the parties, for mutual consideration and the benefit of all parties, that the following changes shall be made to said purchase and sale agreement:

- 1) Under Paragraph 5, the purchase price shall be decreased to \$500,000.00; and
- 2) Under Paragraph 1, the Buyer shall be changed to "Town of Boxborough, by and through its Board of Selectmen"

All other terms of the purchase and sale agreement are ratified and shall remain in full force and effect.

ON THIS the 1st day of November, 2016

\_\_\_\_\_  
Martin W. Schramm, Jr., Seller

\_\_\_\_\_  
The Town of Boxborough, by and  
through its Board of Selectmen,  
Buyer

\_\_\_\_\_  
Irene H. Schramm, Seller

**Selina Shaw**

8b

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**From:** Cheryl Mahoney <cmahoney@boxborough-ma.gov>  
**Sent:** Friday, October 28, 2016 10:08 AM  
**To:** Rick Barrett  
**Cc:** Selina Shaw; William Sutcliffe; Becky Neville; 'Kevin Mahoney'  
**Subject:** Cemetery Comm. appt to VMC

Rick,  
Cemetery Comm. Chair, Bill Sutcliffe just asked me to let you know that Cemetery Comm. member, Becky Neville is willing to participate on the Veterans Memorial Comm.

Cheryl A. Mahoney  
Boxborough Town Hall  
29 Middle Road  
Boxborough, MA 01719  
978-264-1714  
978-264-3127 - FAX

[www.boxborough-ma.gov](http://www.boxborough-ma.gov)

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**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. AMEND PERSONNEL ADMINISTRATION PLAN**
- 5. AMEND FY2017 BUDGET – POLICE DEPARTMENT AND EMPLOYEE BENEFITS**
- 6. REPAIRS TO FLERRA FIELD PLAYGROUND**
- 7. PILOT AGREEMENT FOR SOLAR PHOTOVOLTAIC FACILITY**
- 8. ACCEPT PROVISIONS OF SECTION 60 OF THE ACTS OF 2016 TO ESTABLISH AN INJURED ON DUTY (IOD) FUND FOR POLICE AND FIRE**
- 9. MUNICIPAL FACILITIES SPACE NEEDS CONSULTANT**

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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, 493 Massachusetts Avenue, Boxborough, MA on Monday, December 12, 2016 at 7:00 p.m. to act on Articles 1 through 9 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 \$510,000 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 56% 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. In 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)	\$510,000
LAND Grant Award (56% match of total cost)	- \$285,600
Contribution from BCT(paid deposit)	-\$27,000
Net Cost to Town(maximum not to exceed)	<b>\$197,400</b>

**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 defers its recommendation until Town Meeting.**

**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 (3-0).**

**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 explained in the summary. ~~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. There were sufficient funds available to cover both bills when the expenses were incurred, and the bills could have been timely paid had they been submitted promptly. 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 (3-0).**

As noted in the summary, this is a housekeeping item, which must be approved by Town Meeting.

#### **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 AMEND PERSONNEL ADMINISTRATION PLAN**

(Majority vote required)

To see if the Town will vote to amend the Personnel Administration Plan, Article VII Hours of Work and Overtime sections 4 and 5 by adding the bold, italicized highlighted language and deleting the highlighted strikethrough language as follows:

Section 4

- a.** A non-exempt employee, **EXCLUDING a Per Diem FF/EMT,** shall be paid at one and one-half (1.5) **times** his/her regular rate for work:
  1. in excess of forty (40) hours **worked,** ~~or in the case of a Per Diem Firefighter/EMT, fifty (50) hours~~ in one (1) week, ~~and/or~~
  2. in excess of eight (8) hours in one (1) day, ~~or in the case of a Per Diem Firefighter/EMT, in excess of his/her shift hours,~~ when required in an emergency or safety threatening situation, ~~and/or~~
  3. all work performed on Saturday and Sunday when NOT part of the regularly scheduled workweek.
- b.** A Per Diem Firefighter/EMT shall be paid at one and one-half (1.5) **times** his/her regular rate for work:
  1. in excess of fifty (50) hours **worked** in one (1) week, ~~and/or~~
  2. in excess of his/her shift hours, when required in an emergency or safety threatening situation, ~~and/or~~
  3. all work performed on Saturday and Sunday when NOT part of the regularly scheduled workweek.
- c.** ***An emergency shall be defined as “a situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action.”***
- d.** ***An emergency is deemed to occur when so declared by the Employee’s Department Head or governing board, or a designee of the aforementioned individual/board.***

Incidental overtime, such as incurred helping a citizen who asked for service late in the day, should be compensated with an equal amount of time arriving late or leaving early another day during the same week.

All overtime must be pre-approved by the Department Head or designee.

Overtime shall be equitably distributed among personnel in each department who ordinarily perform such related work in the normal course of their work week. Employees who are offered overtime work and refuse will be credited with having had their turn.

Section 5

In lieu of the overtime compensation provided in Section 4, a regular full-time employee may receive paid time off at the rate of 1.5 times each **overtime** hour ~~worked in excess of forty hours during any pay week,~~ provided that:

- a. The employee secured the approval thereof of the employee's Department Head.
- b. In the event that an employee gives the Department Head notice, at least four weeks in advance, of the time that the employee wishes to take, the Department Head shall approve such request, unless at the Department Head's sole discretion, an emergency exists. In the event said notice shall be given less than four weeks in advance, the Department Head may deny such request so long as the Department Head's decision is not unreasonable.

No employee may take more than five days off in lieu of compensation during any fiscal year.

Or take any other action relative thereto.

### **Summary**

The amendment to Article VII, section 4 and 5 of the Town's Personnel Plan is a housekeeping item, which is intended to clarify an ambiguity that was created in 2009 when language concerning Per Diem Firefighters/EMTs was added. Because Per Diem Firefighters/EMTs work shifts of varying hours (generally 10/14 hours) and not eight hours in a day, it had been recommended to and was approved by Town Meeting in 2009 to amend the second item in section 4. The modifying clause, "when required in an emergency or safety threatening situation" was meant to apply to **all** non-exempt employees. However, the manner in which the voted amendment was transcribed into the Personnel Plan provided for an ambiguous interpretation. Separating Section 4 into parts a. and b. as proposed above will provide for clarity. Parts c. and d. are being proposed to define the term "emergency" as well as to state whose responsibility it is to so declare.

The proposed revision to section 5 will provide for consistency between the payment of overtime compensation described in section 4 with paid time off in lieu of such payment further described in section 5.

**The Board of Selectmen recommends (3-0).**

**The Finance Committee defers its recommendation to Town Meeting.**

The Finance Committee was unable to schedule a meeting to discuss this late addition to the warrant prior to the warrant going to press.

**ARTICLE 5        AMEND FY2017 BUDGET – POLICE DEPARTMENT 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.

<b>Line Item</b>	<b>Account Name</b>	<b>Appropriated at ATM 5/9/16</b>	<b>Proposed Increase/Decrease</b>	<b>Total FY 17 Allocation</b>
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			<b>\$9,000</b>	

Or take any other action relative thereto.

**The Board of Selectmen recommends (3-0).**

The Selectmen support this article for the reasons noted in the Finance Committee’s recommendation below.

**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        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 playground 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 (3-0).**

The playground equipment at Flerra Field was donated to the Town approximately 16 years ago by a group of parents known as the Boxborough Family Network. It is the only playground in town under the care, custody and control of the Town. (There is a small playground located at the Blanchard School). Over the years, the equipment at Flerra Field has seen heavy use and as a result requires some critical maintenance. The Board of Selectmen supports the maintenance of the playground equipment to ensure the safety and wellbeing of the children in the community who use the playground.

#### **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 7 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 (3-0).**

**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 article.

**ARTICLE 8            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 (3-0).**

When Police Officers or Firefighters are injured on duty the Town is obligated to continue their salaries and pay certain medical expenses until they return to active duty. In addition, their shifts must be covered through the use of regular personnel at overtime rates, or through per diem firefighters or special police officers. The net result is an unexpected and potentially significant increase in the salary budget(s), typically necessitating a Reserve Fund transfer to supplement the salary budgets. The Town's indemnity insurance coverage can often provide substantial reimbursement for salary and medical expenses, but in the past, insurance proceeds had to be deposited to the General Fund before being appropriated to salaries or expenses. This normally could not take place before the next Town Meeting. By adopting this section of the General Laws, the town will have immediate access to insurance proceeds, streamlining and simplifying operations, and reducing reliance on the reserve fund.

**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 9        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.

### **The Board of Selectmen recommends (3-0).**

The Board of Selectmen has approved a charter for the Boxborough Building Committee (BBC); members have been appointed. The BBC will examine the facilities needs for the Police, Fire and Public Works departments. The previous work of the Space Needs Advisory Group, working with HKT Architects, considered only the requirements for Police and Fire. Funds from this article will be used to hire consultants to help the BBC review the body of past work on Police and Fire with fresh eyes, to determine how elements of it may best be utilized. The consultants will help the committee gather and analyze information from other towns. They will advise on the possibilities for use of existing facilities. They will help the BBC scope the requirements for the DPW that can be the basis for a more in-depth follow-on study. The requirements for any potential land acquisition will be quantified.

Although a great deal has been accomplished through study of the needs for Police and Fire, much remains to be done to develop a comprehensive plan that will enjoy broad community support. The goal of the BBC is to bring a recommendation to annual town meeting in May 2017 on a plan to move forward balancing and prioritizing the needs of all three departments. The BBC will need to move quickly. The Selectmen ask you to support this Article to provide them the expert help and consultation they need.

### **The Finance Committee defers its recommendation to Town Meeting.**

The Finance Committee was unable to schedule a meeting to discuss this late addition to the warrant prior to the warrant going to press.

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.

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Leslie R. Fox, Chairman  
Board of Selectmen

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Susan M. Bak, Clerk  
Board of Selectmen

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Vincent M. Amoroso  
Board of Selectmen

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Richard M. Barrett  
Board of Selectmen

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Robert T. Stemple  
Board of Selectmen



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**BOXBOROUGH POLICE DEPARTMENT**  
520 Massachusetts Avenue, Boxborough, Massachusetts 01719  
Phone: (978) 264-1750 • Fax: (978) 268-5123

To: Board of Selectmen  
From: Chief Warren B. Ryder  
Date: November 3, 2016  
Re: Grant Award

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In July of 2016 I made a appeal to the Central Massachusetts Law Enforcement Council (CEMLEC) Executive Board for purchase assistance to acquire a mapping station for our crash reconstruction officers. We currently have two crash reconstruction specialists on our department who have to wait for other departments to bring their equipment to a scene.

A mapping station consists of a surveyor's tripod, laser rangefinder that can measure slope distance, inclination and calculate horizontal and vertical distance on a rugged tablet that collects data points. This equipment is essential when documenting crime scenes and crashes.

I am happy to report that CEMLEC has awarded the Boxborough Police Department \$5,000 (Five Thousand Dollars) to purchase this equipment. I respectfully request your acceptance of this grant.

WBR/cop

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Boxborough, Massachusetts, certify that at a meeting of the board held \_\_\_\_\_, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowings authorized by the votes of the Town as described below is hereby determined pursuant to G.L. Chapter 44, Section 7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Article</u>	<u>Maximum Useful Life</u>
Front end bucket loader	\$196,000	32	25 Years
Fire department utility truck	\$44,500	29	6 Years
DPW pickup truck	\$40,000	33	7 Years
Animal control pickup truck	\$40,000	30	5 Years
Police security camera/video	\$40,000	28C	10 Years
Police fingerprinting	\$28,500	28F	10 Years
Library/AV system	\$10,500	16	8 Years

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.3(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, Sections 18-25 as amended.

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Clerk of the Board of Selectmen

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**Proposed BoS Meeting Schedule  
January - June 5, 2017**

Date	Business
<b>January</b>	
2nd	No meeting
9th	Meeting [Review budgets with (2) primary dept heads; vote to call ATM]
16th	No meeting - Martin Luther King's birthday
23rd	Meeting [Review budgets with (2) primary dept heads] (TA on vacation 1/27 - 2/3)
30th	No meeting
<b>February</b>	
6th	Meeting
13th	Meeting
20th	No meeting - Presidents' Day
27th	Meeting
<b>March</b>	
6th	<i>Meeting - possibly move to 13th [public hearing on any gen'l bylaw changes]</i>
13th	Meeting [finalize language for warrant articles]
20th	Meeting [final deadline for written recommendations. Along with FinCom, determine funding; final votes (BoS/FinCom) on warrant articles and budget]
27th	No meeting
<b>April</b>	
3rd	Meeting [BoS signs warrant]
10th	<i>Meeting, if needed</i>
17th	No meeting - Patriots' Day
24th	Meeting [review motions]
<b>May</b>	
1st	No meeting
8th	Annual Town Meeting starts (continuing, possibly on Tuesday and Thursday, 5/9 & 5/11. BoS meetings will be posted for the duration of ATM.
15th	No meeting Town Election (ATM continuing this week if necessary, possibly on Wednesday and Thursday, 5/17 & 5/18)
17th (Wednesday)	<i>BoS meets if ATM still ongoing, otherwise May 22nd [reorganization]</i>
22nd	Meeting
29th	No meeting - Memorial Day
<b>June</b>	
5th	Meeting





**Internal Communications and Outgoing Communications**  
**November 7, 2016**

1. Letter from Acton Recreation Dept. Event & Program Coord., Maura Haberman, dated October 24, 2016, to the Town Manager/Administrator advising that Acton's Independence Day celebration will take place July 1, 2017 @ NARA Park and further advising that they will be hosting a variety of events throughout the summer.
2. Copy of letter from Minuteman Regional School Comm. Sec. David Horton, dated October 28, 2016, to Town Clerk, Liz Markiewicz, pursuant to the Regional School Agreement, she is notified that the Town of Belmont has notified Minuteman of their desire to withdraw from the Minuteman School District and further that "...a member community will be deemed to have approved Belmont's withdrawal...unless, within 60 days following [10/26/16] .....[by Town Meeting] vote(s) *disapproval* of Belmont's requested withdrawal. (Copies of Belmont's notification and certified Town Meeting vote attached)
3. Email from Comcast's Patrick Moore, dated November 3, 2016 to TA Shaw and others regarding Comcast's Franchise Fee Payment of \$10,131.99; and accompanied by their Quarterly Report as of Sept. 2016.
4. Press Release and Flyer advertising a Focus Group event put on by Fostering Racial Justice Group to be held on November 14, 2016, at the Sargent Memorial Library. Inviting the public to share stories related to experience related to race. This information will help them develop content for their upcoming trainings and workshops.



**Minutes, Notices and Updates**  
**November 7, 2016**

**Minutes**

1. Minutes of the Conservation Commission meeting held October 5, 2016
2. Minutes of Zoning Board of Appeals meeting held October 18, 2016

**Notices**

1. Notice of a Recreation Commission meeting held November 1, 2016
2. Notice of a Boxborough Building Committee meeting to be held November 7, 2016
3. Notice of an Agricultural Commission meeting to be held November 8, 2016
4. [Revised] Notice of a Personnel Board meeting to be held November 10, 2016
5. Notice of a Library Trustees meeting to be held November 14, 2016

10c



**General Correspondence**  
**November 7, 2016**

1. Boxborough Historical Society letter to "Boxborough Neighbor", dated October 2016, advising of the Capital Campaign to Preserve the Steele Farmhouse. (Donation Remittance Envelope attached)