



TOWN OF BOXBOROUGH



**Please bring this Warrant
to the Special Town Meeting**

**Monday, January 7, 2013, 7 PM
Blanchard Memorial School Gymnasium**

Cover Artwork by Alan Rohwer, 24th February 2012



**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING
JANUARY 7, 2013
LIST OF ARTICLES**

- 1. FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - MASSACHUSETTS COALITION OF POLICE, LOCAL 200, POLICE**
- 2. FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - BOXBOROUGH PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 4601**
- 3. FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - MASSACHUSETTS COALITION OF POLICE, LOCAL 200A, DISPATCH**
- 4. INSPECTOR OF BUILDINGS/CODE ADMINISTRATION OFFICER – ADDITIONAL HOURS TO COVER FACILITIES MANAGEMENT**
- 5. CHANGE THE ELECTED POSITION OF TAX COLLECTOR TO APPOINTED**
- 6. RELEASE OF EXISTING EASEMENT**
- 7. ROAD ACCEPTANCE – PINE PASTURE RUN**

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, January 7, 2013 at 7:00 p.m. to act on Articles 1 through 7 of this Special Town Meeting Warrant.

ARTICLE 1 FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - MASSACHUSETTS COALITION OF POLICE, LOCAL 200, POLICE

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the amounts necessary to fund the cost items of the first year of the collective bargaining agreement between the Town and the Massachusetts Coalition of Police, Local 200, Police (July 1, 2012 to June 30, 2015); and further to amend the operating budget approved by the Annual Town Meeting for the fiscal year beginning July 1, 2012 as follows:

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase/Decrease	Total FY 13 Allocation
210	Total Salaries – Police	\$937,794	\$27,676	\$965,470
915	Total Other – Employee Benefits	\$1,404,740	\$<7,634>	\$1,397,106
Net amount required to transfer from free cash			\$20,042	

Or take any other action relative thereto.

N.B. The total decrease to Line # 915, Total Other – Employee Benefits if articles 1 – 3 are approved will be \$11,614, resulting in a total FY 13 Allocation of \$1,393,126.

The Board of Selectmen recommends (4-0-1).

The collective bargaining agreement resulted from ten months of negotiations with the Police Collective Bargaining Unit. The agreement was not complete at the time of the May, 2012 Annual Town Meeting, requiring that funding for the first year of the contract be appropriated at this Special Town Meeting. To help control costs, terms of the contract provide for increased union share of annual health insurance cost and reduced step increases over time. The wage increases and insurance agreement negotiated for the Police contract are consistent with those for Fire and Dispatch.

The Finance Committee does not recommend (5-0-1).

Although the amount requested in this article may seem small, it needs to be considered in context of the overall budget and its impact over the next three years, and beyond. The Finance Committee believes the increases recommended in the article are unsustainable, based on the recently negotiated Collective Bargaining Agreements (CBA). The full impact of these increases will take hold in the next fiscal year, beginning July 1, 2013, when salary increases with built-in cost of living adjustments will average over 5.5% per year for all members of the collective bargaining unit. The introduction of new Steps, which will build in an 8.8% increase for all new hires going forward, adds a major structural issue to future budgets, including the additional increases that will be added to all current top Step employees, and will also set a precedent for future contracts and negotiations. Higher proposed rates for overtime could push the average increase higher, which will not be known until budgets are proposed every year.

The FinCom recognizes and appreciates that members of the collective bargaining units have accepted a greater share of health insurance costs. Unfortunately, in the face of rising health insurance rates, this increased participation is not expected to significantly reduce the impact of the negotiated increases. These increases, in combination with other essential spending (including fire and public safety equipment, facility upkeep, other Town wages and benefits, and retirement liabilities), are likely to force consideration of a Proposition 2 ½ Override as early as next year. A 'no' vote signifies your recommendation that the proposed increases should not be approved in their current form.

NOTES:

ARTICLE 2 FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - BOXBOROUGH PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 4601

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the amounts necessary to fund the cost items of the first year of the collective bargaining agreement between the Town and the Boxborough Professional Firefighters Association, Local 4601 (July 1, 2012 to June 30, 2015); and further to amend the operating budget approved by the Annual Town Meeting for the fiscal year beginning July 1, 2012 as follows:

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase/Decrease	Total FY 13 Allocation
220	Total Salaries – Fire	\$716,199	\$7,635	\$723,834
220	Total Other - Fire	\$102,650	\$400	\$103,050
915	Total Other – Employee Benefits	\$1,404,740	\$<1,691>	\$1,403,049
Net amount required to transfer from free cash			\$6,344	

Or take any other action relative thereto.

N.B. The total decrease to Line # 915, Total Other – Employee Benefits if articles 1 – 3 are approved will be \$11,614, resulting in a total FY 13 Allocation of \$1,393,126.

The Board of Selectmen recommends unanimously (5-0).

The collective bargaining agreement resulted from eight months of negotiations with the Firefighters Collective Bargaining Unit. The agreement was not complete at the time of the May, 2012 Annual Town Meeting, requiring that funding for the first year of the contract be appropriated at this Special Town Meeting. To help control costs, terms of the contract provide for increased union share of annual health insurance cost and reduced step increases over time. The wage increases and insurance agreement negotiated for the Fire contract are consistent with those for Police and Dispatch.

The Finance Committee does not recommend (5-0-1).

Although the amount requested in this article may seem small, it needs to be considered in context of the overall budget and its impact over the next three years, and beyond. The Finance Committee believes the increases recommended in the article are unsustainable, based on the recently negotiated Collective Bargaining Agreements (CBA). The full impact of these increases will take hold in the next fiscal year, beginning July 1, 2013, when salary increases with built-in cost of living adjustments will average over 5.5% per year for all members of the collective bargaining unit. The introduction of new Steps, which will build in an 8.8% increase for all new hires going forward, adds a major structural issue to future budgets, including the additional increases that will be added to all current top Step employees, and will also set a precedent for future contracts and negotiations. Higher proposed rates for overtime could push the average increase higher, which will not be known until budgets are proposed every year.

The FinCom recognizes and appreciates that members of the collective bargaining units have accepted a greater share of health insurance costs. Unfortunately, in the face of rising health insurance rates, this increased participation is not expected to significantly reduce the impact of the negotiated increases. These increases, in combination with other essential spending (including fire and public safety equipment, facility upkeep, other Town wages and benefits, and retirement liabilities), are likely to force consideration of a Proposition 2 ½ Override as early as next year. A 'no' vote signifies your recommendation that the proposed increases should not be approved in their current form.

NOTES:

ARTICLE 3 FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENT - MASSACHUSETTS COALITION OF POLICE, LOCAL 200A, DISPATCH

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the amounts necessary to fund the cost items of the first year of the collective bargaining agreement between the Town and the Massachusetts Coalition of Police, Local 200A, Dispatch (July 1, 2012 to June 30, 2015); and further to amend the operating budget approved by the Annual Town Meeting for the fiscal year beginning July 1, 2012 as follows:

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase/Decrease (full year)	Pro-rated Increase/Decrease	Total FY 13 Allocation
220	Total Salaries – Dispatch	\$233,898	\$13,428	6,570	\$240,468
220	Total Other - Dispatch	\$35,347	\$200	\$200	\$35,547
915	Total Other – Employee Benefits	\$1,404,740	\$<2,289>	\$<2,289>	\$1,402,451
Net amount required to transfer from free cash				\$4,481	

Or take any other action relative thereto.

N.B. Although the terms and wages of the collective bargaining agreement will be retroactive to July 1, 2012, impact of proposed revisions to order in, call back and call-in and the first right of refusal on open shifts will only apply *after* the contract has been approved at Town Meeting (i.e., going forward). Therefore, the amount necessary to fund the first year of the CBA has been pro-rated to reflect the cost of those terms for only the second half of the fiscal year.

The total decrease to Line # 915, Total Other – Employee Benefits if articles 1 – 3 are approved will be \$11,614, resulting in a total FY 13 Allocation of \$1,393,126.

The Board of Selectmen recommends unanimously (5-0).

The collective bargaining agreement resulted from five months of negotiations with the Dispatchers Collective Bargaining Unit. The agreement was not complete at the time of the May, 2012 Annual Town Meeting, requiring that funding for the first year of the contract be appropriated at this Special Town Meeting. To help control costs, terms of the contract provide for increased union share of annual health insurance cost and reduced step increases over time. The wage increases and insurance agreement negotiated for the Dispatch contract are consistent with those for Police and Fire.

The Finance Committee does not recommend (5-0-1).

Although the amount requested in this article may seem small, it needs to be considered in context of the overall budget and its impact over the next three years, and beyond. The Finance Committee believes the increases recommended in the article are unsustainable, based on the recently negotiated Collective Bargaining Agreements (CBA). The full impact of these increases will take hold in the next fiscal year, beginning July 1, 2013, when salary increases with built-in cost of living adjustments will average over 5.5% per year for all members of the collective bargaining unit. The introduction of new Steps, which will build in an 8.8% increase for all new hires going forward, adds a major structural issue to future budgets, including the additional increases that will be added to all current top Step employees, and will also set a precedent for future contracts and negotiations. Higher proposed rates for overtime could push the average increase higher, which will not be known until budgets are proposed every year.

The FinCom recognizes and appreciates that members of the collective bargaining units have accepted a greater share of health insurance costs. Unfortunately, in the face of rising health insurance rates, this increased participation is not expected to significantly reduce the impact of the negotiated increases. These increases, in combination with other essential spending (including fire and public safety equipment, facility upkeep, other Town wages and benefits, and retirement liabilities), are likely to force consideration of a Proposition 2 ½ Override as early as next year. A 'no' vote signifies your recommendation that the proposed increases should not be approved in their current form.

NOTES:

**ARTICLE 4 INSPECTOR OF BUILDINGS/CODE ADMINISTRATION OFFICER –
ADDITIONAL HOURS TO COVER FACILITIES MANAGEMENT**

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Six Thousand Dollars (\$6,000) more or less, for the purpose of funding fifteen additional hours for the position of Inspector of Buildings/Code Administration Officer to cover facilities management responsibilities across the town and school facilities; and further to amend the operating budget approved by the Annual Town Meeting on May 15, 2012 for the fiscal year beginning July 1, 2012 as follows:

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase	Total FY 13 Allocation
241	Total Salaries – Building Inspector	\$40,500	\$6,000	\$46,500

Or take any other action relative thereto.

The Board of Selectmen recommends unanimously (5-0).

Over the past several years the town has not been able to hire and retain a qualified Building Inspector/Code Administration Officer at a level of up to 25 hours per week. The town also is in need of a qualified individual to work with the department heads and the Board of Selectmen (as well as the Finance Committee) to develop a comprehensive management plan for town buildings (a facility management plan), including ongoing regular maintenance as well as capital planning for major repairs, improvements and replacements. Over and above our difficulty in hiring a qualified individual, we have recently been advised by outside experts that we underestimated the time required for facilities management. Based on the input the Board of Selectmen received from an ad hoc hiring committee that included the Stow Building Commissioner, who also serves as Stow's facility management professional, the Board believes that at 40 hours/week, we will be able to hire a qualified individual capable of filling both roles.

Because the full-time position will not be filled until halfway through the fiscal year, and there are unexpended monies available in the FY 13 budget, the full fiscal impact of the additional fifteen hours per week will not be felt in the current year. Next year's FY 14 total salary budget request is expected to be approximately \$68,000, which represents an increase of \$27,500 for the additional fifteen hours per week requested for the position. The position is currently benefited; therefore, the increase to 40 hours will not have any cost impact on benefits.

The Finance Committee recommends (5 -1).

The Finance Committee recommends the additional hours for the Building Inspector position to cover the facility management needs of the Boxborough's municipal buildings. The combination of these duties are a good fit with the Building Inspector's position and will help cover the facilities management needs in Town.

The Personnel Board recommends (4 – 0).

The Personnel Board voted unanimously to recommend that the hours of the BI/CAO be increased from 25 hours per week to 40 hours per week. The Personnel Board believes that the increase in hours is necessary to adequately cover the facility management needs of both Boxborough's municipal buildings and school buildings.

ARTICLE 5 CHANGE THE ELECTED POSITION OF TAX COLLECTOR TO APPOINTED

(Majority vote required)

To see if the Town will vote to have its elected Tax Collector become an appointed Tax Collector of the town; or take any other action relative thereto.

The Board of Selectmen recommends unanimously (5-0).

The position of Tax Collector plays a vital role in town operations and is responsible for the collection of the town's largest revenue source. The position is too important to be left without oversight and accountability. The Board of Selectmen wants to ensure that the position continues to be filled by a qualified individual. Changing the position to an appointed one will enable the Board to maintain oversight and to set qualifications standards that will allow the town to maintain the high quality of service to which the town residents are accustomed. The legal process to make this change is two-part and requires a vote at town meeting as well as a ballot question at the annual town election in May.

The Finance Committee recommends unanimously (6-0).

The Finance Committee unanimously recommends the change of the Tax Collector's position from Elected to Appointed. This change will allow the Board of Selectmen more flexibility with the qualifications of the position, its management as a department head, as well as its possible combination with the office of the Treasurer.

The Personnel Board recommends (4 – 0).

The Personnel Board voted unanimously to recommend that the position of Tax Collector be changed from an elected position to an appointed position. Making this change will allow the Board of Selectmen to set qualifications and educational standards; it will also allow the BoS to employ the same vetting process that is in place for all department heads. Lastly, this change will ensure that the high quality of excellence exhibited in this vital position will continue to be maintained.

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ARTICLE 6 RELEASE OF EXISTING EASEMENT

(Majority vote required)

To see if the Town will vote to authorize the Board of Selectmen to release an existing access easement described in a deed recorded with the Southern Middlesex Registry of Deeds in Book 22281, Page 67, on a parcel of land owned by Ken C. and Sandra G. Fabian, in consideration of and contingent upon on the Conservation Commission's acceptance of a new trail easement, pursuant to G.L. c.40, §8C, on the same parcel of land as shown on a plan entitled "Easement Plan, 90 Barteau Lane, Boxborough, MA; prepared for: The Town of Boxborough & Ken C. & Sandra G. Fabian; scale: 1"=40'; dated: September 2, 2012", a copy of which is on file with the Town Clerk; or take any other action relative thereto.

Summary

The proposed new easement is intended to confirm the Town's legal right to use and maintain an existing trail in exchange for releasing the original access easement which is of minimal use and is no longer desired. The easement to be released can be seen on a plan recorded as Plan No. 646 of 1992 with the Southern Middlesex Registry of Deeds.

The existing easement to be released was previously accepted by the Town in 1992 as a gift of the Cynthia H. Fisk Estate and was intended to provide access to Conservation land also gifted by the Fisk Estate. Over time, a more favorable and practical trail location providing access to that same land was established on the Fabian land by way of an informal agreement with the Fabians. The new trail easement is aligned to match this existing trail location on the Fabian property which provides a direct connection between two existing parcels of Town Conservation Land.

The Conservation Commission recommends (5 – 0).

The Board of Selectmen recommends unanimously (5-0).

The Board of Selectmen unanimously recommends that this Article be approved as it would confer a net benefit to the Town.

The Article would release the existing easement, which gets minimal use, in exchange for the creation of a new easement in the location that has proven most useful to Town residents in providing a direct connection between two existing parcels of Town Conservation Land. Without this exchange there is no guarantee that the Town would be able to continue using the direct connection, which it enjoys now only by way of an informal agreement with the current owners.

The Finance Committee recommends unanimously (6-0).

ARTICLE 7 ROAD ACCEPTANCE – PINE PASTURE RUN

(Majority vote required)

To see if the Town will vote to accept as a public way Pine Pasture Run as it has been laid out by the Board of Selectmen as shown on the plan entitled: “Plan of Land in Boxborough Mass. Owner: John Flannery Inc.”, dated July 1, 1997, prepared by R. Wilson and Associates, Land Surveyors and Civil Engineers, 308 Great Road, P.O. Box 238, Littleton, MA, and recorded with the Southern Middlesex Registry of Deeds as Plan 717 of 1997, which plan has been filed with the Town Clerk pursuant to G.L. c.82, s.21-23 and to authorize the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, such interests in land within the layout as are necessary to use Pine Pasture Run for all purposes for which public ways are used in the Town of Boxborough and to establish it as a town way, together with all drainage and other easements related thereto; or take any other action relative thereto.

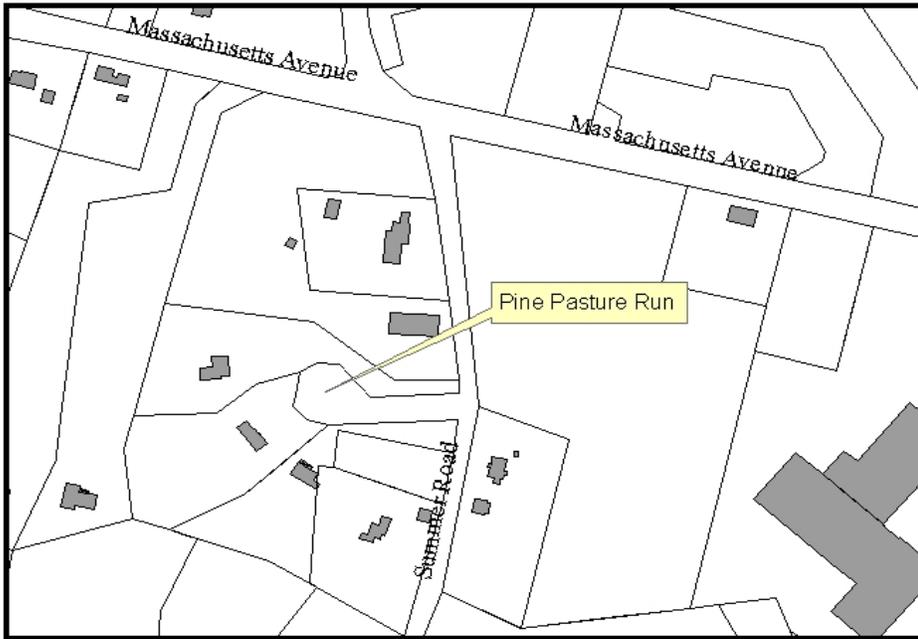
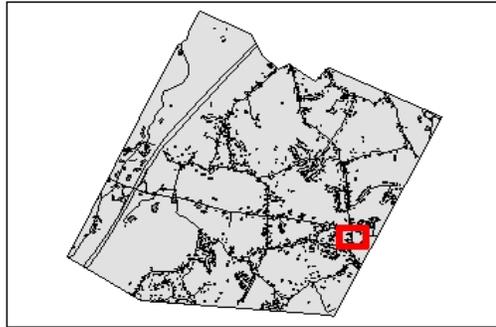
The Planning Board recommends.

The Board of Selectmen recommends unanimously (5-0).

A public hearing was held on November 19, 2012 to approve the laying out of Pine Pasture Run. Acceptance of the road as a public way will increase the town’s Chapter 90 funds and enable the road to be maintained by the Town.

The Finance Committee recommends unanimously (6-0).

NOTES:

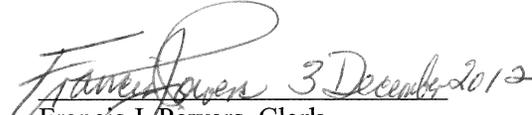


You are required to serve this Special Town Meeting Warrant by posting copies thereof, attested by you, at the Town Hall, at the Sargent Library, at the Police Station, at the Fire Station, and at the Blanchard Memorial School, fourteen days at least, before the time appointed for such meeting.

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before December 21, 2012.



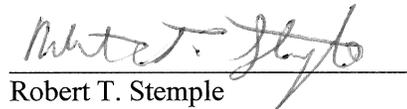
Leslie R. Fox, Chairman
Board of Selectmen



Francis J. Powers, Clerk
Board of Selectmen



Vincent M. Amoroso
Board of Selectmen



Robert T. Stemple
Board of Selectmen

Raid M. Suleiman
Board of Selectmen