

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

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

Meeting called the Special Town Meeting to order at 7:10pm. There were 159 registered voters in addition. The moderator made some introductory remarks. He provided an overview of Articles 1, 2 and 3.

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

(Majority vote required)

Frank Powers, member of the Board of Selectmen, moved to transfer the sum of Twenty Thousand Forty-Two Dollars (\$20,042) from Free Cash and the sum of Seven Thousand Six Hundred Thirty-Four Dollars (\$7,634) from Line Item 915, Total Other – Employee Benefits 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 by adjusting departmental appropriations as follows:

Increase Line Item 210, Total Salaries – Police by Twenty-Seven Thousand Six Hundred Seventy-Six Dollars (\$27,676), for a Total FY 13 Allocation of Nine Hundred Sixty-Five Thousand, Four Hundred Seventy Dollars (\$965,470);

and

Decrease Line Item 915, Total Other – Employee Benefits by Seven Thousand Six Hundred Thirty-Four Dollars (\$7,634), for a Total FY 13 Allocation of One Million Three Hundred Ninety-Seven Thousand One Hundred Six Dollars (\$1,397,106).

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

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.

Les Fox, Chair, and Frank Powers presented the BoS rationale for the motion with a PowerPoint presentation. Mr. Powers said that if the amounts are not approved, there will be additional costs no matter what. He said there would be no increase in FY’13 taxes. The additional funding would be taken from free cash. He explained the goals of negotiation—1. Ensure public safety at affordable cost; 2. Control health care costs and step increases; 3. Maintain good morale; 4. Negotiate in good faith and 5. Avoid arbitration, which is unpredictable. He described the preparation taken before entering negotiations and said that the 5 goals were met, with each side compromising. Total compensation packages are lower than in other similar towns at start

of negotiation. Mr. Fox talked in more detail about the wage tables and the change from 3.5% steps (current contract) to 2.5% steps (proposed contract—over time). He said that the current proposed contracts were the lowest cost possible that could be agreed to by both parties. He outlined what would happen if the town meeting voted down the articles.

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.

Karim Raad made the PowerPoint presentation on behalf of the FinCom against the motion. He focused on the history of Collective Bargaining Agreements in Boxborough and their impact on the town going back to 2004. The average increase from steps and COLA is 6.4% for Police. 7.1% for Fire and 6.2% for Dispatch. He showed a slide showing cost per resident for police, fire and dispatch compared to numerous other towns. He provided an analysis of the proposed new CBA salary steps, saying that it would have a 8.8% increase in salaries by giving topped out employees (that formerly only got COLA increases) additional steps. He pointed out, even though the amounts asked for in the Articles were relatively small, that a 2.8% increase was already approved in May for FY'13. He talked about the impact of the CBAs on the FY'14 budget and beyond.

Casey Cornett, Picnic St., questioned the use of ratios and asked the Selectmen if overtime was included. Yes. He asked the chief if the Flex officer did result in lower OT. Chief Ryder said that Flex Officer salary came out of the OT budget, so yes OT is lower. He said any increase in overtime is from rate increases. The Flex Officer is put on shift coverage to save OT and his salary is included in the base.

Nancy Fillmore, Burroughs Rd., said that as a 35-year resident she appreciates the Fincom's attention to costs considering salaries in the private sector have not increased.

Norm Hanover moved the question but was not allowed by the moderator.

Channing Wagg, Hill Rd., said that after certain amount of time length of service doesn't add anything to performance.

Jim Gorman, Hill Rd., asked FinCom if there's headroom between the tax levy and the levy limit for FY13. Mr. Raad said yes there is but doesn't know the number. Mr. Fox said the amount of headroom was \$666K. He asked if we put current employees through the proposed contract, what is the total increase in cost—Mr. Fox said that it's in the 4.5% to 5% range, net of insurance contribution. (The contract has employee contributions going from 25% to 30%.)

Becky Neville, Hill Rd., said the presentations were too long and the slides too faint. She asked what goes on in Arbitration—how much would it cost. Town Counsel responded that if parties go through arbitration—costs shared by union and town. He recommended that towns have counsel due to the labor-intensive preparations

required for arbitration. He shared information on other towns' experience. He said to expect \$1200-\$2000 per day for an arbitrator plus time to review, roughly \$10-\$15K cost to each party. A town's "ability to pay" is also looked at—headroom is looked at, stabilization fund, etc. He said it was hard to gauge the likelihood of success. Jeanne Kangas, Hill Rd., urged the voters to listen to the FinCom and respect their recommendations. She talked about the "ability to pay" and asked how many people got 5.5% raises in the private sector. She pointed out that many residents are struggling. She also questioned the idea of "morale"—what about the morale of the taxpayer? She urged voters to vote no.

Phil Kicelemos, Picnic St., said in mediation, the mediator must listen to both sides. Town Counsel said that labor negotiations are done in executive session, the public is not allowed to participate or observe. Mr. Kicelemos said that the Town Treasurer provided him with salary information on police for this year. He felt that OT pay is excessive. He said that insurance costs are too high.

Norm Hanover moved the question.

The motion to vote now passed by majority vote.

Action on Article 1: The motion failed.

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

(Majority vote required)

Mr. Fox moved to transfer the sum of Six Thousand Three Hundred Forty-Four Dollars (\$6,344) from Free Cash and the sum of One Thousand Six Hundred Ninety-One Dollars (\$1,691) from Line Item 915, Total Other – Employee Benefits 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 by adjusting departmental appropriations as follows:

Increase Line Item 220, Total Salaries – Fire by Seven Thousand Six Hundred Thirty-Five Dollars (\$7,635), for a Total FY 13 Allocation of Seven Hundred Twenty-Three Thousand, Eight Hundred Thirty-Four Dollars (\$723,834);

Increase Line Item 220, Total Other – Fire by Four Hundred Dollars (\$400), for a Total FY 2013 Allocation of One Hundred Three Thousand Fifty Dollars (\$103,050);

and

Decrease Line Item 915, Total Other – Employee Benefits by One Thousand Six Hundred Ninety-One Dollars (\$1,691), for a Total FY 13 Allocation of One Million Four Hundred Three Thousand Forty-nine Dollars (\$1,403,049).

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase/Decrease
220	Total Salaries – Fire	\$716,199	\$7,635
220	Total Other - Fire	\$102,650	\$400

915	Total Other – Employee Benefits	\$1,404,740	\$<1,691>
Net amount required to transfer from free cash			\$6,344

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.

Dave Follett, Cobleigh Rd., said that the cost of senior employees will increase quicker than under the previous contract. What is the desired mix of junior/senior employees? This could impact number of hours of staffing. Les Fox said that half of firefighters are under the CBA and half are part-time per diem that are not covered by the agreement. The fire department only has 4 full-time personnel.

Anne Canfield, Stow Rd., asked if Article 2 passed would it impact arbitration with Article 1? Town Counsel said that it would be a factor.

Owen Neville, Middle Rd., asked about the cost figure for arbitration given by town counsel. He said that the figure was per contract.

Casey Cornett asked about the increased steps. Mr. Fox said that steps have been added, but they are less than the current steps. Mr. Cornett said that the added steps are to increase compensation above COLA.

Karim Raad said that we don’t have to go directly to arbitration right away. First try to renegotiate, then go to mediation and then to arbitration.

Maria Neyland moved the question. The motion carried by majority vote.

Action on Article 2: The motion failed.

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

(Majority vote required)

Mr. Powers moved to transfer the sum of Four Thousand Four Hundred Eighty-One Dollars (\$4,481) from Free Cash and the sum of Two Thousand Two Hundred Eighty-Nine Dollars (\$2,289) from Line Item 915, Total Other – Employee Benefits 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 by adjusting departmental appropriations as follows:

Increase Line Item 221, Total Salaries – Dispatch by Six Thousand Five Hundred Seventy Dollars (\$6,570), for a Total FY 13 Allocation of Two Hundred Forty Thousand Four Hundred Sixty-Eight Dollars (\$240,468);

Increase Line Item 221, Total Other – Dispatch by Two Hundred Dollars (\$200) for a Total FY 13 Allocation of Thirty-Five Thousand, Five Hundred Forty-Seven Dollars (\$35,547);

And

Decrease Line Item 915, Total Other – Employee Benefits by Two Thousand Two Hundred Eighty-Nine Dollars (\$2,289) for a Total FY 13 Allocation of One Million Four Hundred Two Thousand Four hundred Fifty-one Dollars (\$1,402,451).

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

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.

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.

Phil Kicelemos, Picnic St., spoke against the motion.
Michael Toups asked if COLA was fixed? Yes

Action on Article 3: The motion failed.

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

(Majority vote required)

Raid Suleiman moved to transfer from Free Cash the sum of Four Thousand Dollars (\$4,000), 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 by increasing line item 241, Total Salaries – Building Inspector by \$4,000 for a total FY 13 allocation of Forty-Four Thousand Five Hundred Dollars (\$44,500).

Line Item	Account Name	Appropriated at ATM 5/15/12	Proposed Increase	Total FY 13 Allocation
241	Total Salaries – Building Inspector	\$40,500	\$4,000	\$44,500

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

Mr. Suleiman provided the Board of Selectman recommendation as follows: 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).

Mr. Raad provided the FinCom recommendation as follows: 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.

Francie Nolde, Sargent Rd., spoke as chair of the Energy Committee. She said that having someone with facilities responsibilities would be able to look at the energy audit and see what the town can do to save energy. Owen Neville, Middle Rd., thought the move was premature, given the vote on regionalization in April might take management of Blanchard School out of the equation. He thought this should be taken up at Annual Town Meeting.

Mr. Suleiman said we don't currently have anyone overseeing facilities. Our current interim does not want to continue and we need inspectional services. Mr. Neville believes the square footage that would need management would be reduced significantly with regionalization.

Simon Bunyard, Hill Rd., said that having a facilities manager has been a need for years. He applauds having this addressed by combining with Building Inspector.

Phil Kicelemos, Picnic St., asked how many members were on the Personnel Board. Anne Canfield said that there were four members. Phil asked how the salary was arrived at. Mr. Suleiman said that the building inspector is a Grade 60 on Personnel Plan Schedule B.

Charlene Golden, Hill Rd., found that a full-time building inspector can do site inspections which has been of tremendous help to the Conservation Commission, especially without a conservation agent.

Becky Neville, Middle Rd., said that we should wait until ATM before we vote.

Mr. Niro moved the question. The motion carried.

Action on Article 4: The motion carried by majority vote.

ARTICLE 5 CHANGE THE ELECTED POSITION OF TAX COLLECTOR TO APPOINTED
(Majority vote required)

Mr. Powers moved that the elected Tax Collector become an appointed Tax Collector of the town.

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

Mr. Powers made the BOS recommendation as follows: 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).

MR. Raad made the FinCom recommendation as follows: 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.

Anne Canfield spoke to the motion on behalf of the Personnel Board. She provided background to the recommendation.

Mr. Fallon asked about the timeline. Ms. Shaw said that if approved it would be on the ballot in May and take effect in 2015.

Jim Gorman asked if it was the intention to change the position of Town Clerk. Mr. Fox said not at this time.

Mr. Gorman said that the kinds of qualities needed by a tax collector are not onerous and personal qualities such as trustworthiness and attention to detail are hard to discern in an interview. He likes having a town resident in the position and doesn't like all the power for town business resting with the Board of Selectmen.

Phil Kicelemos said that the current tax collector does an outstanding job. He prefers having the ability to choose the tax collector rather than the BOS. He says that he fails to see how appointing the individual will improve the quality of the position. He recommends a vote against the motion.

Amy Burke, Sargent Rd., wants the position changed. She said it was not anything against Maripatt, but being elected doesn't guarantee character. She recommends going further—after Maripatt retires combine the Treasurer and Tax Collector into one position.

The Tax Collector, Maripatt Shemowatt, provided some background. She pointed out that the job is the same whether appointed or elected. As an elected official, she is accountable—and held to account—by town residents and the State. She must reconcile her records on a regular basis with the accountant, treasurer and assessor. She provided a history of the position.

Dick Wagman, Leonard Rd., said as a voter he feels he would be unable to determine who would be good or not as a collector. He is inclined to trust the BOS to make the decision on the appropriate staffing. He is in favor of the motion.

Anne Canfield, Stow Rd., reiterated that the article is in no way a reflection on the current tax collector and her job performance, which has been excellent. She has observed the process that the BOS and town administrator use to select candidates and feels it's an excellent process.

Carol Driscoll, Stow Rd., asked about how many towns combine tax collector and treasurer. Susan Bak said it's common.

Santiago Tapia-Perez, Swanson Rd., pointed out the concentration of power in the selectmen is not desirable. He recommended that the position remain elected.

Jim Moss, Bicentennial Way, moved the question. The motion passed.

Action on Article 5: The motion carried by majority vote.

ARTICLE 6 RELEASE OF EXISTING EASEMENT

(Two-thirds vote required)

Dennis Reip, Chair of the Conservation Commission, moved 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.

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).

Vincent Amoroso made the BOS recommendation as follows: 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).

Action on Article 6: The motion carried unanimously.

ARTICLE 7 ROAD ACCEPTANCE – PINE PASTURE RUN

(Majority vote required)

Nancy Fillmore, Chair of the Planning Board, moved 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.

The Planning Board recommends.

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

Mr. Fox made the BOS recommendation as follows: 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).

Casey Cornett asked when is it a driveway and when is it a public road? Elizabeth Hughes said that the road is a subdivision road with five houses and is laid out as a public way in conformance with regulations.

Sue Reuther moved the question. Motion carried.

Action on Article 7: The motion carried unanimously.

Jim Moss moved to dissolve the STM at 9:56. The motion carried.