



BOARD OF SELECTMEN
Meeting Minutes
January 23, 2012

Approved: February 27, 2012

PRESENT: Christine Robinson, Chair Pro Tem; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ALSO PRESENT: Selina Shaw, Town Administrator

Chair Pro Tem Robinson called the meeting to order at 5:30 PM in the Town Administrator's office.

EXECUTIVE SESSION

- Member Fox moved to adjourn to executive session in the Town Administrator's Office for the purpose of discussing strategy with respect to collective bargaining and considering the purchase of real estate and to reconvene in open session at 6:00 PM in the Grange Meeting Room to discuss the remaining business on the agenda. Seconded by Member Neville. **Approved 4-0 by Roll Call Vote: Neville "aye," Fox "aye," Powers "aye," and Robinson "aye." (Suleiman not present for Executive Session)**

Chair Pro Tem Robinson stated that an open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board.

Chair Suleiman reconvened the meeting in open session at 6:00 PM in the Grange Meeting Room.

PRESENT: Raid Suleiman, Chair

ALSO PRESENT: Cheryl Mahoney, Department Assistant

ANNOUNCEMENTS

- Chair Suleiman read the announcements.

APPOINTMENTS

- DPW Director, Thomas Garmon was present to discuss the FY 13 DPW budgets. There is an increase in the clerical support line item due to a proposed increase in Fire Dept. clerical support hours. Chief White intends to address this item when he comes in to discuss the Fire/Public Safety budgets. Selectmen Fox advised that the Hager Well budget increase is because the Article funds previously used to offset expenses will be expended before the end of FY 12. So, starting in FY 13 these expenses will have to be funded, totally out of the operating budget. Dir. Garmon advised that the other increases can be attributed due to additional testing and contractual escalation terms. It was suggested that quotes from other companies be obtained or terms re-negotiated with our service company. There was discussion on the changes resulting from the implementation of the new winter road treatment program and its effect on the on the Snow & Ice Budget. Dir. Garmon was able to achieve a -0- increase FY 13 budget – in part due to the new treatment program and lower cost for road salt by going through a State contract. These savings will be put towards equipment maintenance. The DPW will be moving on next phase of this road treatment program; installing mixing apparatus directly on to the trucks, a more economical use of materials. It was suggested that an explanation might be needed at Town Meeting as to the changes in the Snow & Ice budget. There was discussion on a potential new capital item - the repair/replacement of the fueling system.

The Board took agenda items 5(a-c) and 6 out of order

MINUTES

- Member Neville moved to accept the minutes for the Regular Session of December 5, 2011, previously approved, now as amended. Seconded by Member Powers. **Approved 5-0.**

- The Selectmen passed over review of the Executive Session minutes of January 9, 2012 and the minutes of Workshop Session with the Finance Committee held January 14, 2012.

SELECTMEN REPORTS

- Member Fox reported that he, BITcom Chair Bhatia, IT Tech Frost and TA Shaw met to discuss the implementation of Voice Over IP. BITcom Chair Bhatia and TA Shaw are working on contractual terms for VOIP. Chiefs Ryder & White continue to be updated as work continues to implement this system. Member Powers noted Chief Ryder's ongoing concern that the line interference at the station continues to be a significant issue.

Member Fox also reported on the recent MAPC officers meeting one topic was trying to strategize outreach on the subject of transportation finance.

He also reported that the Housing Board Chair, Al Murphy will be presenting the proposed charge for Stow Road Concept Development Committee tonight.

- Member Neville reported that the Agricultural Comm. had a "wrap-up" discussion on this year's Community Garden programs. They then joined the Conservation Commission to discuss the same and ConsCom. approved continuing the Community Gardens at Flerra Meadows for 2012. There was also additional discussion on potentially adding a community garden site at Flagg Hill.

She also reported the School Committee has been advised that there will be three special needs students enrolled in the pre-school program next year, which will result in a significant increase to the school's FY 13 budget.

Member Neville reported that she, Member Fox, and FinCom member, Bill Burke met with Fire Chief White to review the FY 13 Fire Dept. budget. She provided an overview of the items discussed, including the status of the department's generator, other capital items and potential warrant articles. Chief White will provide further detail when he comes in to discuss his budgets on January 30th.

She reported that she had attended the budget workshop.

- Member Powers reported that the Council on Aging is making some significant improvements to its monthly newsletter, the newly minted "The Boxborough Buzz" will be out in March. These changes should also lower their mailing costs.

Member Powers reported that he also was at the budget workshop.

He also reported that the Well-Being Committee met on Jan. 18th, continuing their review of the A/B Regional Schools' risk survey data. One item of concern was the significant increase in stress levels.

Member Powers reported on the MMAF discussion at the last Conservation Comm. meeting. He noted that Mr. McPherson is coming in tonight to present the 1st MMAF "State of the Airfield" report.

He also reported that he and Member Robinson have met with Chief Ryder & Chief White to go over the FY 13 Police & Dispatch budgets. Member Powers provided an overview of the items discussed, including capital items and potential warrant articles.

Member Powers also reported that he has met twice with the Police Union regarding contract negotiations.

APPOINTMENTS (Continued)

- Franny Osman, Chair of the Acton Transportation Advisory Committee was present to discuss the CIC grant initiative program and the efforts being made to apply for this funding to explore sharing transportation resources among our adjoining towns. Ms. Osman explained how she became involved in addressing transportation needs in Acton; and provided information on the current transportation programs being implemented in Acton. Boxborough residents have communicated that they would be interested in having similar programs. She advised that there is noticeable duplication of services being offered by various transportation networks in Acton, Boxborough and surrounding communities. The objective of this proposal is to combine resources, maintaining the respective fleets while improving dispatch technology so these communities could share transportation resources making for a more efficient and effective delivery of services. Ms. Osman confirmed that MART and other Mass. transit providers have provided letters of support which was included in the grant packet. She also confirmed that

there would not be a change to the level of services Boxborough provides or to our current fee structure. She discussed the demographics of those using these transportation resources. Member Fox moved to ratify support for the submission of the CIC grant application (submitted on January 17) for shared transportation resources among the towns of Acton, Boxborough, Littleton, Maynard and Stow and Clock Tower Office Park in Maynard. Seconded by Member Powers. **Approved 5-0.**

SELECTMEN REPORTS (Continued)

- Member Robinson reported that she, also, has been participating in the Police/Dispatch FY 13 Budget discussions.

She reported that she also had attended Saturday's workshop.

- Chair Suleiman reported that he and FinCom member Hesler had met with TA Shaw to review the FY 13 Town Hall Budgets.

He reported that he had attended this weekend's MMA Annual Conference and related some of the topics covered specifically those concerning Insurance Reform.

Chair Suleiman also reported that the Energy Committee continues its work on the PAYT concept. They have put a draft "Sense of the Meeting" ATM presentation and would like to come in and get the Selectmen's input. At this time the intent is to present at Town Meeting and implement a pilot program to gather feedback.

He also had participated in Saturday's workshop. Among the items discussed was holding similar joint Bos/FinCom workshops a periodically and inviting other boards to join in these discussions.

The Board took agenda items 7a & b, out of order

OLD BUSINESS

- The Selectmen reopened discussion on Open Meeting Law's Remote Participation option. Members of the Boxborough School Committee were present for this discussion. Chair Suleiman provided a summary of this new section to the OML regulations; what would be required if the Town chooses to implement this it and related the Selectmen's previous discussion on this matter. Pursuant to this new regulation the Selectmen must decide whether to allow this practice for meetings held by all public boards in Boxborough. If adopted by the Selectmen the chair of those respective boards would need to determine, based on specific criteria, whether or not to allow a board member's request to participate remotely at a meeting, and then make the required arrangements. Member Powers noted that there have been two main concerns which stem from the technical requirements that would be needed to implement this at a public meeting - the technology that would be needed & the related costs and the exercising board's ability to maintain compliance with OML during that meeting. How can we insure that the technology is reliable enough to make implementation practical? Member Fox noted that though there are vacancies on some boards, currently the town boards seem to still be able to effectively conduct the business of the Town. He understands that teleconferencing is a necessary tool in many business dealings; however, the private business world does not need to work in the public forum where access and transparency are essential. Members Robinson and Neville agreed with his comments. Chair Suleiman further noted that, given the Town's size, it does not seem that allowing this would enhance the ability of a board to conduct its business. School Committee Chair, Bruce Sabot, spoke in favor of implementation. When you volunteer to serve, sometime you can not attend meetings. He travels for his job and was not able to attend the last school committee meeting. So, he was unable to participate in the discussion on an important matter. As to technology, he conducts business via teleconferencing for his job, and all that is needed is just the investment in a good speaker phone. When the topic of participating in town boards comes up people constantly tell him that they don't have time to attend the meetings. The School Committee has discussed this and supports the implementation of this option. Upon further discussion it was determined that the Selectmen would be willing to adopt this option so that boards not under their jurisdiction, such as the Boxborough School Committee, could implement this option. Member Neville moved to allow remote participation by public bodies in the town of Boxborough in accordance with the requirements of 940 CMR 29.00, said authorization shall apply to all subsequent meetings of all public bodies in the Town, unless the board votes to opt-out. Seconded by Member Robinson. **Approved 5-0.**
- The Selectmen reopened discussion on FY 2013 health insurance. Town Counsel, Attorney Joseph Fair, of Kopelman & Paige; Members of the Boxborough School Committee; Finance Committee; Insurance Advisory Committee and others were present for this discussion. Chair Suleiman provided a summary of the discussions to date on this matter, specifically referring to the discussion that took place at the Selectmen's January 9th meeting to consider the adoption of the local option. As requested Town Counsel has issued an opinion as to whether or not the Town can retract its adoption of the local option. Chair Suleiman provided a summary of this legal opinion – based on current law, the Town can not retract its adoption of the local option. Chair Suleiman then reviewed ground rules for this discussion. Chair Suleiman invited Attorney Fair to supplement or clarify the information he had provided. Attorney Fair agreed with the Chair's summary and noted that, in the future, there are

alternatives available to the Town, as it continues to investigate health insurance options. Member Powers and the other Selectmen provided their input. Member Powers read a prepared statement which has been included in the agenda packet.

“Statement for 23 January meeting

Following the BOS meeting on 9 January, the Board received criticism from at least one member of the public concerning the failure of the Board to approve adoption of MGL Chapter 32, Sections 22-24 (dealing with health care). Because I was the member of this Board who preferred to defer the vote, it was clear to me that the criticism was directed toward me, either solely or primarily, and not at my esteemed colleagues on this Board.

Let me first make it clear that I believe any citizen has the right to criticize my decisions as a member of this Board. However, the criticism in this case included reference to a “feeling that you have lost sight of the fact that you represent the town in this matter”.

For the record, I categorically reject and take personal offense not at the complaint in general but rather at the notion that I have lost sight of the fact that I represent the town of Boxborough.

At the 9 January meeting, I voted to defer a vote and **not** to vote against the legislation in question. My reason for doing so was to collect additional information on this legislation. Specifically, the issue I was concerned about was what the town’s options are, if after adopting the legislation, we discover that some aspect of the law resulted in undesirable consequences. When this question was asked of town counsel at the meeting, he was unable to provide a definitive answer, instead giving an opinion of what options were likely to be available to the town. There have been many instances where legislation adopted by well-meaning authorities has resulted in unintended consequences and that was my particular concern in this case.

Because of the uncertainty in town counsel’s response, I wanted to see a definitive answer to this question and so chose to defer my vote, pending written input from counsel.

I strongly believe it is in the best interests of the town of Boxborough for members of the Board of Selectmen to fully understand the consequences of adopting any voluntary legislation such as MGL Chapter 32 B, sections 22-24. Important decisions should be made based on a thorough evaluation of potential consequences of BOS actions.

Since I have been a member of this Board, I have always tried to consider the full scope of the ramifications of any decisions I have made and vote based on what I believe to be in the best interests of the town of Boxborough. During the remainder of my term I will continue to act in this manner and if that bothers some people, then so be it.

People may disagree with any votes I may make as a Selectman but to question my dedication to the town of Boxborough and my commitment to represent the interests of Boxborough is an attack on my integrity, an attack that I find personally offensive and completely unjustifiable.”

Member Fox noted that health care is a significant and a growing part of the Town’s budget. Bringing employees into process is best for everyone involved and adopting this gives the Town options to work with. Audience members provided input. There was discussion about the Town’s obligation to be fiscally responsible; employee’s options regarding managing their health costs; costs to town employees versus private sector costs; various scenarios such as the effect of not adopting this option; possible outcome of future administration’s decisions or the position that collective bargaining units could take on health insurance; and the options and restrictions regarding enrollment in GIC. Chair Suleiman provided some background as to how protracted and onerous the process was that culminated in this legislation, in order to try to control spiraling health insurance costs. Member Neville moved to take the matter off the table for further discussion and vote. Seconded by Member Fox. **Approved 5-0.** Member Powers moved that the Town of Boxborough adopts and engages in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23. Seconded by Member Fox. **Approved 5-0.**

- Though not the agenda, Boxborough School Committee Vice-Chair Maria Neyland was asked remain and provide her input on the work proposed to the ABRHS lower playing fields. This is one of the items being discussed at Saturday’s ABRSD FY 13 Budget Workshop. There has also been discussion about having the project’s stakeholders in to a Selectmen or BLF meeting to discuss. There was discussion on this project’s possible submission to Acton’s CPA Committee and what input has been received from the Towns’ respective Bond Counsel on ABYS’s funding proposal.

APPOINTMENTS (Continued)

- Housing Board Chair, Al Murphy, was present to discuss the proposed charge of Stow Road Concept Development Committee. Some of the potential candidates for appointment to this committee were also present. Murphy gave an overview of charge; background the acquisition of this property; and the intent in establishing this concept committee and its subsequent iterations as the Town moves forward with the project. This charge is intended to provide a broad-view/direction for this group. As we go forward the Town needs to make sure this process is transparent and information is provided to the public. Member Fox noted that this project can not move forward unless a good and clear process is in place and this document is the first step. The potential candidates have been provided a copy of the draft charge. The Selectmen provided their suggested revisions and TA Shaw read the Planning Board’s comments/revision to the proposed charge. Murphy noted that he would make the approved revisions. The final version and the list of the candidates for appointment will be presented to the Selectmen on January 30th for approval. Input has already been provided by industry professionals, at no cost to the Town. The Affordable Housing Trust will be approached about providing the funding for formal consultations and other professional work as these efforts move forward. The proposed candidates that were present discussed why they wanted to serve on this committee. Member Fox moved to adopt

the "Charge to the Stow Road Concept Development Committee" as drafted January 9, 2012, as revised and to be ratified at Jan. 30, 2012 at the appointments of the members. Seconded by Member Neville. **Approved 5-0.**

The Board took agenda items 8(a-c), out of order

NEW BUSINESS

- TA Shaw advised that interviews to fill the vacate Inspector of Buildings' position will be held over the next week. In the meantime, Craig Martin's appointment, as Interim Inspector of Buildings, needs to be extended until the position is filled. Member Neville moved to extend the appointment of Craig Martin as Interim Inspector of Buildings/Code Enforcement Officer through February 29, 2012, or until a successor is appointed, whichever is sooner. Seconded by Member Powers. **Approved 5-0.**
- Member Neville moved to call the Presidential Primary Election to be held at the Boxborough Town Hall on Tuesday, March 6, 2012 for the following offices: Presidential Preference, State Committee Man, State Committee Woman and Ward or Town Committee. Seconded by Member Robinson. **Approved 5-0.**
- TA Shaw provided background on the request from LELWD's General Manager, Savas Danos, to place banners on utility poles along Massachusetts Avenue between Blanchard Memorial School and Town Hall area. She further related that LELWD will leave these brackets up so the Town can use them in the future. Member Powers moved to authorize LELWD to place pole banners on utility poles along Massachusetts Avenue between Blanchard Memorial School and Town Hall area in celebration of LELWD's Centennial Anniversary. Seconded by Member Neville. **Approved 5-0.**

APPOINTMENTS (Continued)

- Don McPherson, the Owner/Manager of Minute Man Air Field (MMAF), along with members of the Minuteman Airfield Commission, Greg Sheets and Jim Baum, appeared come before the Selectmen to present their first annual "Airport Update." Airport Study Committee Chair, Anne Canfield and Conservation Commission Chair, Dennis Reip were present for this discussion. McPherson opened the discussion by providing some background on the Air Field's relationship with Boxborough. This is their first time doing this presentation in Boxborough, they have already done a similar presentation for officials in Stow, and MMAF intends to provide periodic updates to the towns in the future. The Selectmen were provided three MassDOT reports regarding Airfield facilities in Massachusetts and Minute Man Airfield, specifically. Minuteman Airfield Commission members, Greg Sheets and Jim Baum took over the presentation. This advisory group was formed about three years ago and one of their goals is to improve communication with the communities that MMAF serves. Jim Baum noted that he was here tonight as a member of the Minuteman Airfield Commission not as a member of Boxborough's Airport Study Committee. Baum and Sheets spoke to the key elements of these MassDOT reports with a PowerPoint presentation. They also provided information on future improvements at MMAF such as a proposed solar energy project. The Selectmen noted that they were encouraged by this effort to improve communication and establish an on-going dialogue. Member Fox suggested that the Town consider re-establishing an Economic Development Committee. ConCom Chair Reip noted that he is looking forward to seeing MMAF's submission to the Commission as they move forward. ASC Chair Canfield applauded the effort being made by MMAF to improve communication with the Town and noted that the economic development at MMAF could lead to improvements in Boxborough. McPherson invited the Selectmen to MMAF's 3rd Annual Aviation Expo in July.

The Board took agenda item 11, out of order.

CONCERNS OF THE BOARD

- Member Powers advised that he has participated in several discussions with UCC members, Board of Health officials and the Town Planner on the allocation and capacity of the UCC site's septic system as it relates to the church building and the Community Center aka Fellowship Hall. The occupied space capacity, within the church building has been recalculated down. So the UCC will be submitting a new filing as to its septic capacity allocations.
- Chair Suleiman related additional information the MMA Annual Conference. He also related a discussion he had had with Acton officials about the streaming video broadcasting of meetings in Acton. He would like to have IT Tech Frost in to discuss if we could implement this in Boxborough.

Member Powers recued himself from discussion on Agenda Items #14c.

APPOINTMENTS (Continued)

- Ken Morse, Owner of the AtBats Training Center and was present to discuss Boxborough's field permit fees. RecCom member, Kevin Lehner, was also present. Morse was before the Selectmen seeking an accommodation regarding the field use fee schedule. Ken Morse lives in Town and runs the AtBats Training Center on Summer Road. He provided background on his business and the programs that they offer. He explained that, for several years AtBats has been using the ballfield at Flerra for the Center's summer program. Enrollment in the AtBats summer program fluctuates. Based on the recently implemented field

use fee schedule the cost for running his annual summer program at Flerra would be prohibitive. The Selectmen noted that it was never the intention to burden local businesses when the fee schedule was implemented. It was never brought to the Selectmen's attention, during those discussions that AtBats had been using these fields for several years and that the new fees might be an issue for them. Morse explained the arrangements that AtBats has with other communities. He proposed a similar arrangement for Boxborough where AtBats would conduct a baseball summer program – also handling the administration and collection of fees and Boxborough would allow use of Flerra, but instead of paying, pursuant to the fee schedule, he proposes that AtBats would pay the Town a percentage of fees collected. He has already presented this proposal to the Recreation Commission. There was a discussion regarding the resources that would be necessary for Town to handle the administration of a new recreation program. Dept. Assistant Mahoney provided details as to the process involved in the processing of applications for current Recreation programs, and the office hours involved. The Selectmen noted that this situation needs further discussion and as the Town moves forward with these new procedures applicants, with similar concerns, could appeal these fees. The Selectmen suggested if they were to provide an accommodation to AtBats - it would be that, AtBats runs a program for Boxborough similar to what they provide to Littleton Recreation. This "AtBats" summer programs would come through the Boxborough Recreation Commission, however, AtBats would administer and collect the fees and the Town would allow use of Flerra for a percentage of the fees collected. RecCom member Lehner advised that he didn't think this would be an issue for RecCom. He is unaware of any other sports oriented programs here in Town. Lehner advised that unfortunately, AtBats starts its summer marketing push this week and they need to know if AtBats is going to be able to afford to use Flerra, tonight. Member Neville moved to have Boxborough Recreation Commission contract with AtBats to run the program and that AtBats pays the Town 12% of these revenues. Seconded by Chair Suleiman. **Approved 3-1-1 (Powers abstained from voting).**

ADJOURN

- At 10:12 PM Member Neville moved to adjourn. Seconded by Member Robinson. **Approved 5-0.**



BOARD OF SELECTMEN
Meeting Agenda
Boxborough Town Hall
Grange Meeting Room
January 23, 2012

1. CALL TO ORDER, 5:30 PM

2. EXECUTIVE SESSION, TOWN ADMINISTRATOR'S OFFICE

Move to adjourn to executive session for the purpose of discussing strategy with respect to collective bargaining and to reconvene in open session at 6 PM to discuss the remaining business on the agenda

ROLL CALL
VOTE:

NB: Chair should state, "An open meeting may have a detrimental effect on the negotiating and bargaining positions of the Board."

RECONVENE IN OPEN SESSION AT 6 PM IN THE GRANGE MEETING ROOM

3. ANNOUNCEMENTS

4. APPOINTMENTS

- a) Tom Garmon, to discuss proposed DPW FY 2013 budgets, 6 PM
- b) Franny Osman, Chair, Acton Transportation Advisory Committee to discuss CIC grant initiative
Move to ratify support for the submission of the CIC grant application (submitted on January 17) for shared transportation resources among the towns of Acton, Boxborough, Littleton, Maynard and Stow and Clock Tower Office Park in Maynard
- c) Al Murphy, to discuss proposed charge of Stow Road Concept Development Committee
Move to adopt the "Charge to the Stow Road Concept Development Committee" as drafted January 9, 2012... as revised...
- d) Don McPherson, Minute Man Air Field Owner/Manager, to present first annual "Airport Update"
- e) Ken Morse, Owner, AtBats Training Center to discuss field permit fees
- f) Citizens' concerns

VOTE:

VOTE:

5. MINUTES

- a) Regular session, December 5, 2011, as amended
- b) Executive session, January 9, 2012
- c) Workshop session with Finance Committee, January 14, 2012

ACCEPT & POF
ACCEPT & POF
ACCEPT & POF

6. SELECTMEN REPORTS

7. OLD BUSINESS

- a) Open Meeting Law – Remote Participation
If the BoS agrees to adopt:
Move to allow remote participation by public bodies in the town of Boxborough in accordance with the requirements of 940 CMR 29.00, said authorization shall apply to all subsequent meetings of all public bodies in the Town
- b) FY 2013 health insurance [this matter will be taken up at ≈ 7:30 PM]
 - i. *Move to take the matter off the table for further discussion and vote*
 - ii. *Move that the Town of Boxborough adopts and engages in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23*

VOTE:

VOTE:

VOTE:

8. NEW BUSINESS

- a) Extend appointment of Interim Inspector of Buildings – Craig Martin
Move to extend the appointment of Craig Martin as Interim Inspector of Buildings/Code Enforcement Officer through February 29, 2012, or until a successor is appointed, whichever is sooner **VOTE:**
- b) Presidential Primary Election
Move to call the Presidential Primary Election to be held at the Boxborough Town Hall on Tuesday, March 6, 2012 for the following offices: Presidential Preference, State Committee Man, State Committee Woman and Ward or Town Committee **VOTE:**
- c) Request from LELWD General Manager Savas Danos to place banners on utility poles along Massachusetts Avenue between Blanchard Memorial School and Town Hall area
Move to authorize LELWD to place pole banners on utility poles along Massachusetts Avenue between Blanchard Memorial School and Town Hall area in celebration of LELWD's Centennial Anniversary **VOTE:**

9. CORRESPONDENCE

ACCEPT & POF

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

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. ADJOURN

4b

Community Innovation Challenge Grant

APPLICATION

Application deadline: January 17, 2012

Submission Instructions: This application form and all supporting documents must be submitted electronically **by January 17, 2012** to: **CICgrants@state.ma.us**

Please read the Grant Guidelines before completing this application. Applications will not be considered complete unless all requested information is provided. Signoff by participating entities must be included (see form at end of application). Applications received after the deadline will not be considered.

For more information, contact:

Pam Kocher

Director of Local Policy

Executive Office for Administration and Finance

Email: CICgrants@state.ma.us

Phone: 617-727-2040

Tim Dodd

Grant Program Manager

Executive Office for Administration and Finance

Email: CICgrants@state.ma.us

Phone: 617-727-2040

Community Innovation Challenge Grant

APPLICATION

Project title: Shared Transportation Resources among Five Municipalities and One Business in the Acton Region

Amount requested: \$184,575

Identify the lead applicant entity: Town of Acton, Massachusetts

If applying for internal efficiency grant: the single local government entity

If applying for regionalization grant: a lead municipality chosen from among municipalities participating in initiative; a lead school district among school districts considering forming a regional school district, a lead school district among school districts considering regionalizing services, a regional planning agency or council of governments, or a regional planning agency or council of governments serving as the administrative/fiscal agent on behalf of municipalities.

Lead applicant primary contact:

First Name, Last Name: Steve Ledoux, Town Manager

Name of Municipality, School, RPA or COG: Acton

Phone Number: 978-929-6611

Email Address: sledoux@acton-ma.gov

Lead applicant secondary contact:

First Name, Last Name: Doug Halley, Health Director

Name of Municipality, School, RPA or COG: Acton

Phone Number: 978-929-6632

Email Address: dhalley@acton-ma.gov

Check type of participating entities:

- Two or more municipalities seeking to collaborate
- Regional school(s)

Community Innovation Challenge Grant

APPLICATION

- School districts considering forming a regional school district or regionalizing services
- Regional planning agency or council of government
- Local government entity and non-profit seeking to collaborate
- Single municipality (for internal efficiency grant proposal)

List all participating entities:

Town of Acton

Town of Boxborough

Town of Littleton

Town of Maynard

Town of Stow

Clock Tower Place Office Park, Maynard, MA

Other potential future partners:

Boys and Girls Club of Assabet Valley

Town of Concord

Case Collaborative

Public Schools

Private Schools

Nagog Office Park

Cisco

IBM

Bose

Community Innovation Challenge Grant

APPLICATION

Stratus

Emerson Hospital

United Way of Acton and Boxborough

Middlesex West Chamber of Commerce

Human Service Agencies

Purpose of the grant:

The Executive Office for Administration and Finance is soliciting thoughtful plans and proposals for innovative initiatives. Describe proposed initiative in detail, including exact purpose of the grant funds, objectives, problems trying to address, any efforts or steps already taken to address the problem, any obstacles encountered to date and plans to resolve those challenges, the manner in which economies of scale or efficiencies would be achieved, change in service delivery, what entity would be responsible for service delivery, how participating entities would retain oversight/responsibility of service, and how the population would continue to be served, and how any new service costs will continue to be funded once service is established and grant project completed.

In addition to providing a general description of the proposal here, applicants should also complete the sections below:

The intent of this grant application is to provide funding for the implementation of a shared transportation network among the Towns of Acton, Boxborough, Littleton, Maynard, and Stow, and Clock Tower Place Office Park in Maynard, MA.

There are very limited transportation options in each of the five towns. Boxborough, Littleton, Maynard, and Stow each have Council on Aging vans; Acton provides transportation services via a Council on Aging van, Lowell Regional Transit Authority Road Runner van, MinuteVan Rail Shuttle, and MinuteVan Dial-A-Ride; and Maynard's Clock Tower Place provides a commuter shuttle for incoming employees ("reverse commute"). These limited options place a significant burden on transit-dependent populations to access housing, jobs, commercial areas and medical institutions. However, this grant opportunity would enable the communities and Clock Tower Place to share their transportation resources among the five contiguous towns. Sharing the transportation services across the towns would not only provide cost efficiencies, but would result in a superior transportation network.

In the short term, we would install Geodetic Positioning System/Geographic Information System (GPS/GIS) technology in all of the vehicles used for local public transportation in the

Community Innovation Challenge Grant

APPLICATION

participating five towns, and the commuter shuttle provided by Clock Tower Place Office Park in Maynard. This technology will document trip information of each vehicle which than can be used to correlate redundancies and inefficient scheduling which would lead to improved service efficiency and performance; both long term and real-time. The proposal includes funds to retain a project coordinator, who would assess, choose and implement the installation of the GPS/GIS technology; synthesize the trip data; identify the best location and design of a shared dispatch; implement the new dispatch; do marketing to educate the public about the reconfigured service model; educate all stakeholders in the combined association; evaluate the results of these initiatives; and administer the grant, according to the grantor's specifications. The resulting integrated, regional "Transit Management Association" would include same-day and scheduled "dial-a-ride," after-school, and fixed-route transport.

The longer term purpose of the proposal is to transform the current disparate, uncoordinated and incomplete transportation services in the region into a new cooperative and coordinated transportation system. That resulting system will allow a higher level of economic viability in the region; cost savings for all of the entities providing transportation; and a provision of greater accessibility for the riders. The region has a highly skilled work force that exists from decades of technological innovation. This intellectual asset continues to reside in this region, but productivity suffers from time wasted navigating a gapped transportation structure. The region has been successful in growing pedestrian, bike, and commuter rail, but lacks strength in taxi, livery and connective bus options. Localized "smart bus" or 21st century surrey choices make eminent sense. Maximizing the number of riders on vehicles improves the environment as well as community relations. The Worcester Business Journal's online newsletter, "MetroWest495 Biz," reported in December, 2011 on the hurdle for reverse commuters called the "last mile problem": "Even if workers can get from Cambridge to Littleton's MBTA station quickly and at an appropriate time of day, they still need to get from the station to Red Hat or IBM, or to Cisco, another major tech employer, with its New England Customer Briefing Center in Boxborough." This project helps clear that hurdle.

Because service is dispatched separately in each town, vans travel in parallel to the same destinations, each one carrying only a few passengers at a time. By sharing information and vehicles, the municipal and business applicants hope to get more passengers on fewer vehicles, and to reduce the number of dispatch hours. As a prime example of this service impact, various of the fixed route trips that run between Clock Tower Place Office Park and South Acton Rail Station, for employees coming to work in the Town of Maynard each work day, will be expanded to serve local Maynard and Stow residents, going by commuter trains the opposite way to their places of work outside the region. Employees and shoppers could travel to Maynard, Stow, and Acton, and local residents could travel outside the region for the same purposes.

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Obstacles to multi-town and public-business cooperation in the past have included:

- Diverse funding mechanisms (Regional Transit Authorities vs. Town vs. private vs. Friends of the Council on Aging);
- Diverse eligibility requirements;
- Diverse fare structures, e.g. Clock Tower shuttle is free to tenants, other vans' fares vary between suggested \$1 donation through \$4 ;
- Varying answers to the question of who can legally ride what van, including different license plates based on whether a service is designed for students; and
- Lack of communication among dispatchers and drivers.

Studies conducted about transportation needs in the area include:

- 2005-2012- United Way of Acton and Boxborough, and Town of Acton, public forums about local transportation
- 2007- The Boston Region Metropolitan Planning Organization conducted a needs assessment in Acton and published it in October, 2008 as part of the Regionwide Suburban Transit Opportunities Study, Phase III, available at:
http://www.ctps.org/bostonmpo/4_resources/1_reports/1_studies/3_transit/suburban_phase_3.html
- 2011-2012 Minuteman Advisory Group for Interlocal Coordination (MAGIC) subregion of the Metropolitan Area Planning Council funded the MAGIC Suburban Mobility Transit Study, April, 2011, Principle Author: Eric Halvorsen, Transit Planner, Metropolitan Area Planning Council. Next steps have been funded by MAGIC and MAPC and will continue in 2012.
- 2012 Acton's representative to the Lowell Regional Transit Authority Board of Directors created a set of ridership graphs for all Acton and Maynard vans, "Acton-Maynard Combined Ridership Report" (attached at bottom of grant application).
- Online and paper surveys by Boxborough Council on Aging, Acton Transportation Advisory Committee—general and student—and the Town of Stow.

A concise overview of the work on this project to date:

Town staff and volunteers from the five applicant municipalities plus Concord have met regularly for two years to answer unmet transportation needs reported by local municipalities and human service agencies. The group's first meeting took place as a response to the Massachusetts Institute for Transportation Coordination in October, 2009 (October 2009 Institute), a conference organized by the Community Transportation Association of

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America (CTAA) and the Work Without Limits Disability Employment Initiative at the University of Massachusetts Medical School.

At that time, we discovered a shared frustration at the inefficiency with which public transportation is delivered to seniors and people with disability now—almost-empty vans dispatched separately by each community, and following each other to common destinations such as train stations, supermarkets and medical facilities—and we decided, immediately, that all of us wanted to provide transportation to a wider population, at reasonable cost and with shorter required advance notice than the present one or two day lead time.

Time has been in our favor. Even in the two years since we started meeting, on-vehicle GPS and GIS technology has evolved. Some of our transportation colleagues have worked at the forefront of this evolution, e.g. Montachusett Area Regional Transit (MART) and Lowell Regional Transit Authority (LRTA) are using new on-board technology; MART's M-ITS (Intelligent Transportation System) is in development; and the Town of Hudson and the Route 128 Business Council were awarded funds through the Mass. Department of Transportation Clean Air and Mobility Program to develop smart bus technology.

Our discussions have included/still include representatives from our regional transit authorities and the MBTA; from human service agencies such as Mass. Rehabilitation Commission, MinuteMan Senior Services, and United Way; from both the Metropolitan Area Planning Council and Montachusett Regional Planning Council; from local businesses and business organizations such as Route 495/Metrowest Business Partnership and the Middlesex West Chamber of Commerce; local Councils on Aging; and local legislators. We meet and meet and repeat, like a mantra, "If only we could..." "If we could just share..." "It is crazy that we all do the same trips in parallel." "The technology now exists that would allow us to work together."

The irony of this effort is that increasing efficiency and sharing resources may coincidentally threaten the very personal nature of the present dispatch system. Seniors in particular like a system that is predictable and unchanging. They become attached to one particular driver or dispatcher. In turn, these devoted staff and volunteers act as social service providers, letting other caregivers and agencies know when a rider is at special risk. The staff's role as empathetic listener is invaluable. Acton has learned from its addition of the new MinuteVan Dial-a-Ride service that this concern is not insurmountable. The successful incorporation of the new service into the senior transportation scene indicates that with commitment to reliable service, and timely dispatch, sensitive staff can help ease the pain of change.

At the October 2009 Institute, the newly formed "MinuteVan Regional" team agreed on two goals: a short-term goal of supporting Acton in launching its new MinuteVan Service and a long range goal of creating a "one-call one-click" dispatch system for the five-town area, which has evolved to include fixed route elements.

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MinuteVan is a new public transit system in Acton that serves the entire population, both paratransit and the general public, including youth after school and commuters, who needed additional train station parking. MinuteVan represents new service for the general public as well as expanded hours and communication lines for the present Council on Aging and Road Runner paratransit vans. When the paratransit vans couldn't provide a ride because they were full, or the requested ride was outside the service hours, MinuteVan has often been able to fill in. MinuteVan is used more and more by families who want their kids to participate in after-school activities but are unable to be home in the afternoons to transport the kids.

The Chair of Acton's Commission on disabilities reported that after MinuteVan's launch, complaint calls from residents worried about transportation all but vanished. The Council on Aging dispatcher welcomed the ability to use MinuteVan as backup, and noted that riders are very pleased with the kindness and professionalism of the dispatch and drivers. Boston students and other employees have been newly able to reach jobs in Acton by taking the train followed by the Dial-a-Ride.

The second, longer range goal of sharing resources and enjoying a one-call-one-click system has evolved more slowly. This is not to say that the regular meetings and joint attendance at CTAA and Work Without Limits trainings and meetings have not helped lay the groundwork. As a practical lesson, the experience of MinuteVan and Council on Aging working together to fill in for each other at overbooked times has demonstrated the advantages of combined dispatch. By working together over the last two years, we have formed a community of transit-friendly volunteers and staff who are poised to move into action on this second goal. The CIC grant is the perfect tool to lead us in this next step.

Benefits:

Identify cost savings and benefits for each participating entity.

Identify cost savings and how such savings will be achieved, including any removal of redundancies, reductions in personnel or unfilled positions eliminated.

Identify other benefits. Other benefits may include enhanced level of service, improvements to organization or management structure, improved public access to local government services, a more efficient level of service that still meets the population's needs, improvements in qualifications or efficiency of staff, increased hours of operation, new online availability, or reduction in capital facilities to maintain.

Identify need for funding such that the initiative would not happen or would not achieve the identified benefits without the funds provided by this grant program.

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Implementation of this grant will result in more effective use of all of the vehicles in the system, requiring fewer vans and fewer dispatch hours to provide the same number of trips. The depth of the combined system will support more riders and entice other stakeholders to join, increasing the size and visibility of the resulting association. This association will be an improvement over the present, inefficient system of unconnected, mostly-paratransit vans; it will also serve all residents and employees and allow same-day dispatch. The dispatcher will know each stakeholder's particular needs and rules and will know not to call certain vehicles into service for trips that they are not able to or legally allowed to provide. An advantage of this sharing will be less "silo" protection; each partner will enjoy more service and more assurance for its clientele, which will free staff from worry and allow them to better serve the public.

The resulting "smart" bus system will improve communication and provide a view of all vehicles in the system so that the closest, most appropriate vehicle can be used for a particular trip or identify a driver who can deviate up to a pre-determined distance from a fixed route. The coordinator's job will be to gather the data from the GPS/GIS input for the first few months after the technology is installed, identify some fixed route to cover some of the needs, and set up that fixed route as well as a shared dispatch and "smart bus" system (relaying requests to nearby vehicles) that covers all services for the total hours that any of the vehicles was on the road previous to this project. Longer trips will be coordinated among all five towns' needs. The coordinator will physically set up a shared dispatch office in one of the present dispatch locations and will market the combined service, under a new name, to the public, and educate present and potential stakeholders on its benefits.

Individual entities will save and benefit as follows:

Acton Cost Savings: Acton will pay one dispatcher, shared with the other towns, instead of the present three dispatchers with three sets of overhead costs. Instead of the short and staggered hours of dispatch of the four vehicles in the present system (including the MinuteVan Rail Shuttle), the town will benefit from 13 hours of shared dispatch, daily. More riders per vehicle will mean lower cost per ride.

Acton Benefits: Present riders will enjoy a larger service area, including regular planned trips to distant medical and commercial destinations that were previously made only weekly or monthly. Regular fixed route between the South Acton Rail Station, Maynard, and Stow will be open to Acton residents. GPS data may indicate additional fixed route that will benefit residents and employees. Residents will have more options for travel to the train station, and longer hours of service daily.

Boxborough Cost Savings: Instead of paying for individual dispatch, Boxborough will pay its share of the 13-hour-a-day dispatcher. More riders per vehicle will mean lower cost per ride.

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Boxborough Benefits: Present riders will enjoy a larger service area, including regular planned trips to distant medical and commercial destinations that were previously made only weekly or monthly or were unavailable. Regular fixed route between the South Acton Rail Station, Maynard, and Stow will be open to Boxborough residents. GPS data may indicate additional fixed route that will benefit residents and employees. Residents will have more options for travel to the train station, and longer hours of service daily.

Littleton Cost Savings: Instead of paying for individual dispatch, Littleton will pay its share of the 13-hour-a-day dispatcher. More riders per vehicle will mean lower cost per ride.

Littleton Benefits: Present riders will enjoy longer hours and a larger service area, including regular planned trips to distant medical and commercial destinations that were previously made only weekly or monthly or were unavailable. GPS data may indicate additional fixed route that will benefit residents and employees. Residents will have more options for travel to the Littleton—or South Acton train station, if a commuter wanted to reach one of the trains that stops in Acton but not Littleton.

Maynard Cost Savings: Instead of paying for individual dispatch, Maynard will pay its share of the 13-hour-a-day dispatcher. More riders per vehicle will mean lower cost per ride. The Town can use another of the system vans for the two shopping trips each month instead of the second, high-mileage van presently maintained for this purpose. Residents will save money on parking for the train if they participate in the Clock Tower or MinuteVan lots and the shuttle to the train.

Maynard Benefits: Present riders will enjoy a larger service area, including regular planned trips to distant medical and commercial destinations that were previously made only weekly or monthly or were unavailable. Regular fixed route between the South Acton Rail Station, Maynard, and Stow will be open to Maynard residents. GPS data may indicate additional fixed route that will benefit residents and employees. Residents will have more options for travel to the train station, and longer hours of service daily. As Clock Tower Place adds new residential and long-term stay hotel space, transit services will be integral.

Stow Cost Savings: Instead of coordinating among several volunteer dispatchers, Stow will pay its share of the 13-hour-a-day dispatcher. More riders in fewer vehicles will mean lower costs. Residents will save money on parking for the train if they participate in the parking at Clock Tower or MinuteVan lots and the shuttle to the train.

Stow Benefits: Present riders will enjoy a larger service area, including regular planned trips to distant medical and commercial destinations that were previously made only weekly or monthly or were unavailable. Regular fixed route between the South Acton Rail Station, Maynard, and Stow will be open to Stow residents. GPS data may indicate additional fixed

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route that will benefit residents and employees. Residents will have more options for travel to the train station and longer hours of service daily.

Clock Tower Place Office Park Savings: Clock Tower Place has agreed to contribute to the public transportation system when it adds residential units. The company saves that money by, instead, contributing parking, van, and driver to the system. It fulfills the obligation to the Town without spending more money than currently spent to provide free shuttle from the train.

Clock Tower Place Benefits: Expanded fixed route between South Acton Rail Station and Clock Tower Place—and available transportation to other locations in the system—will add to the appeal of Clock Tower for both business tenants and potential apartment dwellers. Clock Tower will benefit from good publicity as it is the first business partner in what will surely grow to be a larger organization. With improved transportation between Maynard and the other nearby towns, Clock Tower will attract commercial and residential tenants.

Cost impact:

For each participating entity, identify any new costs that will be incurred and how the costs will be paid for or offset. Describe how new initiative will be made financially viable for the long-term once established.

The entities have a current commitment to spending money for public transportation. By spending money on the staff and technology to improve coordination and cooperation among these entities, the group as a whole will provide more efficient and complete service while continuing their current programs. We are applying a technology to an existing service to make it more effective both in cost and in service.

The five towns' total dispatch has been 387 hours per month. With the combined system, the total will be 13 hours per day times 20 days = 260 hours per month, saving 127 hours per month.

Costs: (see budget for details)

-Project Coordinator - to assess, choose and implement the installation of the GPS/GIS technology; synthesize the trip data; identify the best location and design of a shared dispatch; implement the new dispatch; do to educate the public about the reconfigured service model; educate all stakeholders in the combined association; and evaluate the results of these initiatives.

-GPS/GIS Technology for vehicles

-Marketing supplies -

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\$550 banner for information table
\$2000 outdoor banner advertising
\$500 promotional materials
\$1400 printing of fliers
\$5000 website design and implementation
\$800 mileage for project coordinator
\$2000 web advertising

-Administration and Oversight – Town staff will administer the grant, according to the grantor's specifications.

Measures of success:

Propose approach to evaluating and measuring the success of the initiative, both the success of implementing the proposed project and the success of the initiative or reform going forward once implemented. Include expected measurable improvements in service delivery or efficiency.

Success will be judged by a pre- and post-project survey or measurement of the following outcomes:

-Less of a commitment of dispatch hours by all the entities combined, measured by: total number of dispatch hours

-More effective dispatch, measured by: ratio of riders to trips; number of unfilled trip requests; description of unfilled trip requests

-Greater access to transportation by all segments of the population and for expanded variety of destinations, measured by: public's and human service agencies' awareness and satisfaction with public transportation options; breakdown of riders' demographics and destinations; and number of total riders and trips in the combined service area.

-More vibrant interface between business and transportation, measured by: businesses' awareness and satisfaction with public transportation options; number and proportion of employees and clientele that arrived by public transportation.

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Project budget for requested amount:

Provide a detailed and realistic project budget estimate. Include breakdown of amount requested by activity/task and type of cost. If other sources of funds are have been sought for this project, please identify other sources and whether those funds have been applied for (provide copy of application) or secured (provide evidence).

Note if project budget is attached as separate document.

Attached separately

Project timeline:

Projects must be completed before or by December 31, 2012. However, special consideration may be given to extended timelines for extraordinary projects. Note if project timeline is attached as separate document.

2012

February 1- Advertise rfp's for Project Coordinator

February 28- Select Project Coordinator

March 28- Choose GPS/GIS Technology

April through June- Collect baseline data for program evaluation

April 15- Begin installation of GPS Technology on vehicles

May 1- Complete installation of GPS on vehicles, begin collecting data from vehicles, including ridership data from fixed routes

June 1- Analyze first month of data

June 15- First draft of intermunicipal agreement forming the Association

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June 30- First status report to partners, to include: recommended location of shared dispatch; initial data analysis; evaluation of the legal aspects of the Association

July through November- Monthly collection and analysis of data, monthly status reports

November 30 Draft final report including: Routing and schedule of fixed route elements, Location of shared dispatch, Branding of the Association

November, 2012 through February, 2013- Education and outreach to six partners (five towns plus Clock Tower Place), outreach to public, businesses, and human service agencies vetting of potential additional partners

2013

March 1- Implementation of recommended changes, including interagency and intermunicipal agreements among all partners

March 15- Launch of Association

March through December- Marketing of program to riders and businesses

March through December- Collect data for post-program evaluation

Identify innovative aspects of proposal:

...including changes in way local government does business

The basic innovation here is the cooperation and collaboration among transportation providers that have not previously shared resources. The second innovative aspect is using GPS to assist scheduling and routing. This technology is new and is overdue in our region. The beauty of the project is that it harnesses the region's intellectual bounty and economic potency. It overcomes the hurdle of the "last mile" problem for reverse commuters to area businesses.

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We six entities currently have 13 vans on the road and utilize 8 dispatch centers. This is the situation all over the state. This program will become a model for other regions to copy in order to provide better service to their communities. Already, the regional discussions over the last two years have been held up as examples to other communities. Minuteman Senior Services invited Acton's MinuteVan program to present to their month meeting of Council on Aging directors about how we developed this new general public service. The Work Without Limits Disability Employment Initiative at the University of Massachusetts Medical School invited our team, another multi-town coordination project, and the Massachusetts Human Services Transportation Office, to present in an October, 2011 webinar they hosted to highlight successful coordination initiatives underway in Massachusetts (Team Building for Action: Spotlight on Transportation Coordination in Massachusetts). It has been an honor for our region to act as a role model, as we, in turn, studied the creation of the Southborough "The Local Connection" service and its incorporation into the Metrowest Regional Transit Authority. Each project in the state builds upon another's experience.

This project uses cooperation and communication among disparate agencies to achieve the goal (transportation) despite the agencies' unique funders, population, dispatch, fare structures, hours of operation, and cultures.

Examples of innovative aspects include:

- Public-Private partnership.
- More open eligibility as to who can ride vans.
- Youth on vans that previously only accepted seniors and adults with disabilities
- Residents and employees in one regional transit authority riding on a van owned by another regional transit authority
- Fixed route that crosses regional transit authority lines
- Dispatcher from one town knowing the location and schedule of all the vans in the adjacent towns
- Ability to share backup service/decreased need for backup service; when a vehicle breaks down, the dispatcher moves the rides to another nearby van in the system
- Ability to provide service for same-day requests
- Less need to worry about eligibility; all people who need rides are eligible.

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Potential applicability to other local governments:

Projects will be evaluated in part on potential for applicability to other local governments and/or potential for expansion. Describe how proposed project meets this requirement of serving as a viable prototype for other local government entities. Describe how this project can be expanded.

Not just other governments but other agencies and businesses within our region may choose to add vehicles to the system merely by letting the dispatcher know the times the new van is available and any limitations—and by placing a GPS vehicle locator on the new van.

As stated above, in the “Innovative Aspects” section, this project is applicable and reproducible in other communities or regions.

Complete the form provided on the next page of this application.

**Town of Acton, Massachusetts
Community Innovation Challenge
Grant Application
17-Jan-12**

Budget Cost Summary

<u>Description</u>	<u>Quantity</u>	<u>Cost</u>	<u>Total</u>
Project Coordinator	1	\$93,600.00	\$93,600.00
Install GPS units in all vehicles	13	\$2,000.00	\$26,000.00
Software platform - monthly fee for 2 years	13	\$960.00	\$12,480.00
Internet access - monthly fee for 2 years	13	\$1,440.00	\$18,720.00
Double-screen monitor	1	\$700.00	\$700.00
Computer Aided Dispatch System	1	\$1,000.00	\$1,000.00
Marketing	1	\$12,250.00	\$12,250.00
Project Administration/Oversight	1	\$19,825.00	\$19,825.00
Grant Request			\$184,575.00

Vehicles in Six CIC Grant Partners

<u>Town/Service</u>	<u># of vehicles</u>
Maynard Council on Aging	2
Clock Tower Place Office Park	1
Acton Council on Aging	1
Acton LRTA Road Runner	1
Littleton Council on Aging	1
Boxborough Council on Aging	1
Stow Council on Aging	4
Acton MinuteVan Dial-A-Ride	1
Acton MinuteVan Rail Shuttle	1
Vehicle Subtotal	13

Charge to the Stow Road Concept Development Committee

Name of Committee: Stow Road Concept Development Committee (SRCDC)

Organizational Framework: The SRCDC will report to the Boxborough Board of Selectmen (BoS) and will work closely with the Boxborough Housing Board (BHB).

Charge to the Concept Development Task Force

Scope of Work

The SRCDC will execute the first phase of a three-phase development plan for 13.5 acres of land, located off Stow Road, which was recently purchased by the BHB with funds from the Boxborough Affordable Housing Trust (BAHT). It will determine options for the development of the property that are consistent with the needs and wishes of Boxborough residents. The output product of the SRCDC will be a set of guidelines that define priorities and preferences with a precision sufficient to guide the next phase of the development, the procurement phase.

Further details concerning this property and an overview of the development plan can be found in the Appendix.

Key Tasks and Responsibilities

- A. Gather community input by hosting a number of community forums, roundtables, and charettes, reviewing available data from a formal Housing Needs Assessment and seeking professional input. Determine the population sector(s) that should be targeted by the affordable housing development.
- B. Develop a work plan that describes the manner in which the SRCDC's objectives will be achieved, together with procedural details.
- C. Decide whether a portion of the site should be used for a non-housing Town purpose, and, if so, what that purpose should be. The viability of any such non-housing component depends on agreement being achieved on an appropriate return of the capital investment made by the BHB and Boxborough Affordable Housing Trust (BAHT). Negotiating such an agreement is not the responsibility of the SRCDC, but the SRCDC should include design options for a non-housing component as part of their output product if an agreement is reached.
- D. Study examples of RFPs for similar projects elsewhere, gather information about funding practices, and consult appropriate regulatory agencies in order to determine the degree of specificity that is appropriate for an RFP.
- E. Consider the site's requirement for water supply and waste disposal. This may include a recommendation that the BHB and BAHT immediately fund the development of a public water supply in order to facilitate the project by reducing uncertainty.

Composition of the SRCDC:

The SRCDC will be a broad-based community-oriented team. It will be co-chaired by delegates from the BHB and BoS, who will be appointed at the onset by the BoS. At its first meeting, the SRCDC will elect a secretary.

Deadline and Final Report

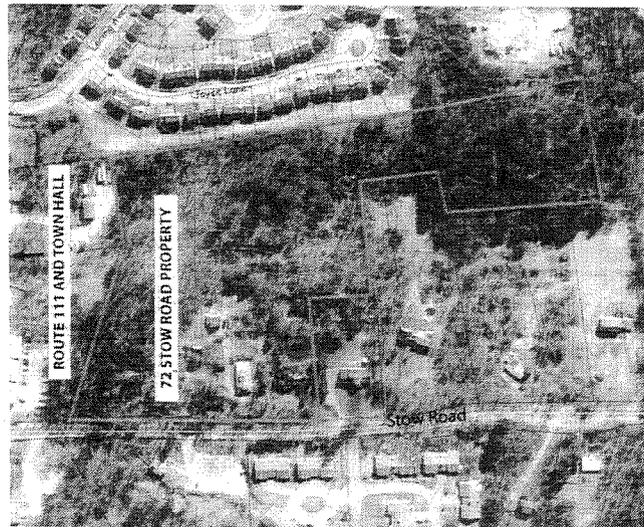
There is no externally imposed deadline for the completion of the development of 72 Stow Road. Nevertheless, the work of the SRCDC should be conducted in an expeditious, but careful, manner. It is hoped that a preliminary final report will be available by January 2013. After review and possible modification, it is hoped that the final report will be available for presentation at Town Meeting in spring 2013.

Appendix

BACKGROUND INFORMATION AND DEVELOPMENT PLAN

Background:

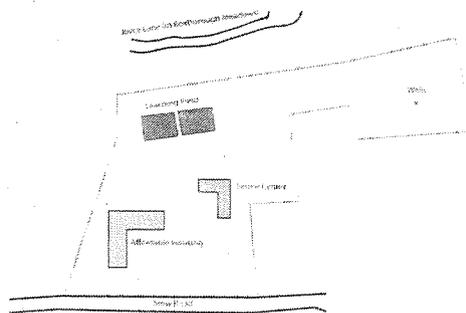
In December 2010, the Boxborough Housing Board (BHB) purchased approximately 13.5 acres of land at 72 Stow Road. The property is adjacent to the Town Center area and is across the street from Tysbury Meadows. An aerial photograph of the property is shown below.



Funds for the acquisition were provided by the BAHT. In accordance with the Bylaws for the BHB and BAHT, the purpose of the acquisition is to provide for “creation and preservation of affordable housing for the benefit of low and moderate income households.” Within these guidelines, the BHB and Town have broad latitude in the detailed execution and degree of alignment with state programs for affordable housing under MGL Ch. 40B. The BoS and BHB are jointly sponsoring the Stow Road project and will work together closely to obtain the best outcome for the town.

Throughout the discussions concerning this property, there have been a number of suggestions that it could also be used for a public building of some sort. Examples of such buildings are a community center or a town-hall annex. Consequently, a Memorandum of Understanding was executed in connection with the purchase stating that the BHB and BAHT should be appropriately compensated for any usage other than affordable housing. The determination of this compensation was left to be thrashed out by appropriate advocates.

In 2008, Boxborough commissioned a small study that examined the possible uses for this property. Its primary purpose was to identify any problems with the property that would limit development on the land. None was found. Though the study did not entail any detailed design, it did present several conceptual plans. The sketch below shows one of these.



Project Phases

The BoS plans to appoint three ad-hoc task forces or committees to augment the Housing Board's efforts to develop the project. In addition, a fourth ad-hoc committee may need to be appointed, which will decide how best to monitor and manage the the Development on an ongoing basis. Since the characteristics of the efforts required for each phase differ substantially, each committee will have a different composition and number. The several phases are summarized below.

A. Concept Development

The concept-development phase is the first step and is crucial to the satisfactory outcome of the project. It is essential that we clearly express our desires for the project in terms that are broad enough that development and construction are not unduly constrained, but detailed enough that procurement and construction proceed in accordance with our intent. The determination of the appropriate level of specificity may well be one of the foremost challenges of the concept-development phase. Preliminary discussions have indicated that an overly specific RFP may limit the availability of external funding and make the project unattractive to builders.

Community input will be gathered and needs will be accessed. The recommendations of a Housing Needs Assessment will be reviewed and professional input will be solicited. The type(s) of housing that will most benefit Boxborough and the characteristics of any public building will be determined.

B. Procurement

During the procurement phase, the town will issue RFPs for construction proposals from qualified builders. The RFP should enable the Developer to apply his expertise and creativity in crafting proposals that will meet the town's goals and criteria that have been articulated during the concept development phase. It should also allow the Developer to invest in an economically viable market and make a profit. Achieving clarity in the RFP along these lines will be a major challenge of the Procurement Committee.

In addition, the Procurement Committee will evaluate the proposals of the respondents to the RFP and recommend the award of the contract to the BoS.

C. Construction

The activities of the Construction Committee will depend upon the nature of the relationship between the Developer and the Town. Most likely, the Town will be placed in an oversight role, in which the primary task will be to ensure that the Developer remains consistent with the RFP.

D. Long term Management

Any long-term-management burden that will placed upon the Town by the Stow Road Project depends upon a number of factors that have yet to be clarified. If the Project is a rental project, the Town will have to create a management body to perform this role (which it presently does not have) or contract with the Developer or other agency to perform this. The role of the Long-Term Management Committee will be to determine and implement the best course of action for the Town.



4d

From: Don McPherson <dmcpherson@minutemanairfield.com>
To: selectmen@town.boxborough.ma.us
Sent: Wednesday, December 28, 2011 4:53 PM
Subject: Meeting Request

Hello Selina,

On behalf of the Minute Man Air Field Airport Commission and myself, I am requesting a meeting with the Boxborough Board of Selectmen at their January 23rd, 2012 meeting. *~ 9PM*

The purpose is to present our first annual 'Airport Update'. We would like to have 20 minutes of the Board's time for our presentation followed by questions and answers.

I look forward to your reply.

Safety First,

Don McPherson, Owner/Manager
Minute Man Air Field
Boosting the ECONOMY,
Serving the COMMUNITY,
Nurturing the ENVIRONMENT

SINCE 1969 !

Visit Dewberry's website at www.dewberry.com

This email transmission may contain confidential or privileged information. If you receive this email message in error, notify the sender by email and delete the email without reading, copying or disclosing the email contents. The unauthorized use or dissemination of any confidential or privileged information contained in this email is prohibited. If you are not the intended recipient and intentionally intercept or forward this message to someone else, you may be subject to criminal and/or civil penalties. See 18 U.S.C. 2511 et seq.



**Town of Boxborough
Recreation Commission Meeting Minutes**

BOARD/COMMITTEE: Recreation Commission

MEETING DATE/ TIME: January 17th 7:00 PM

PLACE: Town Hall, Hilberg Room

Attendee's: Buzz Tremblay, Ken Morse, Chris Noble, Sue Reuther & Kevin Lehner

Met with Ken Morse from AtBats Training Center;

AtBats Training Center of Boxborough, MA has been using Liberty Fields for Summer Camps for 4 weeks every summer for camps for the past 5 years. Ken has an indoor facility on Summer Road in Boxborough. They run summer programs to help cover the expense of running the AtBats facility during the down times.

- AtBats would like the town to consider the following relief from the current field permitting fee structure - that AtBats would run the camps where the town would get a percentage of the gross proceeds from the programs, i.e. 10%. Based upon 2011 proceeds, this would amount to just over \$2,000. The current field permit fee structure would likely result in AtBats conducting their programs elsewhere. AtBats is not asking the town to do anything marketing or registration, just permitting the field.
 - Baseball Camps ages 8 thru 12 (hope to get 25 kids in each camp)
 - Softball Camps ages 8 thru 12
 - Softball Pitches and Catchers – 13-17 yrs. old
 - Demographics – AB, Littleton, Westford, Harvard, Maynard, Stow, Sudbury

Ken reviewed with us the content of negotiations with other towns whose services included Marketing, Registration, Credit card fees.

The Recreation Commissions conclusion is to recommend that the Board Of Selectmen approve a field permit fee of 10% of gross in lieu of the published field permit fees.

Typical Schedule

- BB1 (Baseball) – Last week in June 9-3
- BB2 (Baseball) – 1st week in July 9-3
- BB3 (Baseball) – One week in August (Added in 2011) 9-3
- SBAS (Softball) – 2nd week of July (College Coaches come in and run these camps) 9-3
- SBPC (Softball – Pitchers & Catchers) – 3 Week of July (Harvard Softball Coach runs this) 9-1

Never get rained out because they move into the ATBATS facility if weather is an issue.

Action: Ken Morse will contact Board of Selectmen for review and approval.

Discussed Winter Program

- Running smoothly, numbers a little better than last year, but down from 2 years ago. We will ask Tom Sandock to come in to decide what adjustments can be made to get more participation.





BOARD OF SELECTMEN
Meeting Minutes
December 5, 2011

Approved as Revised: _____
Originally Approved: January 9, 2012

PRESENT: Christine Robinson, Chair Pro Tem; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ABSENT: Raid Suleiman

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 Robinson called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall.

APPOINTMENTS

- Steele Farm Advisory Committee Chair Ed Whitcomb and member Bruce Hager were present to introduce John P. Skinner as a candidate for the Steele Farm Advisory Committee. Member Powers moved to appoint John P. Skinner to the Steele Farm Advisory Committee for a term beginning immediately and ending on June 30, 2014. Seconded by Member Neville. **Approved 4-0.**

The Board took up a matter not on the agenda.

- TA Shaw addressed the current need for a building inspector and provided an update on the search for qualified candidates to permanently fill this position. In the meantime, the Building Commissioner for Stow, Craig Martin, has agreed to provide part-time coverage as interim building inspector while the Town works out a more permanent solution. TA Shaw further advised that Frank Ramsbottom has agreed to continue on as a "Call" inspector. Member Powers moved to appoint Craig Martin as Interim Building Inspector/Code Administration Officer, for a term commencing immediately and ending on January 15, 2012 & as Call Inspector of Buildings/Code Administration Officer, for a term commencing immediately and ending on June 30, 2012 and to appoint Francis Ramsbottom as Call Inspector of Buildings/Code Administration Officer, for a term commencing immediately and ending on June 30, 2012. Seconded by Member Neville. **Approved 4-0.**

The Board took agenda Item 4a, out of order.

PUBLIC HEARING – FUEL STORAGE LICENSE

- At 7:40 PM Chair Pro Tem Robinson opened a public hearing to consider the application of 111 & 495, LLC (Astro Crane Service), located at 200 Codman Hill Road, for the storage of no more than 16,000 gallons of diesel fuel in two – 8,000 gallon tanks. Chair Pro Tem Robinson reviewed the public hearing process and procedures. A list of those in attendance is attached and incorporated by reference. Engineer, Bob Ceppi, from MPE, Inc., presented on behalf of the applicant. His company handles the installation of the type of fueling system being proposed. The facility being constructed on this property provides cranes and industrial equipment so they are looking to install a diesel fueling station on-site. Mr. Ceppi provided details on the specifications and safeguards for the proposed system. The applicant has met with Fire & Building Department personnel and has appeared before the Planning Board, Cons.Com, and ZBA on the development of this site. Mr. Ceppi also provided an overview of applicable governmental requirements and regulation. The Selectmen and abutters, Darren Saebell and Nathan Finch asked questions about the development of the site - how the applicant will maintain the proposed system; the monitoring and safeguards; and potential spillage. Mr. Ceppi and Astro Crane's Rick Marshall addressed these concerns. As there were no further questions the hearing as closed at 8:10 PM. Member Powers moved to grant a fuel storage license to 111 & 495, LLC for the storage of no more than 16,000 gallons of diesel fuel in two – 8,000 gallon tanks, to be located at 200 Codman Hill Road per the site plan by MPE, Inc. 10 Pendleton Drive, Hebron, CT. dated 11/2/11 and upon the condition that the licensed activity shall comply with all applicable laws, codes, rules and regulations, including but not limited to MGL c. 148 and the Massachusetts Fire Code (527 CMR) as amended. Seconded by Member Fox. **Approved 4-0.**

APPOINTMENTS (Continued)

- Police Chief Warren Ryder was present to discuss proposed changes to Police Department staffing. Members of the Finance Committee were, also, present for this discussion. Chief Ryder spoke to a memorandum and spreadsheet provided in the packet. Based on his analysis there is a need to increase supervision during shifts. His solution would be to add a third sergeant to the current staffing model. The Town could be exposed to potential litigation if we don't have adequate supervision. This proposed change is to improve the command/patrol shift ratios, maximizing efficiency. He would accomplish this through an internal promotion so no additional personnel would be hired. This would be a temporary promotion, and he will be seeking Town Meeting approval to make it a permanent position. He can cover the cost of this temporary promotion within the department's FY 12 budget. There was discussion on the data provided; the potential effect on the overtime budget and shift staffing. FinCom Chair Raad noted that the Chief is looking for another staffing change shortly after Town Meeting authorized a tenth officer. Also the Town's population has not increased in several years. The Chief did clarify that no litigation has been filed against the department in the past few years, however he wants to be proactive, not reactive. Selectmen Powers noted that enforcing the law is becoming more and more complex. As a Strong Chief, Chief Ryder says he needs supervisory capability and better trained personnel. Members of FinCom noted that officers with 10 or more years experience currently make up the majority of the force. Their experience and training should be able to address these concerns. Pursuant to the existing contract the new sergeant salary would increase by 11%. There was discussion on impact this promotion would have on FY 13 and subsequent budgets, possibly resulting in long term budgetary consequences. It was determined that the Selectmen support the creation of a temporary 3rd Police sergeant position and the bringing of a permanent 3rd sergeant position forward at the 2012 Town Meeting, for approval. Member Powers moved to authorize the Chief to institute a temporary promotion to sergeant, within the Department, for the period of time starting now until June 30, 2012. Seconded by Member Neville. **Approved 4-0.** The candidate will be informed that this is a temporary promotion and this position could go away if it isn't approved at Town Meeting. The candidate will be presented for appointment at the December 19th Selectmen's meeting.

The Board took agenda Items 8a and 7a, out of order.

NEW BUSINESS

- Discussion was opened on the Attorney General's recent determination to allow Remote Participation as it pertains to Open Meeting Law. Town boards and committees had been notified that the Selectmen were discussing this tonight. Members of the Finance Committee; School Committee and Planning Board were present for this discussion. The Selectmen must approve the remote participation before the other Town boards/committees can implement it. The terms and conditions that the Attorney General had set forth under which remote participation would be allowed were reviewed. There are technological & ADA requirements which would have to be met. There may also be costs associated which the Town might need to pay for. It was further noted that the Attorney General has just issued this determination so communities are still working to understand the ramifications and if adopted tonight the Town could run into situations that haven't been anticipated. This is a voluntary option now available however; it has no affect on how meetings are currently held. It was determined that, at this time, the Selectmen would take no action on the allowance of remote participation. How other communities implement this option will be monitored. Also the Attorney General may issue further pronouncements on this in future.

OLD BUSINESS

- Discussion was re-opened as the Town's employee health insurance plan for FY 2013. Members of the Boxborough School Committee and Finance Committee were present for this discussion. School Superintendent Bates; School Bus. Mgr. Jeannotte; TA Shaw and Treasurer Dennehy have attended several Minuteman Nashoba Health Group (MNHG) meetings over the last two weeks regarding this. The FY 2013 plan was adopted by the MNHG's Board of Directors earlier today. Information on this plan was distributed and is included in this packet. This plan would go into effect as of June 2012. This information will be presented to at the next Insurance Advisory Committee (IAC) meeting. TA Shaw will be reaching out to MIIA to get information on the plan they will be offering for FY 2013. There was discussion on what programs are available through GIC and the positives and negative of the Town switching to GIC or other providers. There are potential ramifications regarding collective bargaining negotiations. The A/B Regional School District has done a Segal report which they have shared. There was discussion on the electronic tools available which allow one to compare health insurance plan offerings. There was concern that there needs to be transparency as to the providing plan information and with the process as the Town moves forward. Though deadlines are imminent, the consensus was that more information is needed before informed decisions can be made.

APPOINTMENTS (Continued)

- Under Citizens' concerns, FinCom member Gary Kushner advised that the Capital Plan should be ready for review by the end of the month.

MINUTES

- Member Neville moved to accept the minutes for the Regular Session of November 7, 2011, as amended and the Executive Session of November 29, 2011, as written. Seconded by Member Powers. **Approved 4-0.**

NEW BUSINESS (Continued)

- TA Shaw spoke to her memorandum in the packet as to the rental of town facilities. As the Selectmen were taking a look at field use guidelines and fees she thought it might be a good time to review the existing regulations for the rental of Town facilities. It was noted that TA Shaw is still compiling information so this would be a future agenda item.
- Discussion was opened on a Petition article (for May 2012 ATM) submitted by Philip Kicelemos. The wording and the possible intent of the article were discussed. The Town Clerk has consulted with the Attorney General on this. It was determined that that this petition was submitted by a citizen and signatures were collected so the article should be placed into the warrant as written. Town Counsel will be consulted on this, and a public hearing on this article will take place prior to Town Meeting. Member Neville moved to place the petition article submitted by Philip Kicelemos on Boxborough's 2012 Annual Town Meeting warrant as written. Seconded by Member Powers. **Approved 4-0.**

SELECTMEN REPORTS

- Member Neville reported that some members of the Acton-Boxborough Cultural Council have submitted conflict disclosure forms to the towns concerning their participation in a dance group.

She also reported that, though she was unable to attend, it has been related to her that the A/B Regional School Regional School discussed the CASE Collaborative fees. She further noted that Boxborough's enrollment continues to go down, which affects our assessment.

She also reported that she had attended the Annual Tree Lighting. Flo Hanover had the honor of lighting the tree this year.

Member Neville reported that she had met with EnCom Chair, Francie Nolde, on the proposed SMART (PAYT) program.

- Member Powers reported that he had attended several meeting on complaints received concerning the police department.

He also reported that he had met with EnCom Chair Nolde on SMART and had suggested she reach out to his contact in Littleton on their PAYT program.

- Chair Pro Tem Robinson reported that she also attended the tree lighting ceremony.

She also reported that she had attended several meetings with the police department.

- Member Fox reported that Simon Bunyard met with him on the PAYT program. He further reported that he has met with DPW Dir. Garmon and Vicki on gathering whatever historical data they have on previous years' usage. However, much of this information was not well kept. They will continue to work on this but their priority is completing the necessary FEMA paperwork.

He reported that BITcom reviewed the status of the current video system and potential upgrades at their last meeting. They approved a new server for Town Hall, and they continue to move forward on Voiceover IP solutions.

CONCERNS OF THE BOARD

- There was discussion on the letter from Krusens which discussed their forestry management plan and invited the Conservation Commission and the Selectmen to view their upcoming tree harvesting. Member Fox offered to forward this on to the AgCom.
- There was discussion on the flooring choices for the Grange meeting room repairs. It was determined that, though lighter in color than the current floor, oak flooring would be a good choice.

ADJOURN

- At 9:51 PM Member Neville moved to adjourn. Seconded by Member Powers. **Approved 4-0.**

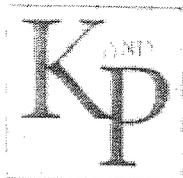


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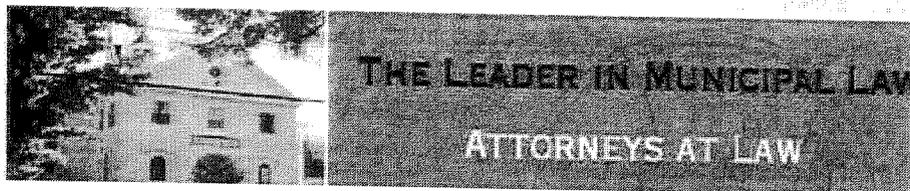
B/F From 12/5/11

Selina S. Shaw

From: Kopelman and Paige, P.C. [KandPNews@k-plaw.com]
Sent: Tuesday, November 15, 2011 3:48 PM
To: Kopelman and Paige, P.C.
Subject: E-Blast - Attorney General Releases New Regulations for Remote Participation



KOPELMAN AND PAIGE, P.C.



November 15, 2011

When the new Open Meeting Law, G.L. c.30A, §§18-25, was enacted, the Law did not specifically authorize remote participation in meetings by members of a governmental body, such as via telephone or video conference. However, the Law provided that the Attorney General could authorize remote participation by letter ruling or regulation. In response, the Attorney General promulgated draft regulations and sought comments. This week, the Attorney General's Division of Open Government ("Division") released the final version of such regulations, which differ substantially from the draft regulations, and they are now in effect. The regulation, 940 CMR 29.10, may be accessed on the Division website at <http://www.mass.gov/ago/government-resources/open-meeting-law/940-cmr-2900.html>.

While the regulations are detailed and must be reviewed in their entirety, the primary provisions are as follows:

- **Authorization** – The “chief executive officer” must authorize use of remote participation before it can be used by a municipality’s public bodies. General Laws c.4, §7 defines the term “chief executive officer” as the mayor in a city and the board of selectmen in a town, unless a different chief executive officer has been designated by charter or special act. Once authorized, remote participation will be available to all boards and committees subject to the Open Meeting Law. The chief executive officer may also decide to revoke such authorization.
- **Media** – “[T]elephone, internet, or satellite enabled audio or video conferencing” may be used for remote participation, or other technology may be used provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance. If remote participation is allowed, accommodations must be made for any public body member requiring special services so as to allow the member to participate fully.
- **Quorum Requirements** – A quorum of the public body must be physically present at the meeting location.
- **Votes** – If a member of a public body is participating remotely, all votes, including those taken in open session, are required to be by roll call and recorded in the minutes.

11/21/2011

- Status – A member participating remotely may vote, and is not deemed to be “absent” from the meeting for purposes of G.L. c.39, §23D (a local acceptance statute that allows a board member to be “absent” from one session of a public hearing and still participate and vote, subject to certain conditions).
- Reasons – Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance.
- Notification – The member that will not be present must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason therefor. The categories listed above may be used for this announcement, and particular private details should be avoided (i.e., use the words “personal illness” as compared to “she has the flu,” or use “geographic distance” as compared to “she is in Alaska visiting her mother”), particularly with respect to illness or disability.
- Technical Issues - If technical difficulties arise with the media connection, the chair must decide how to address them. The Division encourages suspension of deliberations while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.
- Executive Session - A member participating remotely may participate in an executive session, but must state for the record that he or she is alone and cannot be overheard. Alternatively, another person may be present with the member participating remotely if the public body votes to authorize it.

Any public bodies utilizing remote participation must comply with all provisions of 940 CMR 29.10, as well as the other requirements of the Open Meeting Law and all of the Division’s regulations.

For more information, or if we can answer any further questions, please contact Brian Riley or Lauren Goldberg at 617-556-0007.

We hope you find our e-updates informative. If you no longer wish to receive e-updates from K&P, please send us a message, write Unsubscribe in the Subject line and we will remove you from future mailings in this area of law. As always, if you have any other questions or concerns, please do not hesitate to contact us.

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Open Meetings

29.01 Purpose, Scope and Other General Provisions

29.02 Definitions

29.03 Notice Posting Requirements

29.04 Certification

29.05 Complaints

29.06 Investigation

29.07 Resolution

29.08 Advisory Opinions

29.09 Other Enforcement Actions

29.10 Remote Participation

29.01: Purpose, Scope and Other General Provisions

- (1) **Authority** . The Attorney General promulgates 940 CMR 29.00, relating to the Open Meeting Law, pursuant to M.G.L. c. 30A, sec. 25 (a) and (b).
- (2) **Purpose** . The purpose of 940 CMR 29.00 is to interpret, enforce and effectuate the purposes of the Open Meeting Law, M.G.L. c. 30A, sec. 18-25.
- (3) **Severability** . If any provision of 940 CMR 29.00 or the application of such provision to any person, public body, or circumstances shall be held invalid, the validity of the remainder of 940 CMR 29.00 and the applicability of such provision to other persons, public bodies, or circumstances shall not be affected thereby
- (4) **Mailing** . All complaints, notices (except meeting notices) and other materials that must be sent to another party shall be sent by one of the following means: first class mail, email, hand delivery, or by any other means at least as expeditious as first class mail.

29.02: Definitions

As used in 940 CMR 29.00, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

.....

“Remote Participation means participation by a member of a public body during a meeting of that public body where the member is not physically present at the meeting location.”

29.10: Remote Participation

- (1) **Preamble**. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public

bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

- (i) telephone, internet, or satellite enabled audio or video conferencing;
- (ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard.

clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

Selina S. Shaw

From: Elizabeth Markiewicz [elizabeth.markiewicz@town.boxborough.ma.us]

Sent: Thursday, December 01, 2011 9:38 AM

To: 'Selina S. Shaw'

Subject: RE: OML and Remote participation

Hi Selina,

I talked with DOG and they said that it is up to the chair to determine if attendance at the meeting is unreasonably difficult for the person making the request, based on the 5 criteria outlined. If the chair feels that the person could reasonably attend, he/she could deny the request. I asked about whether individual boards could refuse to allow remote participation if the BOS votes to allow it. The AG's office is still working on a response to that and will get back to me. As for participating only for a portion of the meeting, DOG says the regulation is silent on that and so presumably it would be allowed.

Regards,

Liz

Elizabeth Markiewicz, CMMC

Town Clerk

29 Middle Rd.

Boxborough, MA 01719

Ph: 978-263-1116 x117

Fax: 978-264-3127

From: Selina S. Shaw [mailto:selina.shaw@town.boxborough.ma.us]

Sent: Wednesday, November 30, 2011 7:05 PM

To: 'Liz -work'

Subject: OML and Remote participation

Importance: High

Greetings, Liz.

The BoS will be taking this matter up on Monday evening. I have two questions, which I was hoping that you might have time to run by DOG... Under section 7(a) of the regs, it states that any member who wishes to participate remotely must notify chair... of desire to participate remotely and rationale supporting the request. Use of the word "request" suggests to me that the Chair could deny. Is my interpretation correct? Also... if an individual is so authorized to participate remotely, may they participate in only a portion of the meeting. Possibly an individual is unable to attend and is interested in voting only on a particular matter... Is that permissible?

Look forward to input from the AG's DOG.

Thanks,

Selina

Selina S. Shaw

Town Administrator

29 Middle Road

Boxborough, MA 01719

978-263-1116, ext. 101

978-264-3127 (fax)

<http://www.town.boxborough.ma.us>

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.

12/1/2011

Selina S. Shaw

From: Elizabeth Markiewicz [elizabeth.markiewicz@town.boxborough.ma.us]

Sent: Wednesday, December 07, 2011 10:22 AM

To: 'Selina S. Shaw'

Subject: Remote Participation

Hi Selina,

I just got a call from the AG's office on the question of whether all boards would have to allow remote participation if the BOS voted to allow it. The answer is yes. If the BOS votes to allow it, it would be binding on all boards. However, the BOS could vote to allow remote participation and at the same time vote to allow each board to opt out if they choose. If there's any other questions, please let me know.

Regards,

Liz

Elizabeth Markiewicz, CMMC

Town Clerk

29 Middle Rd.

Boxborough, MA 01719

Ph: 978-263-1116 x117

Fax: 978-264-3127

12/7/2011

Selina S. Shaw

From: Elizabeth Hughes [elizabeth.hughes@town.boxborough.ma.us]
Sent: Wednesday, January 18, 2012 3:44 PM
To: 'Selina Shaw'
Subject: RE: Regulations for Remote Participation - BoS Meeting January 23

Good afternoon Selina,

On December 19th, the Board discussed the ability for remote participation at public meetings. The Board has concerns with allowing remote participation because the member is not able to interact in the proceedings and can not review any of the materials that may be submitted during the public hearing process, which often includes changes to plans. The Board is not in favor of pursuing the option of remote participation at public meetings.

Please let me know if you have any questions or need anything further regarding the Board's position.

Elizabeth

Elizabeth Hughes, Town Planner
 Town of Boxborough
 29 Middle Road
 Boxborough, MA 01719
 (978) 263-1116 x112
 (978) 264-3127 fax

From: Selina Shaw [mailto:selina.shaw@town.boxborough.ma.us]
Sent: Wednesday, January 18, 2012 8:13 AM
To: Liz Markiewicz - work; Al Murphy; Anne Canfield; Barbara Estabrook; Bruce Sabot; Buzz Tremblay; Buzz Tremblay; Dennis Reip; Edward Whitcomb; Francie Nolde; Jay Bhatia; John Neyland; Karim Raad; Marie Cannon; Mary Brolin; Nancy Fillmore; Owen Neville; Sonali Bhatia; Tom Gorman; Trena Minudri; Bill Sutcliffe
Cc: Kathy Bower; Colleen Whitcomb; Maureen Strapko; Maureen Adema; Elizabeth Hughes; Laura Arsenaault; Mary Nadwairski; Les Fox; Becky Neville; Les Fox - work; Christine Robinson; Frank Powers; Raid Suleiman; Raid Suleiman; Cheryl Mahoney
Subject: Fwd: Regulations for Remote Participation - BoS Meeting January 23
Importance: High

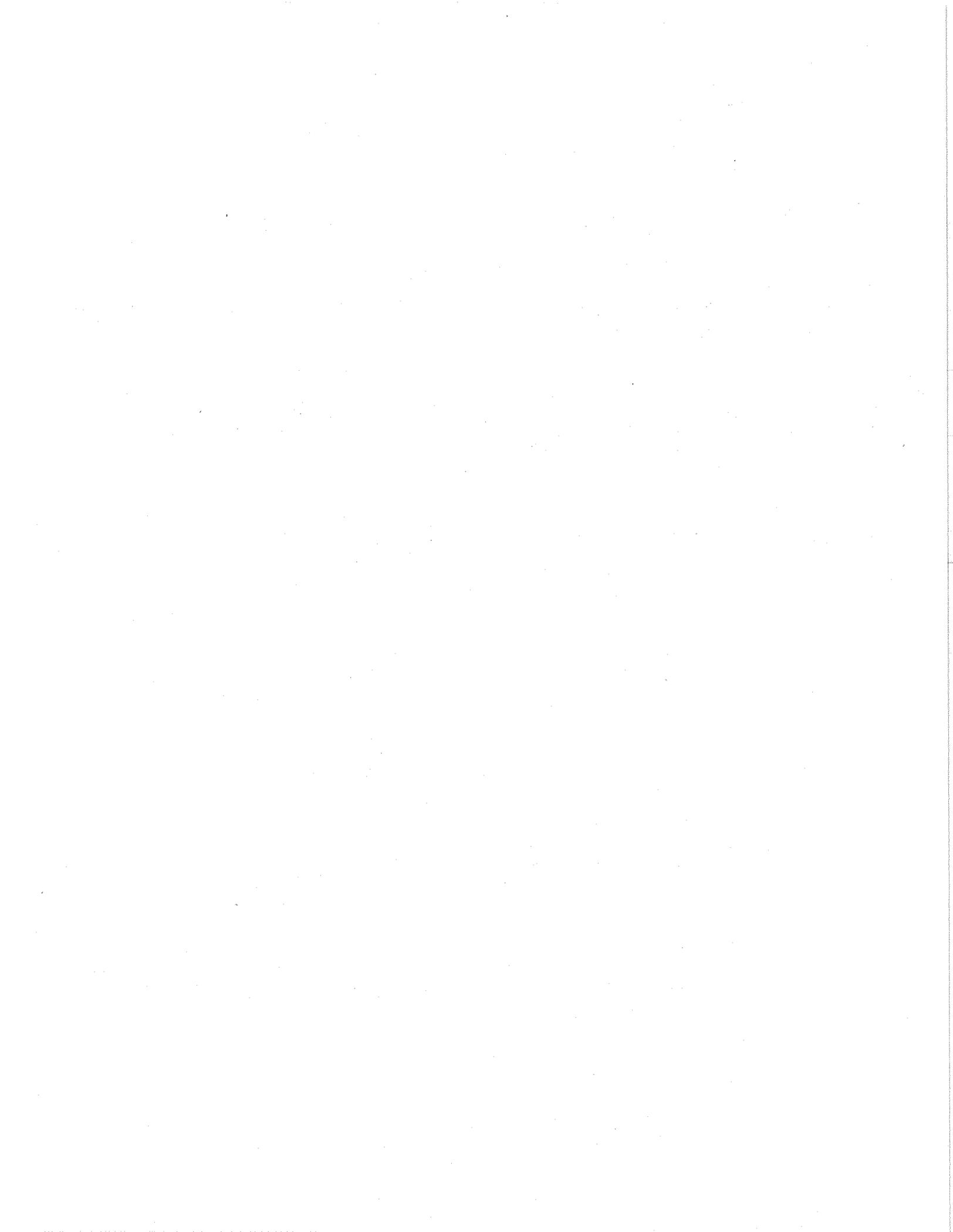
Good afternoon, all.

Further to my e-mail of December 14, I am sending this to remind you of a further opportunity to provide the BoS with your input related to remote participation. The BoS will plan to take this item up at their meeting on **January 23 at around 7:00 p.m.** Please be sure to share this e-mail with members of your boards/committees. If you are unable to attend, but would like to provide input, please send to me via e-mail with a cc to Raid Suleiman, BoS Chair [@rsuleiman@cfa.harvard.edu](mailto:rsuleiman@cfa.harvard.edu) and sraid@yahoo.com.

I have included the e-mail thread below, so you can follow previous communication on the topic.

Regards,
 Selina

1/18/2012



8b

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR PRESIDENTIAL PRIMARY

SS.

To either of the Constables of the City/Town of **BOXBOROUGH**

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

BOXBOROUGH TOWN HALL, 29 MIDDLE ROAD

on **TUESDAY, THE SIXTH DAY OF MARCH, 2012**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE FOR THIS COMMONWEALTH
STATE COMMITTEE MAN Middlesex & Worcester SENATORIAL DISTRICT
STATE COMMITTEE WOMAN Middlesex & Worcester SENATORIAL DISTRICT
WARD OR TOWN COMMITTEE TOWN OF BOXBOROUGH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2012.
(month)

Selectmen of: _____
(City or Town)

(Indicate method of service of warrant.)

Constable _____, 2012.
(month and day)

Warrant must be posted by **February 28, 2012**, (at least *seven days prior* to the **March 6, 2012**, Presidential Preference Primary).

8c

Selina S. Shaw

From: Savas Danos [SDanos@lelwd.com]
Sent: Tuesday, January 10, 2012 10:43 AM
To: Keith Bergman; Selina Shaw
Cc: John Kelly; Steele McCurdy; Kevin Goddard; Jim Clyde
Subject: LELWD Centennial Banner Installation Request
Importance: High

Good Day Keith and Selina::

Keith - Thank you for including this request on the Selectmen's Agenda for this Thursday:

Selina - I sent this email to you as well, requesting permission from the Board of Selectmen to install pole banners on LELD poles in town.

Summary:

LELWD Celebrates our Centennial Anniversary This Year.

As part of this Celebration, we would like to place pole banners on utility poles in key town locations.

Attached is a proof of what the pole banner looks like.

We anticipate about 75 poles being used in Littleton and about 25 in Boxboro.

In Littleton they will be on approximately 6 poles in front of our Building on Ayer Road, then beginning at the Historical Society Building, banners every 3rd pole, migrating to banners every 2nd pole as one heads towards the Commons, then banners every pole in the Commons Area and towards both Donelan's Plaza and Westford Road - then every two poles tapering for a few more poles in the Westford, Acton and Groton Directions. In addition, approximately 5 banners in the vicinity of the Police Station.

In Boxboro banners along Mass Ave every two or three poles from Blanchard School to the Town Hall Area. (Selina, please pass this email on to your Chiefs as well).

We anticipate leaving the banners up for the duration of the year.

1/10/2012





41 LOMAR PARK, UNIT 12
PEPPERELL, MA 01463
info@SitesAndSigns.com
(P) 978.433.2820
(F) 978.433.0808

A CENTURY
OF SERVICE

100

1912 - 2012

LITTLETON

LELOWD

ELECTRIC LIGHT & WATER DEPARTMENTS

DATE: 1/10/2012

CUSTOMER:

LELOWD

JOB TYPE:

Banners

ESTIMATE:





Minutes, Notices and Updates
January 23, 2012

Minutes

1. Minutes of Conservation Commission meetings held December 7, 2011, December 21, 2011 and January 4, 2012.
2. Minutes of the Recreation Commission meeting of January 17, 2012.

Notices

1. Notice of the 2012 Annual Town Meeting schedule and deadlines. #
2. Notice of a Cultural Council meeting held January 12, 2012.
3. Notice of a Recreation Commission meeting held January 17, 2012.
4. Notice of an Agricultural Commission meeting held January 18, 2012.
5. Notices of Board of Selectmen meetings:
 - a. Regular Meeting to be held January 23, 2012.
 - b. Budget SubCommittee [Fire] held January 19, 2012.
 - c. Budget SubCommittee [Police/Dispatch] held January 20, 2012.
 - d. Contract Negotiating Team [Executive Session] held January 23, 2012.
6. Notice of an Airport Study Committee meeting to be held January 23, 2012. [*Sole purpose MMAF discussion @ BoS Meeting*].
7. Notice of a Finance Committee meeting to be held January 23, 2012.
8. Notice of a Boxborough Information Technology Committee meeting to be held January 24, 2012.
9. Notice of a Steele Farm Advisory Committee meeting to be held January 26, 2012.
10. Notice of Personnel Board meetings:
 - a. To have been held January 18, 2012 [Cancelled]
 - b. To be held February 1, 2012.
11. Notice of a Library Board of Trustee's meeting to be held February 7, 2012.

