



**BOARD OF SELECTMEN
Meeting Minutes
February 27, 2012**

Approved: April 23, 2012

PRESENT: Raid Suleiman, Chair, Christine Robinson, Clerk; Frank Powers, Member; Rebecca Neville, Member and Les Fox, Member

ALSO PRESENT: Selina Shaw, Town Administrator

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.

CALL TO ORDER

At 6:30 P.M., Chair pro tem Robinson called the meeting to order in the Morse Meeting Room. Selectman Powers moved to adjourn to executive session to conduct strategy sessions in preparation for negotiations with non-union personnel (Police Chief) as well as to discuss strategy with respect to collective bargaining (with Massachusetts Coalition of Police, Local 200), and to reconvene in open session at 7 PM to meet with the Finance Committee in the Grange Meeting Room to discuss item 7a)i, and then to return to Morse Meeting Room to conduct the remaining business on the agenda.

The Chair pro tem (Clerk Robinson) stated: "An open meeting may have a detrimental effect on the bargaining position of the Board."

Approved by roll call vote 4 – 0: Neville, aye; Powers, aye; Fox, aye; and Robinson, aye.

Chair Suleiman was absent, having recused himself. Town Administrator Selina Shaw was not present for this portion of the meeting.

RECONVENE IN OPEN SESSION

At 7:00 PM Chair Suleiman reconvened the meeting in open session in the Grange Meeting Room, where the Board of Selectmen met with the Finance Committee to discuss warrant articles that had been proposed for May's Town Meeting. Major items of discussion:

- The group reviewed revision 4 of the article listing, dated February 24, 2012 and it was agreed to tentatively add three articles: 1) to approve the cost items of the collective bargaining agreement between the Town and Boxborough Teachers Assn, 2) payment of a prior year bill for the Mass Teachers Retirement System (\$5,215.25) and 3) payment of a MEGA assessment (\$3,100 first year, \$3,100 second year and \$3,600 third year). TA noted that MEGA assessment may be able to be handled within the budget.
- The Selectmen and FinCom agreed that the collective bargaining articles should precede the budget.
- FinCom suggested that the amount of \$182,000, to be transferred to Stabilization Fund, be added as a placeholder amount.
- FinCom and BoS agreed that \$10,000 seemed to be a reasonable cap for revolving fund for field permitting fees.

The Selectmen then returned to the Morse Meeting Room to continue with the remaining business on the agenda.

ANNOUNCEMENTS

Because the meeting was not televised, Chair Suleiman did not read the announcements.

SELECTMEN REPORTS

Member Neville reported on Agricultural Commission and School Committee meetings. The former focused on the Right to Farm Bylaw and an upcoming discussion with ConsComm on Rolling Meadows; the latter on the FY 13 budget.

Selectman Powers reported on: 1) attendance at meeting with the Police Department's Citizens Advisory Board, 2) budget review meeting with the Police Chief, 3) Board of Health meeting where topics of discussion included services provided by Eliot Mental Health Center as well as reallocation of septic numbers between the U.C.C. Church and Fellowship Hall and 4) Conservation Commission meeting, where major topic of discussion was related to request for amended Order of Conditions (OoC) for Minute Man Air Field. ConsComm requested input from Selectmen regarding appropriateness of keeping FAA standards in the OoC. Selectmen briefly discussed this matter, but agreed that they had insufficient information to provide an opinion.

Selectman Fox reported that negotiating ground rules had been reviewed at first meeting with Boxborough Professional Firefighters Association, Local 4601. Selectman Fox also reported on his attendance at a Housing Board meeting where proposals to complete a housing needs assessment were reviewed and first meeting of the Stow Road Concept Development Committee was being planned for the end of March.

MINUTES

Selectman Fox moved to accept and place on file the regular session minutes of January 23, 2012 (lots of nits) and January 30, 2012, as well as the executive session minutes of February 15, 2012 (BoS Contract Negotiating Team) and February 21, 2012. Seconded by Selectman Powers and **approved 5 – 0**.

OLD BUSINESS

Annual Town Meeting

Member Neville suggested that there be a mechanism to communicate to Town Meeting those items paid from non-taxpayer revenue, i.e. grants, perhaps for items of \$20,000 or more. General agreement by Board to pursue.

Selectman Powers suggested that the Police Chief's command vehicle be removed from the budget and included as an article. General agreement by Board to do so.

After some additional discussion on warrant articles, Member Neville moved to close the warrant for the Annual Town Meeting and the Special Town Meeting within the Annual Town Meeting to be held beginning May 14, 2012, with number of articles now totaling 47 (Rev 4 of ATM listing, dated 2/24/12, with addition of 3 articles discussed earlier in evening with FinCom and the Police Chief's command vehicle). Seconded by Selectman Powers and **approved 5 – 0**.

FY 2013 Budget

- Town Administrator reviewed general government budgets.
- Town Administrator broached subject of IT Coordinator's salary and appropriate placement on Personnel Plan Schedule B. While recognizing that the individual in the position is doing an excellent job, several selectmen expressed concern about providing him with a percentage increase of much greater than 5%, and based upon TA's recollection that position's current salary was around \$58,000, it was moved, seconded and **approved 5 – 0** to compensate the position at Grade 60, Step C (\$60,198.33, on proposed Schedule B, which at the time reflected 1 % COLA).
- Selectman Powers expressed concern about lack of back-up for Tax Collector, and the need for redundancy to be able to provide continuity of governmental operations. Selectmen discussed necessity of this, especially in light of position's responsibility in processing primary revenue source of the town. Board also discussed need to eventually pursue transition to an appointed, rather than an elected, position. TA commented that although there is much cross-training among town hall staff, there is not adequate manpower to provide for this back-up. Member Neville moved to add an article to fund a part-time position; seconded by Selectman Fox and **approved 5 – 0**. Member Neville then moved to re-open the warrant to include this additional article and to close once again. Seconded by Selectman Powers and **approved 5 – 0**.

Code of Conduct

It was agreed to defer discussion of this matter until April 23.

Police Department Policies

Chair Suleiman recused himself from this matter. Clerk Christine Robinson presided as Chair pro tem. Selectman Powers reported that he had discussed policies with the Police Chief but had not yet seen final wording. Will plan to bring matter forward again on March 19.

NEW BUSINESS

Feasibility Study for Regional Emergency Communication Center, as a partner with the Town of Littleton

Selectman Powers provided background information on the topic and then moved to support the participation of the Town of Boxborough, as a partner with the Town of Littleton, to study the feasibility of a regional emergency communication center and to authorize the Town Administrator to submit a grant application to the State 911 Department for said purpose. Seconded by Member Robinson and **approved 5 – 0**.

Temporary Constable Appointment [February 27 – March 31]

Further to the recommendation of Town Clerk Elizabeth Markiewicz, Member Neville moved to appoint Alan Rohwer as temporary constable effective February 27, 2012 through March 31, 2012. Seconded by Member Powers and **approved 5 – 0**.

CORRESPONDENCE

There was no discussion of these items.

CONCERNS OF THE BOARD

Selectman Fox reported that one of the DPW sanders is in poor shape and needs replacement and that it is thought that unexpended snow and ice monies may be used to fund this item. The ability to use snow and ice monies is being confirmed.

ADJOURN

At 9:20 p.m., Member Neville moved to adjourn to executive session to conduct strategy session in preparation for negotiations with non-union personnel (Town Administrator) as well as to discuss strategy with respect to collective bargaining (with Massachusetts Coalition of Police, Local 200), and to adjourn immediately thereafter. Seconded by Selectman Powers. With respect to the second item, Chair Suleiman stated that an open meeting may have a detrimental effect on the bargaining position of the Board. **Approved 5 – 0** by roll call vote: Neville, aye; Powers, aye; Robinson, aye; Fox, aye and Suleiman, aye.

SELECTMEN'S ANNOUNCEMENTS

FEBRUARY 27, 2012

The necessary contact information is available at the end of these announcements.

- On Friday, March 9th the **Boxborough Grange #131 will hold its 126th Anniversary Meeting** at 7:30 pm. in the Grange Room of the Boxborough Town Hall. This meeting will feature presentation of the annual Grange Community Service Award to our own Les Fox and his family for their work at Wetherbee Farm in maintaining the Town's agricultural traditions and the many ways that they service the community. There will also be a presentation by the Sudbury Valley Trust on Agricultural Landscapes. The public is invited and admission is free but please RSVP if you plan to attend.

- **Boxborough's Annual Town Meeting** will be held on **Monday, May 14th**. More details will be provided in the coming months.

- **The FY 2013 budget process has begun. The current draft budget is available on the Town's website (Home page, under "NEWS")**. You are encouraged to attend Selectmen, Finance Committee, School Committee and Library Trustee meetings at all times, but especially during the budget season. Please check the web calendar for meeting dates. Your input is important.

- **The Board of Selectmen will hold public hearings on Monday, March 12, 2012** in the Grange Meeting Room, Boxborough Town Hall. At 7:00 PM a joint hearing with the Personnel Board will be held to consider proposed amendments to the Personnel Plan, and Schedules A & B. Immediately upon completion, the Board of Selectmen will hold a public hearing to consider a Right to Farm Bylaw. All are welcome to attend. Proposed amendments will be available for review on the Town's website or on the bulletin board outside the Town Clerk's Office, commencing March 5th.

- **Nomination papers are now available for elected town offices** at the Town Clerk's office, Boxborough Town Hall, 29 Middle Road. The annual Town Election will be held May 21st. Offices that will be on this year's ballot are:
 - 2 seats on the Board of Selectmen, and
 - 2 seat on the Library Board of Trustees.There is also one seat available on the:
 - Board of Health
 - Planning Boardand the Local School Committee, and on both the Regional and Local Committees. The positions of:
 - Tax Collector, andTown Moderator will also be on the ballot. The last day to file completed papers is Monday, March 26th at 5:00 PM.

- **The annual street listing/census forms have been mailed to residents.** Please contact the Town Clerk, Liz Markiewicz if you have not received your census form or if you have any questions about the census or your voting status.

- **The deadline for 2012 dog license is March 10th.** All dogs in Massachusetts are required to be licensed annually. Dog license applications were sent out with your street census forms. Applications can also be obtained at Town Hall or downloaded from the town website. The cost of a license is \$10 for a spayed or neutered dogs; \$15 otherwise and there is **no fee** for residents over seventy. Applications and proof of rabies vaccination can be mailed in or dropped off to the Town Clerk's office at Town Hall. Late fees will be assessed after March 10th.

- **The Boxborough Museum** at 575 Middle Road will be open from 2:00 to 4:00 pm on Sunday, March 11th. Admission is free, all are welcome.

- Town Departments welcome your questions and feedback on services. Please contact them through the email hyperlink appearing on each department's web page, give them a call or stop in to chat. If you are unable to stop in during normal office hours, don't hesitate to call and make an appointment for a mutually convenient time outside of normal hours.

- The Selectmen want to hear from you and invite residents to contact them regarding issues of concern. The Board can be contacted via e-mail from the link on the Selectmen's webpage.

- The Board of Selectmen continues to look for volunteers willing to serve on the various Town boards and committees, many of which have openings. Please consider participating. You will find it to be a worthwhile and rewarding experience. No matter what your knowledge or interest is, we can use your help in making Town government work.

- Contact information is available on the town website: <http://www.town.boxborough.ma.us> or you may call Town Hall at 978-263-1116 if you have any questions.
- The Selectmen can be contacted directly at selectmen@town.boxborough.ma.us.
- If you wish to find out more about volunteer opportunities on Town boards or committees contact Town Administrator Selina Shaw Selina.shaw@town.boxborough.ma.us
- For more information on the Annual Street Census, Dog licensing or the Annual Town Election can be found on the Town Clerk's webpage or you may call Town Clerk, Liz Markiewicz at 978-263-1116 extension 117.
- Please call 978-263-2241 to RSVP if you plan to attend the **Boxborough Grange's Anniversary Meeting** on Friday, March 9th.
- Please contact John Fallon, of the Boxborough Historical Society, at 978-264-0069 if you wish to arrange a private tour of the **Boxborough's Historic Town Center**.



BOARD OF SELECTMEN
Meeting Agenda
Boxborough Town Hall
Morse Meeting Room
February 27, 2012

1. CALL TO ORDER, 6:30 PM

2. EXECUTIVE SESSION

Move to adjourn to executive session to conduct strategy session in preparation for negotiations with non-union personnel, and to reconvene in open session at 7 PM to meet with Finance Committee in the Grange Meeting Room to discuss item 7a)i, and then to return to Morse Meeting Room to conduct the remaining business on the agenda

**ROLL CALL
VOTE:**

RE-CONVENE IN OPEN SESSION AT 7 PM IN THE GRANGE MEETING ROOM

3. ANNOUNCEMENTS

4. APPOINTMENTS

- a) Citizens' concerns

5. MINUTES

- a) Regular session, January 23, 2012
- b) Regular session, January 30, 2012
- c) Executive session, February 15, 2012 (BoS Contract Negotiating Team)
- d) Executive session, February 21, 2012

**ACCEPT & POF
ACCEPT & POF
ACCEPT & POF
ACCEPT & POF**

6. SELECTMEN REPORTS

7. OLD BUSINESS

- a) Annual Town Meeting
 - i. Proposed articles – discussion (with FinCom, Grange Meeting Room, 7 PM)
 - ii. Close warrant
 - Move to close the warrant for the Annual Town Meeting (and the Special Town Meeting within the Annual Town Meeting) to be held beginning May 14, 2012*
- b) FY 2013 budget
- c) Code of Conduct
- d) Police Department Policies
 - i. *Interacting with the Mentally Ill*
 - ii. *Transportation of Detainees*
 - iii. *Holding Facility*
 - iv. *Detainee Processing*
 - v. *Detaining Prisoners*
 - vi. *Temporary Holding Facilities*
 - vii. *Protective Custody*

VOTE:

8. NEW BUSINESS

- a) Feasibility Study for Regional Emergency Communication Center, as a partner with the Town of Littleton

Move to support the participation of the Town of Boxborough, as a partner with the Town of Littleton, VOTE: to study the feasibility of a regional emergency communication center and to authorize the Town Administrator to submit a grant application to the State 911 Department for said purpose

- b) Temporary Constable Appointment [February 27 – March 31]

Further to the recommendation of Town Clerk Elizabeth Markiewicz, move to appoint Alan Rohwer as temporary constable effective February 27, 2012 through March 31, 2012

VOTE:

9. CORRESPONDENCE

ACCEPT & POF

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

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. EXECUTIVE SESSION

Move to adjourn to executive session to conduct strategy session in preparation for negotiations with non-union personnel, and to adjourn immediately thereafter

**ROLL CALL
VOTE:**

13. ADJOURN



BOARD OF SELECTMEN
Meeting Minutes
January 23, 2012

Approved:

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 renegotiated 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 roadwork 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 on that the Agricultural Comm. had a "wrap-up" discussion on this year's Community Garden programs. They then joined that 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 provided 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 implementing 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 a 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 you but 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. 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 collection 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 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 Town needs to make sure this process is transparent and information is provided to the public as this effort goes forward. 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, were come before the Selectmen to present 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 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 to 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 Minutes
January 30, 2012

Approved:

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

ABSENT: Raid Suleiman and Christine Robinson

ALSO PRESENT: Selina Shaw, Town Administrator

Chair Pro Tem Fox called the meeting to order at 7:00 PM in the Town Administrator's office.

EXECUTIVE SESSION

- Member Neville moved to adjourn to executive session in the Town Administrator's Office for the purpose of discussing strategy with respect to collective bargaining and to reconvene in open session at 7:30 PM in the Grange Meeting Room to discuss the remaining business on the agenda. Seconded by Member Powers. **Approved 3-0 by Roll Call Vote: Powers "aye," Neville "aye," and Fox "aye."**

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

Chair Pro Tem Fox reconvened the meeting in open session at 7:30 PM in the Grange Meeting Room.

ALSO PRESENT: Cheryl Mahoney, Department Assistant

ANNOUNCEMENTS

- Chair Pro Tem Fox read the announcements.

APPOINTMENTS

- Housing Board Chair, Al Murphy, was present to present the revised charge of Stow Road Concept Development Committee to the Selectmen. Member Powers moved to ratify and adopt the revised draft of the "Charge to the Stow Road Concept Development Committee," dated January 24, 2012. Seconded by Member Neville. **Approved 3-0.**

The Board took agenda items 7a & b, 5(a-e) and 6 out of order

OLD BUSINESS

- Candidate for the Stow Road Concept Development Committee, Ralph Dement, spoke to his reasons for participating and the perspective he hopes he can provide as we move forward. Member Powers moved to appoint the following individuals to serve on the Stow Road Concept Development Committee for a term effective immediately and ending on December 31, 2012: Irene Boiarski, Lorraine Carvalho, Michael Fetterman, Heather Fleming, Les Fox, Susan Frederickson, Diane Friedman, Kurt Hayes, Jules Lavoie, Robert Ludovico (ex-officio), Al Murphy, Robert Zurek and Ralph Dement. Seconded by Member Neville. **Approved 3-0.**
- Police Chief, Warren Ryder, was present to discuss revisions to Police Department policies. As Chief, one of his goals has been to update the Department's procedural policies. It has been about ten years since some of these policies have been updated. He presented, the following policies, for the Selectmen's approval: Interacting with the Mentally Ill; Transportation of Detainees; Holding Facility; Detainee Processing; Detaining Prisoners; Temporary Holding Facilities; and Protective Custody. He noted many of these revisions are grammatical and/or are necessary to bring them into alignment with legislative, regulatory or "best practice" requirements. The Selectmen reviewed these policies with Chief Ryder; providing comments and potential revisions. It was determined that approval of these policies would be deferred, and Chief Ryder further revise these policies incorporating in the items discussed and additional comments, if any, will be provided to Chief Ryder.

MINUTES

- Member Neville moved to accept the minutes for the Budget Sub-Committee meeting of January 20, 2012; Executive Sessions of January 9, 2012, January 23, 2012, & Selectmen's Contract Negotiating Team's Executive Session of January 23, 2012, as written; and the Workshop session with Finance Committee of January 14, 2012, as revised. Seconded by Member Powers. **Approved 3-0.**

SELECTMEN REPORTS

- Member Neville reported on upcoming ABRSD FY 13 Budget events – Saturday budget workshop and discussion this Thursday which the Selectmen have been invited to attend.
- Member Powers reported on the status of the search for a building inspector. Interviews have been conducted and they have narrowed it down to two candidates. References are now being checked.
- Chair Pro tem Fox reported that BITcom continues its work on implementing VOIP. The final draft of the contract is almost ready.

APPOINTMENTS (Continued)

- Police Chief, Warren Ryder was present to discuss the FY 13 Police Department budget. Members of the Finance Committee were also present for this discussion and remained for the subsequent budget discussions. There was discussion on the "phasing-out" of Quinn eligibility; the conditions, statutorily and contractually, under which an officer is still eligible for this compensation, and its affects the Department's budget. Chief Ryder advised that the addition of a 10th officer in FY 12 is working out well in reducing the Department's overtime. There was discussion on shift coverage – one officer versus two officer coverage; and breaking out Details - Town Events as a new line item in FY 13. In an effort to reduce non-patrol man-hours Chief Ryder has reduced or eliminated several community/outreach events. There was discussion on the Department's participation in the Center for Restorative Justice (C4RJ) program. Chief Ryder supports the Department's continued participation in this program. Much of the funding for the Department's community/outreach programs was previously covered by grant programs, which no longer exist. Many of the community/outreach programs that the Department participates in are services that the community has asked for; however, they are unfunded mandates. Chief Ryder intends to ask the Police Community Advisory Board to do an analysis of these programs to determine their benefit and the need for them in our community. Chief Ryder explained that the Professional Development line item is higher because it covers his Masters degree enrollment; part of his contract. There was discussion on the how approval of the third sergeant position will affect FY 13 salary and Quinn line items. Many increases are due to contractual obligations. Discussion turned to the Expense portion of the budget. Chief Ryder advised the station is aging so there is an increase to facility maintenance expenses. There was discussion as to the funding source in regarding major repairs. Chief Ryder explained that, though, there has been a switch to a new telephone provider there are other phone line and telecommunication requirements that are mandated for public safety facilities that are outside of the new service. There was discussion on potential articles. One new cruiser is in the operating budget; however, two vehicles will be at around 100,000 miles by the end of FY 12. Chief Ryder is proposing an article to fund the refurbishment of these two vehicles. Upon discussion it was determined that Chief Ryder will present an article to refurbish one vehicle. Refurbishing is a newly developed option and Chief Ryder will use it on this vehicle to test it out. Chief Ryder noted that refurbishing is less than a new vehicle however vehicle maintenance will still be higher because the fleet is aging.
- Fire Chief, Randolph White, joined Police Chief, Warren Ryder, to discuss the FY 13 Public Safety Dispatch budget. Ryder reviewed changes to this budget. It was noted that are mandated software upgrades and trainings are in this budget; however, the Chiefs intend to seek a grant funding that should cover much of the cost. Chief White discussed these new requirements, and that it is an unfunded mandate. He and public safety officials from other communities are working together to identify alternatives as they work to comply with these new requirements. Chief Ryder explained how the various public safety telephone and telecommunications systems coordinate with the other Town Departments; the changes that are being implemented and that the phone system item may be pulled from the capital plan. There was discussion on potential articles, specifically an article to cover the initial start up costs for the new EMD program.

Fire Chief, Randolph White, remained to discuss the FY 13 Fire Department budget. Chief White has gone over his budget with Selectmen Fox & Neville and FinCom member, Bill Burke. Based on these discussions 1% has been added to some of the salary line items and he is awaiting the outcome of contract discussions as to the other salary lines. Since his appointment he has been working on tracking wages, specifically what is identified as "coverage." He explained what "coverage" is, and how it functions within the staffing structure. The Town Accountant will be instructed to create a "Coverage" salary line item. Chief White is encouraging Department's staff to get more training. Specifically, Lt. Williams needs officer training and he would

like further training for Lt. Gray, in his capacity as Fire Prevention Officer. In general he would like to provide additional training programs to other staff members and off-site and in-house. The Fire Station's actuals for heating is down the mild winter or the recent insulation may be factors. He will track and revisit in FY 14. Equipment maintenance is down. However, vehicle maintenance is up – due to an aging fleet. Specifically, there significant maintenance costs for the Ambulance; however it is scheduled in the Capital Plan for replacement in FY 14. Chief White noted that there was some savings due to the switch to a new telephone provider however; they must maintain other systems that are mandated for public safety facilities that are outside of the new phone service. Also due to issues with coverage issues he is switching their mobile phone service provider. The new plan has more options and clear, uninterrupted coverage is essential for public safety providers. There was discussion on the Department's other tech needs: its overall Tech Plan and specifically the wireless cards needed for the vehicle laptops. Chief White also explained that one of his other goals to have all staff members in uniform while on duty. The department will appear more unified, professional and will be identifiable as Boxborough Firefighters. This expense is the upfront cost in getting per-diems set up. He will re-visit this once established. There was discussion on adjustments made to other expense items. There was discussion on potential articles. He has submitted an article for a new command vehicle. The current one has over 100,000 miles on it. The Station's emergency generator is well past its usable life, however, this article may be pulled if they receive the grant funding that they applied for. Chief White also discussed installing an Air conditioning system for the working/living areas at the Station. This also is a placeholder and the cost maybe adjusted. Finally the Department's revenue numbers were reviewed.

NEW BUSINESS

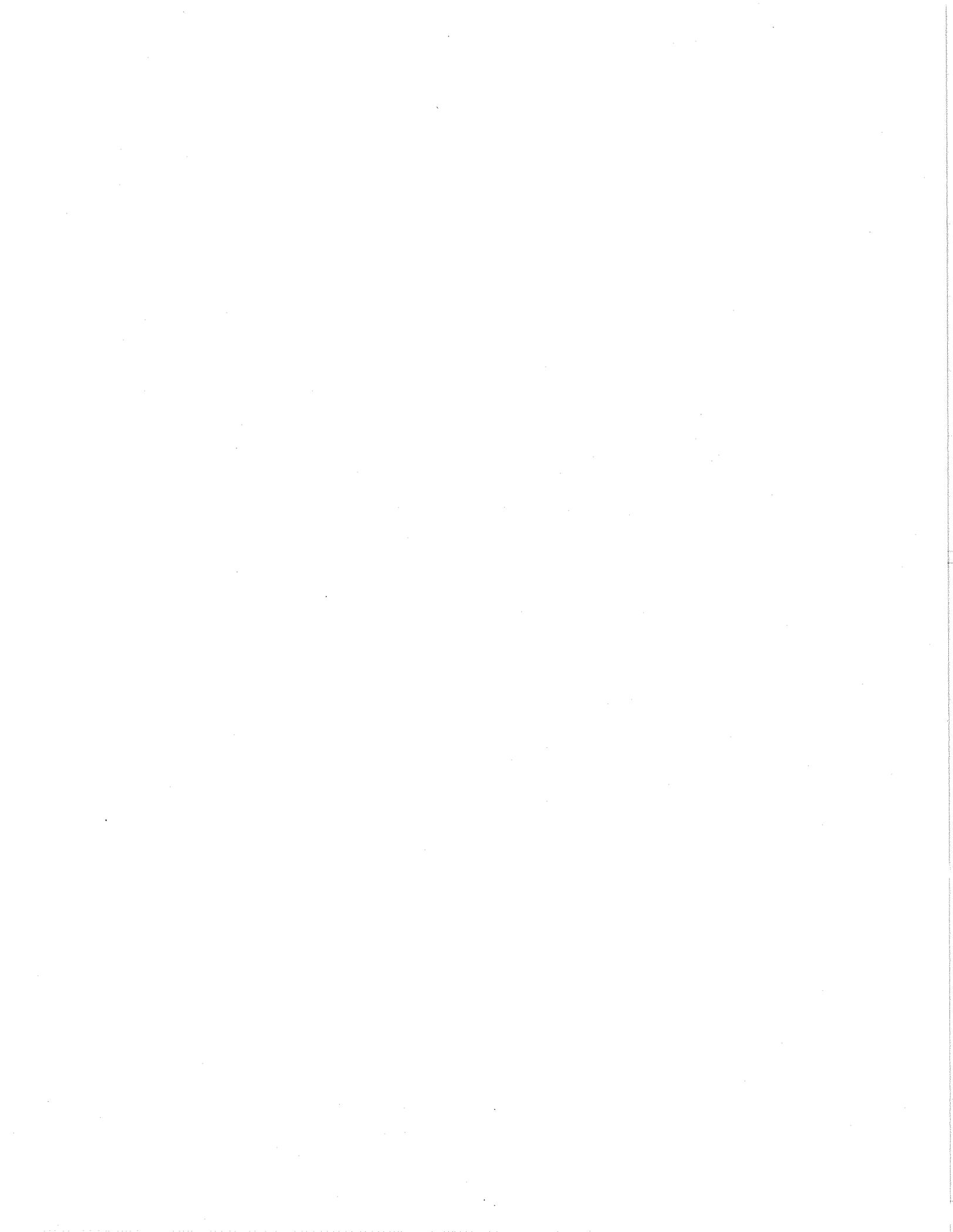
- Discussion was opened on John R. & Elsie G. Hammond Scholarship Fund and participation in this year's ABRHS Scholarship Ceremony. Based on the current interest being earned it was determined that the scholarship award for 2012 shall be reduced. Member Neville moved to award the John R. & Elsie G. Hammond Scholarship in the amount of \$750, to be presented by , an as yet to be determined Selectmen, at the May 29, 2012 ABRHS Scholarship Ceremony. Seconded by Member Powers. **Approved 3-0**

CORRESPONDENCE

- There was discussion regarding the MBTA Advisory Board request for input on the proposed service reductions, specifically weekend commuter rail service and fare increases. A response will be prepared.
- There was discussion on the communication from the UMass Dept. of Natural Resources Conservation. It was noted that the Conservation Commission has been provided a copy of this letter.

ADJOURN

- At 10:42 PM Member Neville moved to adjourn. Seconded by Member Powers. **Approved 3-0.**



701
Potential STM/ATM Articles – May 2012

STM Minuteman Regional Amend FY 12 Assessment \$15,176
 [add'l capital share of Trades Hall remediation project]

#	Department/Board	Nature of Article	Est. Appropriation	Proposed Funding Source/ Comments
1.		Choose Town Officers		
2.		Receive Reports		
3.		Set Salaries and Compensation of Officers		
4.	Personnel Board	Amend Schedule B		
5.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the police union	\$TBD	
6.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the fire union	\$TBD	
7.	Finance Committee	Approve the cost items of the collective bargaining agreement between the Town and the dispatch union	\$TBD	
8.	Finance Committee	Town Operating Budget	\$TBD	
9.	Finance Committee	Transfer \$ from Free Cash to Stabilization Fund	\$TBD	
10.	Board of Selectmen (Treasurer)	Transfer \$ from Free Cash to OBEB Trust Fund	\$200,000	
11.	AB Regional S. C.	Lower Fields	\$TBD	
12.	Board of Selectmen/ BSC Library Board of Trustees	Generators – Hager Well & Blanchard Memorial School	\$69,000	
13.	Board of Selectmen (DPW)	Generator – Public Works (CP)	\$50,000	
14.	Board of Selectmen (DPW)	Field Mower – Public Works (CP)	\$50,000	
15.	Board of Selectmen (DPW)	Consultant to perform preliminary design study of Transfer Station	\$TBD	
16.	Board of Selectmen (Town Hall)	Capital Improvements: Painting exterior (CP)	\$TBD	
17.	Board of Selectmen (Police Department)	Refurbish/rebuild a 2006 marked police cruiser (CP)	\$13,500	
18.	Board of Selectmen (Fire Department)	Install AC system in day room and office areas (CP)	\$20,000	
19.	BoS (Fire Department)	Emergency Response Vehicle (CP)	\$50,000	
20.	BoS (Public Safety Dispatch)	Emergency Medical Dispatch – Training, Quality Assurance & Related Software	\$15,000	

Potential STM/ATM Articles – May 2012

#	Department/Board	Nature of Article	Est. Appropriation	Proposed Funding Source/ Comments
21.	Blanchard School	Capital Improvements: Replace roof (CP)	\$180,000	
22.	Blanchard School	Capital Improvements: Repair of Blanchard Memorial School's mortar and masonry (CP)	\$30,000	
23.	Blanchard School	Capital Improvements: Carpet replacement (CP)	\$15,000	
24.	Blanchard School	Capital Improvements: Replace current gym & library lighting (CP)	\$10,300	
25.	Blanchard School	Capital Improvements: Fencing around school perimeter (CP)	\$20,000	
26.	Blanchard School	Two way radios (CP)	\$6,300	
27.	Sargent Memorial Library	Capital Improvements: Paint exterior (CP)	\$20,000	
28.	Planning Board	Consultant to conduct build-out analysis	\$10,000	
29.	Conservation Commission	Transfer to ToB Conservation Trust Fund (CP)	\$5,000	
30.	CoA	Lease of community center from UCC	\$10,800	
31.	Blanchard School	Sense of the Meeting – Unionization/regionalization		
32.	Agricultural Commission	Right to Farm Bylaw		
33.	Planning Board	Amend Zoning Bylaw – to add a definition for Landscaping Services Use and Landscaping Contractor Use... and to amend Table of Uses to so include		
34.	Planning Board	To acquire by eminent domain an easement for sidewalk purposes (Middle Road from Mass Ave to Town Hall) NB: Need to take by eminent domain. Acquisition was approved last year, but motion was for it to be gifted...		
35.	Board of Selectmen	Establish Revolving fund for field permit fees – to be used to help offset field maintenance expense		
36.	Petition Article (Frances Nolde)	Sense of Meeting - Resolution to Support Passage of a Constitutional Amendment Defining Rights of Individual Persons		
37.	Petition Article (P.Kicelemos)	All funding articles to be approved by election (in addition to Town Meeting vote)		
38.	Board of Selectmen [Consent]	Close out old articles:	<\$TBD>	Transfer to general fund
39.	Board of Selectmen [Consent]	Road acceptance – Hughes Lane		

Potential STM/ATM Articles – May 2012

#	Department/Board	Nature of Article	Est. Appropriation	Proposed Funding Source/ Comments
40.	Board of Selectmen [Consent]	Revolving Fund - GIS Assessor Map (for the payment and expenditure of fees to update the GIS Assessor Map) (\$5,000) – amend to include collection of fees from copying to be used for plotter supplies expense		
41.	Board of Selectmen [Consent]	Reauthorize Revolving Funds: <ul style="list-style-type: none"> • Community Gardens (\$2,000) • Electrical Inspection (\$50K) • Plumbing and Gas Inspection (\$15K) • Fire Arms Permits (\$2,000) • Library Fines (\$7,500) • Dog License Fees (\$4,000) • Steele Farm (\$10,000) • Integrated Preschool Program (\$44,000) • ConsComm Wetland Bylaw (\$20,000) • Senior Van (for expenses and revenues associated with operation of the van) (\$4,000) • Fire Alarm System Maintenance (\$4,100) 		
42.	[Consent]	Personal real estate exemptions – increase in exemptions (purely housekeeping... each year need to accept Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988)		
43.	[Consent]	Chapter 90 appropriation (Reimbursable)		

Borrow (within 2 ½): \$

Free Cash: \$

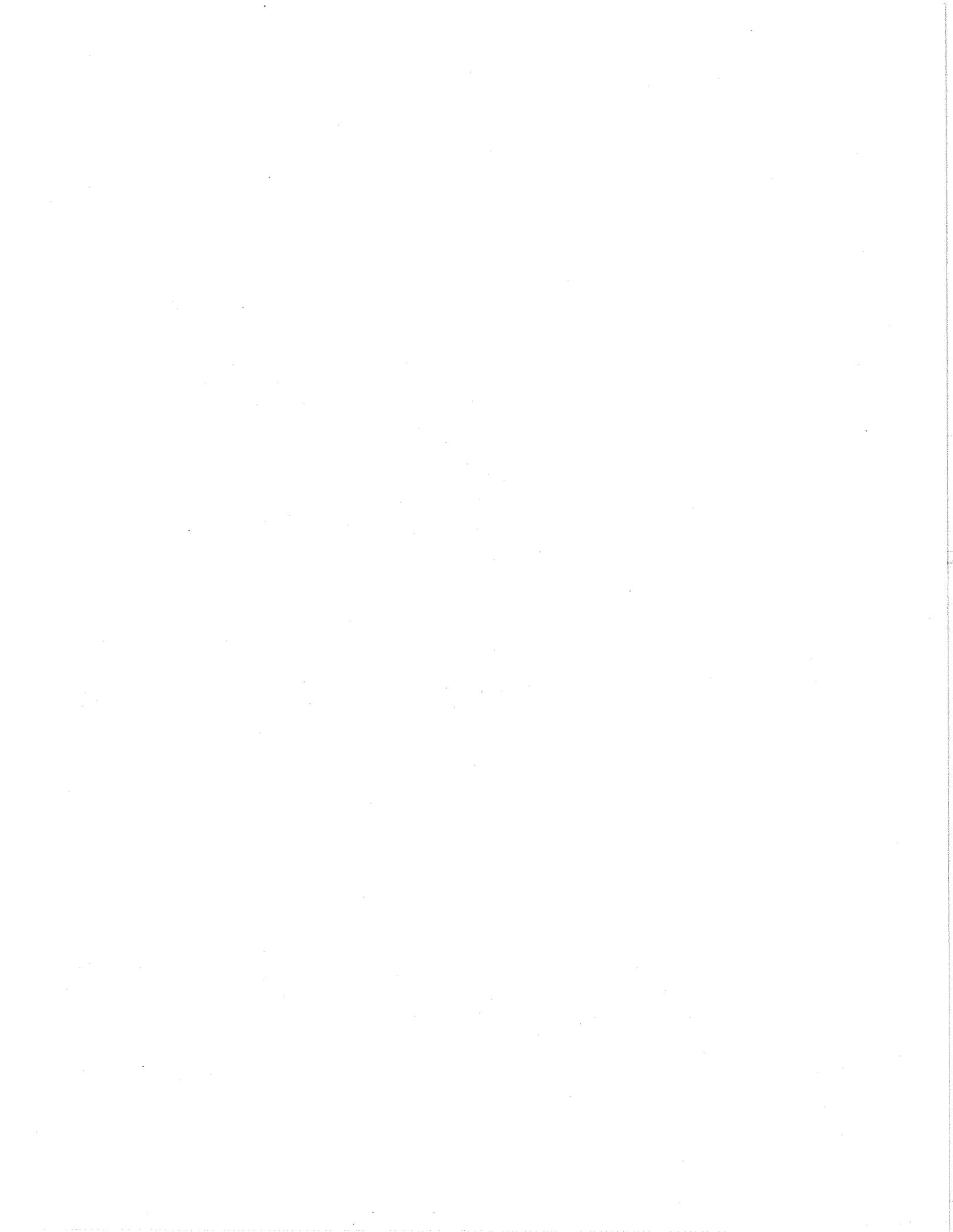
Stabilization Fund: \$

Capital Exclusions: \$

Prop 2 ½: \$

Debt Exclusions: \$

Total: \$



36

February 22, 2012

TO: Raid Suleiman, Chair
Board of Selectmen
Town of Boxborough, Massachusetts 01719

RE:s Intent and Scope of a Proposed Warrant Article for the 2012 Boxborough
Town Meeting

TITLE: Resolution to Support Passage of a Constitutional Amendment Defining
Rights of Individual Persons

We would like to propose a Resolution to be brought before the 2012 Annual Town Meeting of Boxborough, Massachusetts. This resolution would direct the Board of Selectmen to send a letter to our Congressional Delegation in Washington supporting passage of a Constitutional Amendment to be returned to the states for ratification.

The purpose of the Amendment will be to explicitly provide that the rights enumerated in the Constitution, including, but not limited to, those set forth in the First Amendment, shall be construed as applying to natural born persons only, and not to Corporations and other entities.

The Resolution will briefly describe the current ability of Corporations and other entities to contribute unlimited amounts of money to National political campaigns with little or no regulation, oversight, or disclosure, thereby affording them an inordinate and unwarranted ability to influence our elections and affect the workings of Congress.

The Resolution will also describe how the decision in *Citizens United v. Federal Election Commission* gives foreign nationals and corporations the ability to circumvent the ban on foreign campaign contributions by channeling them through American corporations.

Finally, the Resolution will explain why such a Constitutional Amendment is necessary to ensure that the Constitution protects the citizens of the United States - the actual people - and why the rights of natural born persons should not be diluted by extending the same rights to corporate entities. In order to regain our full rights,

we as citizens must stand up and be counted in support of such a Constitutional Amendment.

We will forward the complete Resolution within the prescribed time period.

Submitted by the Boxborough Democratic Town Committee
Francie Nolde, Chair

FN:thm

Suggested Form for Petition to Insert an Article in a Town Meeting Warrant or to Call a Special Town Meeting

Article wording:

Town Voting – Ballot – Monday Town Hall Following Town Meeting Following Week

This article provides all town registered voters the opportunity to vote on each warrant article

requiring funds from the following sources, free cash, the general fund or funds voted

on any article voted at the town meeting prior to this voting date regardless of the amount.

Voting can only be done on that Monday during times indicated and properly posted.

All votes will be counted and vote count made public after the voting date.

These votes taken that date supercede votes taken at previous town meeting.

RECEIVED

NOV 21 2011
@ 12:45pm
TOWN CLERK
TOWN OF BOXBOROUGH

	Voter Name	Voter Signature	Street Address
1	LYNN HURLEY	Lynn Hurley	34 Coolidge Farm Rd
2	Hoadley	[Signature]	131 E. Whiteford Rd.
3	FRANK RIVER J.	[Signature]	394 Littlefield Rd.
4	POULNER, NANCY	Nancy Poulner	344 Littlefield Rd
5	Hatch	Joyanne Hatch	34 Peabody Rd.
6	Gill	Wendy Gill	875 Liberty Sq Blvd
7	LESLIE	B. M. Leslie	245 Picnic St
8	FRADAGAN	Africa Fradagan	145 Robinson Rd.
9	HULLET	[Signature]	303 Robinson Rd
10	VORLE	Mike Vorle	23 SUMNER RD
11	BLANKINSHIP	Frank W. Blankinship	226 MASS. AVE.
12	MCKERREAN	[Signature]	170 Picnic St
13	FERRIS	[Signature]	680 Depot Rd.
14	KOTHAPALLE	K. Srinivasan	72 PRIEST LANE
15	KENDALL - R.	[Signature]	302. 4th Picnic St.



FOR DISCUSSION PURPOSES

TOWN OF BOXBOROUGH
Statement of Ethics of the Board of Selectmen

1. **A member of the Board of Selectmen, in relation to his or her community should:**
 - a. Realize that his or her basic function is to make policy, with administration delegated to the Town Administrator.
 - b. Realize that in creating and enforcing town policy, the Board of Selectmen may direct the Town Administrator in setting priorities that affect policy, but that the day-to-day operations of the town are left to appropriate department heads.
 - c. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
 - d. Be well informed concerning the duties of a Board member on both local and state levels.
 - e. Remember that he or she represents the entire community at all times.
 - f. Realize that service on the Board is service to the community and not service for personal or political benefit.
 - g. Abide by the ethics guidelines established by the State.

2. **A member of the Board of Selectmen, in his or her relations with the Town Administrator and other primary Department Heads, should:**
 - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
 - b. Recognize and support the administrative chain of command and refer complaints to appropriate members of the administration.
 - c. Give the Town Administrator and primary Department Heads full responsibility for discharging his or her duties.
 - d. Refrain from instructing or requesting assistance from Town staff; instead all such activities should be handled through proper administrative channels through the full Board and the Town Administrator or primary Department Heads.

3. **A member of the Board of Selectmen, in his or her relations with fellow Board members, should:**
 - a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
 - b. Refrain from making statements or promises regarding the outcome of matters that will come before the Board until after having a full and fair opportunity to weigh the merits of an issue during a Board meeting.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Make informed decisions.
 - e. Refrain from communicating the position of the Board of Selectmen to reporters or state officials without prior board approval.
 - f. Be respectful of other Board members and their opinions.

4. **A member of the Board of Selectmen, in his or her relations with Town staff, should:**
 - a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
 - b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Administrator, or the primary Department Heads. The office of the Town Administrator should be copied on all requests or correspondence.

FOR DISCUSSION PURPOSES

- c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Administrator or appropriate primary Department Head through private conversation.
- d. Limit requests for staff support, and ensure that all requests go through the office of the Town Administrator or the Primary Department Head.
- e. Ensure that any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

TOWN OF BOXBOROUGH

Statement of Values of the Board of Selectmen

All citizens will be accorded respect, courtesy, and fair due process by Town employees and members of all boards and commissions dealing with the public. Policies will be created for key government functions, based upon generally accepted practices throughout the Commonwealth.

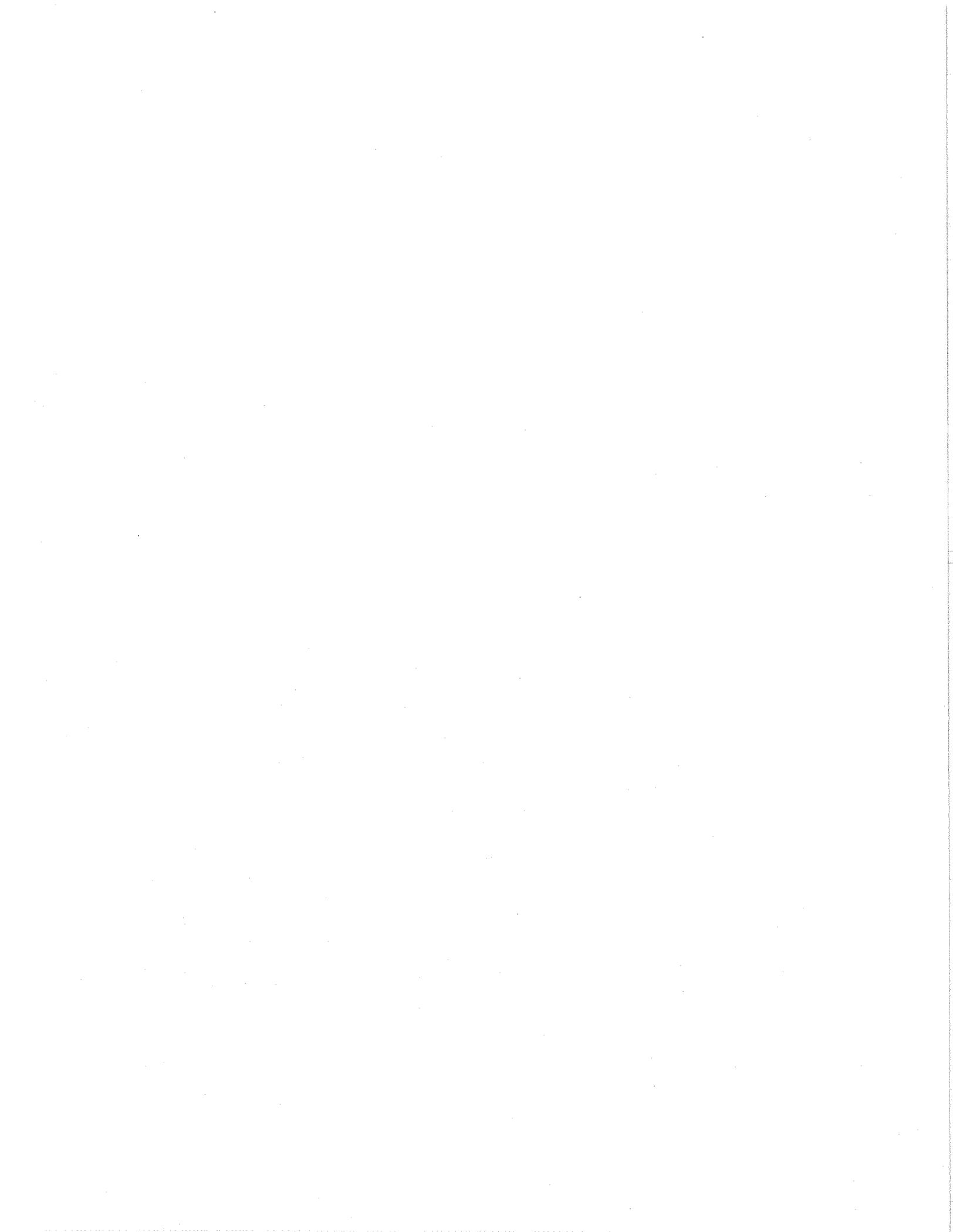
Promote transparency in town government. Continue to provide information about town government, including related documents (e.g. minutes, bylaws, contracts), on town's website.

Expand the communication channels among the BoS, department heads and boards/commissions - by instituting formal quarterly meetings with department heads and meetings at least semi-annually with all boards. Liaisons should meet with department heads on a monthly basis. Expand communication channels among the selectmen, keeping all members informed.

Reinforce a high level of accountability flowing down from the BoS to the departments by creating overall goals for the town government and flowing specific contributing objectives and priorities to the department heads. Performance reviews will be based upon an accounting of actual performance against the agreed-upon objectives and priorities. Refine performance tool.

Formalize a personnel and capital resource planning activity in order to effectively prioritize potential personnel additions, infrastructure requirements, capital equipment purchases, and other large discretionary acquisitions such as land purchases in an environment of limited and possibly shrinking resources. This will require department heads, boards and commissions to carefully forecast personnel, infrastructure, capital, and real property needs and priorities. These individual forecasts will be integrated and prioritized from a town-wide perspective in order to constitute comprehensive five-year and ten-year plans that will form the basis for effective town meeting actions.

Establish several realistic goals and participate in regional and statewide municipal organizations working toward improvements in local revenue distributions, effective development policies, regional management of emergency services, affordable housing policies and other resource management issues. Review potential for consolidation of services within the town.



Code of Conduct: Can't We All Just Get Along?

January 20, 2012
MMA Annual Meeting & Trade Show

Applying the Code of Conduct to Conflicts
among and between Elected Officials,
Supervisors, Employees, and the Public

Edward R. Mitnick, Esq.
Just Training Solutions, LLC

1380 Main Street, Suite 202
Springfield, MA 01107

233 Needham Street, Suite 300
Newton, MA 02464

Justtrainingsolutions.com

Email: emitnick@justtrainingsolutions.com • Direct Phone: (413) 237-5286

“Can’t We Get All Just Get Along”

Focus on:

- understanding conflict sources, including dynamics and attitudes,
- steps to resolve conflict,
- preventive measures to keep it from reoccurring,

• 1

Elected Officials are more than Politicians

Elected Officials are:

- Leaders
- Department Heads
- Administrators
- Supervisors
- Managers

Elected Officials are considered supervisors under the law with respect to harassment and discrimination

• 2

What is workplace conflict?

A sharp disagreement or opposition of interests or ideas.

What are the costs of workplace conflict?

•3

What are the Costs of Workplace Conflict?

- increased absenteeism
- increased turnover
- increased stress
- increased costs for employee assistance programs (EAPs)
- Increased workers' compensation claims
- increased risk for accidents / incidents
- decreased productivity and motivation
- lower morale
- reduced image and customer confidence
- poorer customer service
- Increase in complaints, grievances, and lawsuits

•4

Sources of Conflict

- Poor Communication
- Different Values
- Differing Interests
- Scarce Resources
- Personality Clashes
- Poor Performance

• 5

7 Steps to Avoid Conflicts

1. Gain Knowledge
2. Avoid Ignorance
3. Be an Effective Administrator and Supervisor
4. Build Positive Meaningful Relationships with Employees
5. Adopt, Implement, and Enforce a Code of conduct Policy
6. Effectively Address Performance Issues
7. Be A Real Leader

• 6

Steps to Avoid Conflicts

Step One: Gain Knowledge!

- What are your duties and responsibilities?
 - In many cases, an Elected Official's authority is very limited – Do not Abuse!!!!
 - Members of Boards and Committees have no independent authority or power
- Find out what is going on.
- Obtain the 3D's: data, details and documents.
- Don't make assumptions!
- Don't make comments or pronouncements without the facts to back them up!

•7

Steps to Avoid Conflicts

Step Two: Avoid Ignorance!

•Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity.
Martin Luther King, Jr.

•There is no darkness but ignorance.
William Shakespeare

•The doorstep to the temple of wisdom is a knowledge of our own ignorance.
Benjamin Franklin

•Ignorance, the root and stem of all evil.
Plato

•People always fear change. People feared electricity when it was invented, didn't they? People feared coal, they feared gas-powered engines... There will always be ignorance, and ignorance leads to fear.
Bill Gates

•All I know is just what I read in the papers, and that's an alibi for my ignorance.
Will Rogers

•Blinding ignorance does mislead us. O! Wretched mortals, open your eyes!
Leonardo da Vinci

•8

Steps to Avoid Conflicts

Step Three: Be an Effective Administrator and Supervisor

- Appoint, hire, and promote the best qualified people for the job. Avoid hiring friends, relatives, political supporters
- Set clear and reasonable expectations.
- Hold yourself and employees accountable.

•9

Steps to Avoid Conflicts

Step Four: Build Positive Meaningful Relationships with Employees

Key: Knowing what employees want!

•10

What do Employees Want?

- Feeling In On Things
- Full Appreciation for Work Done
- Good Wages
- Good Working Conditions
- Interesting Work
- Job Security
- Promotions/Growth Opportunities
- Personal Loyalty to Workers
- Tactful Disciplining
- Sympathetic Help with Personal Problems

• 12

What Supervisors Thought Employees Wanted Most

1. Good Wages
2. Job Security
3. Promotions/Growth Opportunities
4. Good Working Conditions
5. Interesting Work
6. Personal Loyalty to Workers
7. Tactful Disciplining
8. Full Appreciation for Work Done
9. Sympathetic Help with Personal Problems
10. Feeling In On Things

• 13

What Employees Actually Wanted Most

1. Interesting Work
2. Full Appreciation for Work Done
3. Feeling In On Things
4. Job Security
5. Good Wages
6. Promotions/Growth Opportunities
7. Good Working Conditions
8. Personal Loyalty to Workers
9. Tactful Disciplining
10. Sympathetic Help with Personal Problems

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What can Elected Officials, Department Heads, and Supervisors control?

- 1. Interesting Work**
- 2. Full Appreciation for Work Done**
- 3. Feeling In On Things**

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Steps to Avoid Conflict

Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

Eliminate workplace conflict by implementing a policy of mutual respect

Prohibits conduct that would be construed as:

- Inappropriate
- Offensive
- Rude
- Disrespectful
- Bullying
- Intimidating

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Steps to Avoid Conflict

Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

- Covers any inappropriate and offensive conduct that may not amount to Harassment and Discrimination
- Strictly Enforce in a Consistent Manner
- Applicable to All Personnel: Elected Officials, Supervisors and Employees**
- Distribute Annually to Everyone – Sign Acknowledgement Form**

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•17

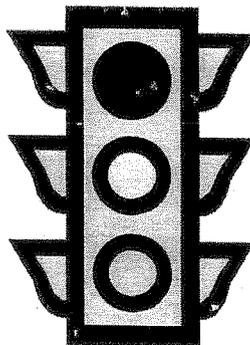
Step 5: Adopt, Implement, and Enforce a Code of Conduct Policy

Examples of "offensive" conduct that may violate the "Code of Conduct" policy:

- Unwarranted or invalid criticism
- Gossiping or spreading rumors
- Blaming without factual justification
- Treating an employee differently than the rest of the work group
- Use of profanity
- Exclusion or social isolation
- Shouting or humiliating
- Playing practical jokes or making the employee the butt of jokes
- Off-premises conduct
- No feedback on work performance
- Ostracizing
- Excessive monitoring

Effectively Implementing and Enforcing a Code of Conduct Policy:

First: Use the TRAFFIC LIGHT!



Effectively Implementing and Enforcing a Code of Conduct Policy:

Second: Apply the "Reasonable Person Perspective!"

- The Intentions of the Alleged Wrongdoer do not Count!
- Look at from the perspective of the message receiver!

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Steps to Avoid Conflict

Step 6: Effectively Address Performance Issues

Positive/Effective

- **Collaboration:** working together to find a mutually beneficial solution.
- **Compromise:** finding a middle ground.

Negative/Harmful

- Avoidance
- Competing
- Accommodating: Surrendering our own needs and wishes to please the other person.

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Steps to Avoid Conflict

Step 6 Effectively Address Performance Issues

If Conflict related to an **Employee's Performance**, use SMART Guidelines:

Specific, clear, and observable facts regarding the employee's failure to meet job standards should be discussed and documented.

Mutual goals should be developed and agreed to by the manager and the employee to address performance deficiencies and to help the employee meet and/or exceed job expectations.

Actions that will need to be taken if the employee continues to fail to meet job expectations should be established.

Review and discuss any concerns and suggestions made by the employee regarding the ability and resources needed to improve performance and meet job expectations.

Time frames should be established for improved performance and status checks.

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Steps to Avoid Conflict

Step 7: Be A Real Leader

Walk the Walk!

Talk the Talk!

Lead by Example!

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Edward R. Mitnick, Esq.

Just Training Solutions, LLC

1380 Main Street, Suite 202
Springfield, MA 01007

233 Needham Street, Suite 300
Newton, MA 02464

Justtrainingsolutions.com

Email: emitnick@justtrainingsolutions.com • Direct Phone: (413) 237-5286

CREATING A CIVIL



DIALOGUE:

WITH EMPLOYEES, DEPARTMENTS AND THE PUBLIC

By JANE DE COLGYLL



Y

ou are a town manager, and over the last two years you have worked with your board of selectmen as well as town departments, committees and commissions to come up with recommendations to save money in the municipal budget. You used an exhaustive and fair process to decide where appropriate cuts should be made. As a result, your town's finance department has been scaled back from five employees to three.

While the affected employees were all part of the process, it comes as no surprise that the surviving employees are having some difficulty. Overwhelmed by the amount of work that now must be done by fewer people, the remaining employees are exhibiting symptoms of disengagement and anxiety. You find them complaining about how much work they have to do, gossiping, and comparing their situations with other departments that have remained fully staffed. You notice more absenteeism, abuse of sick leave, and low morale. Their negativity is spilling over to their interactions with other departments and the public, as evidenced by curt answers to questions posed by other staff and less-than-stellar customer service. More formal complaints are filed over issues that years ago would have been settled directly between the conflicted parties.

Other departments continue to make demands on the finance department, but the other employees feel unwelcome in the negative environment and seek answers to their questions through other means in order to avoid contact with the finance employees. There is a risk of all town departments developing a "silo" mentality, thereby weakening communication among departments. It has become hard for all teams to see and understand the bigger picture.

Residents, meanwhile, find that it takes longer for the finance department to do its job, and they have witnessed poor customer service or uncivil behavior. As we know, it only takes one bad experience in town hall for negative public opinion to be formed and generalized to all departments.

As a town leader, what can be done to turn this situation around? There is a tendency to want to throw up your hands, say, "It is what it is!" and go on with the important work of managing the budget process, putting aside the frustrating human drama around you. To do so, however, is to neglect an important leadership opportunity. You have the ability to set the tone of civility for your entire organizational structure. You can help employees move through their disengagement and anxiety to engagement and civility. You can encourage departments to create collaborative relationships with other departments, boards, committees and commissions, and help your residents appreciate the excellent work your town employees are doing for the community.

Local officials have the ability to set the tone for community discourse by effectively communicating up, down and across—up to residents, down to each employee, and across to departments, boards, committees and commissions.

Jane de Colgyll is an employee assistance program consultant with AllOne Health EAP (www.allonehealth.com), which works with more than 270 municipalities in Massachusetts.



Communicating Down

Let's look at that theoretical finance department employee: disengaged, anxious, worried about losing his or her job, fretting about the amount of work he or she has to do, poorly motivated, and complaining about others. No community can afford to have unhappy, unproductive workers. So what can be done to turn this situation around? As a community leader, you have an opportunity, through communication, to create an atmosphere where employees feel important and motivated.

The following are some strategies you may use to keep employees engaged, reassured and productive:

- No matter what your position within the organization, get to know every employee by name and talents. They will feel valued and connected.
- Make sure you keep the "big picture" in view for all employees, establishing board, town hall, departmental and employee objectives that support the larger goals of the town.
- Honestly explain how the decisions in city or town hall affect every employee's work and life.
- Maintain regular all-staff meetings and departmental huddles.
- Share information, and repeat it when necessary. When they are feeling overwhelmed, it's hard for employees to take in information; repeating the message is vital for understanding.
- Be sure to clear up misinformation quickly.
- Invite a collaborative process with employees that values input from all.
- Promote an "open door" policy and be there to listen. Some town leaders have identified certain hours during which they will be fully available for one-on-one discussions.
- Publicly recognize individual employee contributions to the work of the city or town. This may be done in a public meeting, a news article in the local paper, or in your remarks on cable TV.
- Encourage a culture of creativity from bottom to top. Seek ideas from employees on projects you have in mind. Make sure all stakeholders have the opportunity to share their knowledge and expertise before final decisions are made.
- Build morale with employee-driven, low-cost or no-cost fun activities. While these creative opportunities for social interaction may appear to be time-consuming fluff, they can actually be productive in fostering a feeling of well-being and trust among employees that is hard to measure in dollars and cents.
- Promote employee career development by encouraging cross-training among under-resourced departments.
- Model fairness and equity in your words and deeds.



Communicating Across

Collectively, city and town departments need to know what is happening on all levels of local government. The open sharing of information helps to build a sense of connectedness throughout the organization, which promotes collaboration among departments and creative problem-solving.

The following are some ideas that may help to keep information moving across departments, boards, committees and commissions:

- Make it a priority to meet monthly with department heads, no matter how disparate their locations, in order to keep everyone "in the loop." Hold these meetings in various department settings and provide food to encourage attendance.
- Offer a clear agenda, allowing time in each meeting for discussing the future.
- Share examples of challenges that departments have overcome.
- Applaud individual department and intradepartmental successes.
- Expect conflict, but move quickly to find common ground and resolution when conflict occurs.
- Demonstrate your willingness to be open to ideas from all department heads.
- Offer incentives to departments for finding creative, low-cost or no-cost ways to work together.
- Create intradepartmental electronic tools for clear communication on a weekly basis.
- Visit each department for a few hours at least twice per year, working side-by-side with employees to learn what they do.
- Plan an annual department-head retreat to focus on the best ways to build teamwork and collaborate effectively across departments.



Communicating Up

In his article "Community Building: How to Do It, Why It Matters," published by ICMA Press, Ed Everett points out that people need to feel that they belong to something bigger than themselves. This is not a new concept, but Everett shines a spotlight on ideas that help to move us toward civility and the civilizing force of true community. He discusses the evolution of local government and public involvement, pointing out that town halls in early history were viewed as the center of the community. At that time, citizens were active in their own governance. Since about 1970, however, citizens have been more likely to treat town hall like a vending machine, Everett says, expecting services for their tax dollars just as we expect a product when we put money in a vending machine. What do we do when the vending machine is out of candy? We shake it, and maybe kick it! How can we change this view back to that of vitally interested citizenry engaged in the life of their community, proud of its city or town hall, invested in making their hometown a safe and fun place to live?

The following are a number of strategies for addressing this issue and improving the city or town's image in the eyes of the public. (Many of these ideas were offered by local officials during the workshop "Best Practices for Top Recurring Municipal Problems," which AllOne Health presented during the MMA's Annual Meeting in January.)

- Make sure the public is not only informed about the positive contributions of municipal employees to the operations of the city or town, but also that their opinions are heard and respectfully considered.
- Make the city or town website accessible and interactive 24/7 for local residents to communicate with municipal offices, voice concerns, learn what each department is doing, find forms, etc.
- Collect email addresses of residents and use them periodically to send important news items touting municipal successes and challenges.
- Institute an "open door" policy for residents, with specific times that department heads will be available.
- Make sure every department responds directly and quickly to resident complaints.
- Conduct sit-down interviews highlighting a variety of municipal employees on a regular basis for viewing on cable and/or print follow-up articles in the local paper.
- Create and promote special events unique to your city or town (e.g., a farmers market or holiday parade).
- Erect a highly visible electronic community bulletin board, near the city or town entrance or on main intersections, reminding residents and the visiting public of important local events.
- Share some aspect of local history at key municipal meetings, publish historic notes in the local newspaper, or set aside a special section of the city or town website for historic notes.
- Include local history in the grade-school curriculum.
- Plan an open house where department heads describe what each department is doing.
- Promote good-natured competitive community involvement in a "cleanup day."
- Confer annual volunteer awards for community service/civic involvement.
- Hold a student artwork contest on the theme "What I like best about my city or town," and use the winning submissions to produce a city or town calendar.
- Plan a historic house and garden tour in your city or town.



Meeting Human Needs

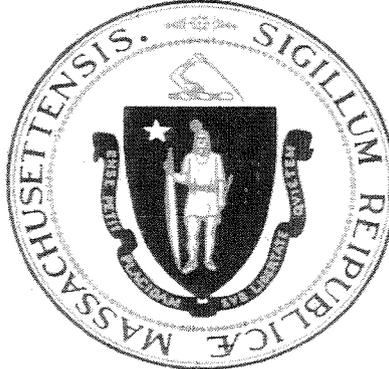
In the last few years, AllOne Health has worked with municipal leaders on the human challenges they face as they trim local budgets and attempt to meet the growing expectations and challenges from residents, governing bodies and employees. The list of top recurring problems cited by municipal leaders is daunting, but on closer inspection, some human themes emerge.

Municipal officials can take the lead to model the voice of reason and civility at every level of human interaction—with employees, in departments and with the public—by effectively communicating up, down and across. Once the basic human need to feel valued has been met, employees, departments and the public can become increasingly civil and engaged in the work of the city or town. ❁

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Commonwealth of Massachusetts

Executive Office of Public Safety and Security
State 911 Department



Regional Public Safety Answering Point and Regional Secondary Public Safety Answering Point
and Regional Emergency Communication Center
Development Grant
Guidelines and Application Package
Fiscal Year 2013

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary, Executive Office of Public Safety and Security

Frank Pozniak
Executive Director, State 911 Department

1380 Bay Street, Building C
Taunton, MA 02780-1088
Phone (508) 828-2911
Fax (508) 828-2585
www.mass.gov/e911

All applications shall be mailed or hand-delivered. No applications will be accepted via fax or email. All applications must be received by 5:00 PM on Friday, March 16, 2012.

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT

WHAT'S NEW for the Fiscal Year 2013 State 911 Department
Regional PSAP and Regional Secondary PSAP and RECC Development Grant

- The State 911 Department has allocated \$8 million for the Development Grant for the Fiscal Year 2013 funding cycle (p. 5).
- Application deadline is Friday, March 16, 2012 (pp. 12, 18).
- Use of funding broadened to allow for use associated with the provision of enhanced 911 service (p. 6).
- Categories of use of grant funds have been amended to eliminate sub-categories and to set forth separate categories of use for feasibility studies, project management services, transition expenses, architectural and engineering services, construction, and equipment (pp. 6-11).
- Priorities have been amended to add subcategories within category two (expansion or upgrade of regional PSAPs and RECCs) for the addition of one or more PSAPs or the improvement of existing regional PSAPs or RECCs (pp. 13-14).
- All categories of funding (except Category A, PSAP 911 CPE) will require letters of attestation, and reimbursement for all other categories, except for feasibility studies and project management services, will require a signed inter-municipal agreement or other equivalent agreement prior to release of funds (pp. 11, 14).
- Categories of budget modifications are broadened (p. 15).
- Applicants are required to submit an original and ten (10) copies of completed application (p. 18).

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT

Applying to Be: (please check one)

- Regional Emergency Communication Center
- Regional PSAP
- Regional Secondary PSAP

1. Name of Entity	Boxborough Emergency Communications Center
Address	520 Massachusetts Avenue
City/Town/Zip	Boxborough, MA 01719
Telephone Number	978-263-2628
Fax Number	978-268-5123
Website	www.boxboroughpolice.com
2. Name/Title of Authorized Signatory	Selina S. Shaw, Town Administrator
Telephone Number	978-263-1116 x101
Fax Number	978-264-3127
Email Address	selina.shaw@town.boxborough.ma.us
3. Contact Name/Title for Grant Questions	Warren B. Ryder, Chief of Police
Telephone Number	978-263-2628
Fax Number	978-268-5123
Email Address	ryder@boxboroughpolice.com
4. Total Grant Program funds requested.	<u>\$35,000</u>

5. Goal and Desired Outcome

Through its submission of this application to the State 911 Department, the applying governmental entity affirms that the primary goal of the State 911 Department Regional and Regional Secondary PSAP and Regional Emergency Communication Center Development Grant program is to support the development and startup of regional and regional secondary PSAPs and regional communication centers, including the expansion or upgrade of existing regional and regional secondary PSAPs, to maximize effective emergency 911 and dispatch services as well as regional interoperability.

6. Sign below to acknowledge having read and agreed to the grant conditions and reporting requirements listed in the application packet.

Signed under the penalties of perjury this _____ day of _____, 20____

ORIGINAL SIGNATURE OF AUTHORIZING SIGNATORY
(in blue ink)

DATE SIGNED

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT

BUDGET WORKSHEET

CATEGORY	TOTAL
A. PSAP 911 CPE for Regional Secondary PSAPs Current Regional Secondary PSAPs only and requires pre-approval.	\$
B. Feasibility Study	\$35,000.
C. Project Management Services	\$
D. Transition Expenses	
E. Architectural and Engineering Services	\$
F. Construction	\$
G. Equipment (associated with the provision of enhanced 911 services that is not directly provided by the Department and/or equipment to be used to foster the development and startup of regional PSAPs, regional secondary PSAPs, and RECCs or the expansion or upgrade of existing regional PSAPs and secondary PSAPs.)	\$
TOTAL*	\$ 35,000.

*Total amount must exactly match amount requested on application page

ATTACH QUOTES OR ESTIMATES (WITH SUPPORTING DOCUMENTATION FROM THE VENDOR)

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT**PROJECT NARRATIVE****Potential for Positive Impact on a Multi-Community Public Safety Communications**

- Increased public safety operational, preparedness and response benefits.
- Improvement or enhancement in the array of services provided to dispatch entities and improvement in ability to respond to 91 1 calls.
- Improvement in interoperability of communications systems on local, regional and statewide basis.
- Increased ability to share currently separate services between PSAPs, such as CAD systems, mapping systems, and radio systems.
- Increased capacity for enhanced 91 1 surge capacity.
- Increased capacity for coordination of local and regional police, fire, and EMS resources, including response to routine events and major disasters.
- Demonstration that a satisfactory arrangement can be made regarding PSAP governance, standard operating procedures, accountability, service, standards and control.

As our communities look for ways to increase efficiencies in operations, considering the combination of PSAP centers into one RECC has the potential to reduce total manpower while actually increasing available single-site dispatch positions, standardize equipment, introduce new technologies, and reduce overall costs. Effectiveness will improve as a regional dispatcher will be looking cross-border and will potentially bring resources to bear more quickly thus reducing response times.

The communities of Boxborough and Littleton are familiar with the concept of collaboration of services. Prior to the year 2000 Littleton provided communications for the Boxborough Police. Part of the justification for Boxborough's separation was lack of established governance and administrative control, low customer service for walk-in's and non-emergency calls. There was a lack of investment into technology and interoperability. Both communities are satisfied with their current communications centers and will want to maintain this level service.

A feasibility study will, among other things, address non-emergency customer service, and help identify an optimum location for a joint or multi-agency PSAP. Presently Littleton is willing and able to host this center though we expect the study to make the determination of best siting. Wherever it is located, increased capacity will enhance our combined ability to receive, process, and dispatch 91 1 calls. This increased capacity will greatly improve the region's ability to manage surge capacity during a major storm, MCI or other disaster.

One area of particular study will be interoperability of communications including radios, frequencies, backups, and alternate communication strategies. As we face potential regional disasters (such as the ice

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT

storm of December 2008 and October Snow Storm of 2011) this will provide a coordinated approach between each of the participant towns so that one failure will not cripple the system.

While technology continues to expand in capabilities and features, it also continues to grow in price to remain on the cutting edge. Combined efforts through a regional PSAP will allow us to maintain the latest technology in public safety. This includes CAD, radio technology, auto vehicle location systems, CCTV, and so on. Some regional efforts are underway that demonstrate the value of towns working together to solve a common problem. One such effort is the Nashoba Valley Regional Communications Center on Devens.

Of particular concern is bringing disparate groups under one roof with a variety of policies, procedures, collective bargaining agreements and cultures. This will be of acute concern as we seek a consultant under this grant. We will be looking for best practices elsewhere as well as innovative approaches to solving the challenges facing any regional effort.

Potential for Fiscal/Cost Benefits

- Demonstrate that initial costs are justified based on proposed work and expected benefits, including the potential for ongoing operating or capital cost savings.
- Estimate one-time and recurring costs.
- Demonstrate positive result of review of personnel structures and costs at each agency, including analysis of the core and additional services provided by current personnel and estimated personnel costs for staffing a regional PSAP or RECC along with cost to maintain or increase other public safety services at existing local agencies.
- Analysis of compatibility of CPE, radio, mapping, telephone and related equipment owned by current PSAPs and need for equipment at new regional PSAP or RECC.
- Demonstrate that amount of funding requested for specific items is provided with sufficient detail to show reasonableness and cost effectiveness.
- Identification of financial resources available to provide ongoing support for project so it may be sustainable into future years.
- Demonstration that proposed project is more cost effective than alternatives.

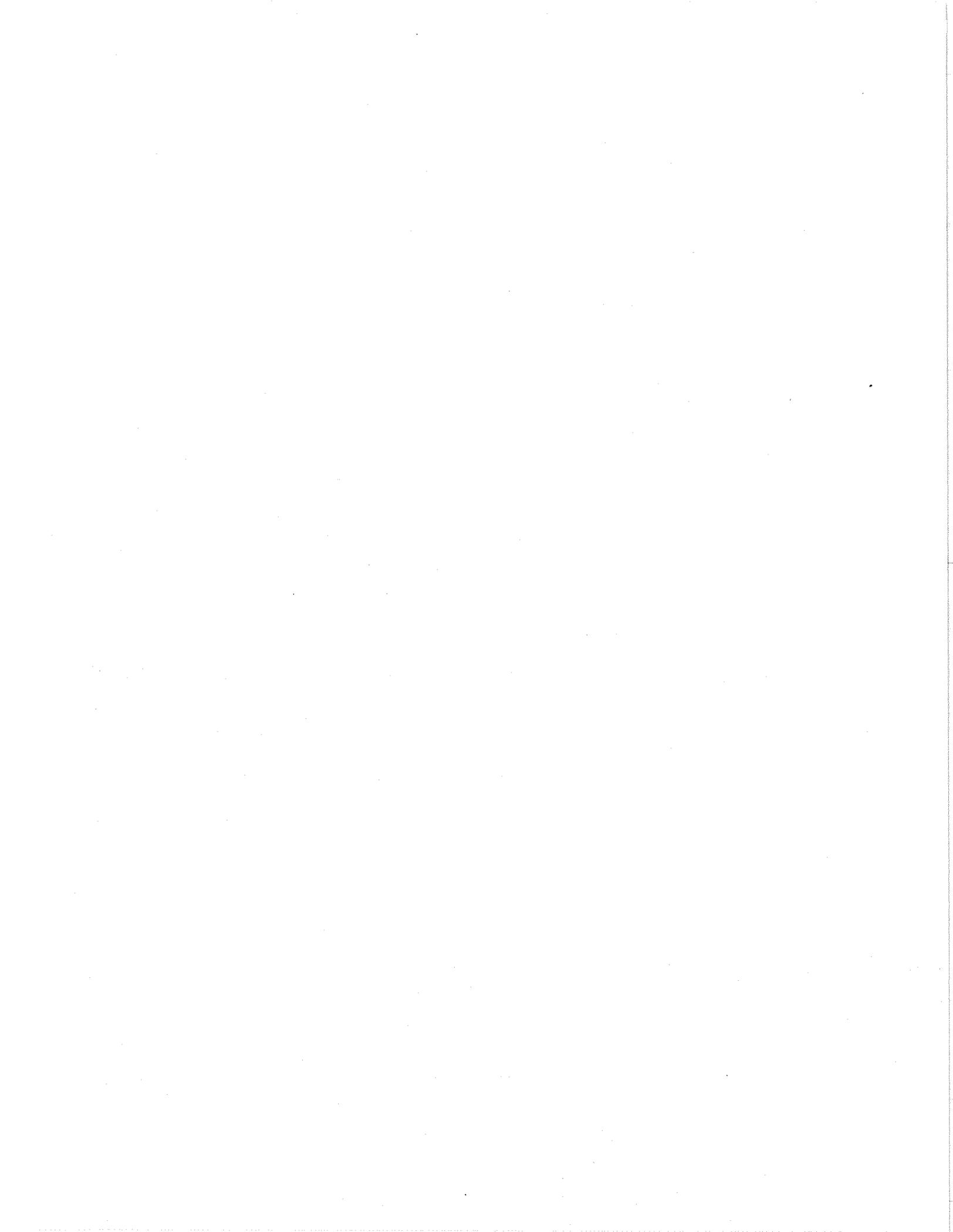
Costs of operating a Regional PSAP will be part of the focus proposed under this Feasibility Study grant request. It is expected that the feasibility study will provide a schedule of costs to create the Regional PSAP as well as determine what efficiencies, challenges, and ongoing costs will be. The study should also identify best equipment practices, and personnel structures, as well as how these costs will be allocated to each town.

FISCAL YEAR 2013 STATE 911 DEPT. REGIONAL PSAP AND REGIONAL SECONDARY PSAP
AND RECC DEVELOPMENT GRANT

Project Management and Measurement

- Identification of significant, appropriate, and quantifiable performance measures, project milestones and delivery of reports.
- Testing plan with identified success factors.
- Identified project management roles.
- Identification of potential risk and mitigation measures.

A feasibility study will identify management needs, roles, and performance measures for a Regional PSAP. Included will be evaluation of risk and potential mitigation measures.





Webb Consulting Services LLC

OUR INDEPENDENCE IS YOUR GUARANTEE

January 30, 2012

Chief Warren B. Ryder
Police Chief
Boxborough Police Department
520 Massachusetts Avenue
Boxborough, MA 01719

Dear Chief Ryder,

Thank you for the opportunity to provide the Boxborough Police Department with this budgetary quote for our consulting services for a Regional Emergency Communications Center (RECC) Feasibility Study for the Towns of Boxborough and Littleton. Webb Consulting Services has worked with communities in Massachusetts similar to Boxborough and Littleton and the following is based on our past experience with comparable projects.

Project Approach

Webb Consulting Services will approach this RECC Feasibility Study in a structured project management manner which includes:

Initial Project Meeting

Layout of Project Particulars
Set Out Project Timeline
Establish Sub-Committee Participation
(Finance, Communications, Site Evaluation, etc.)

Sub-Committee Approach

Consolidates Expertise for Project Components
Allows for Simultaneous Task Execution

Information Gathering

Existing Documentation
Site Visits and Inventories
Interviews

(More)

35 Fuller Street
Canton, MA 02021



www.webbconsult.com

T: 781-575-1600
F: 781-575-1477

RECC Feasibility and Assessment

Technical
Operational
Facility
Governance
Budget

Feasibility Report

Presentation of Draft Report
Revisions Based on Boxborough/Littleton Input
Final Report and Presentations

This structured project approach will allow Webb Consulting Services to ensure complete project participation by the Towns and integration of other third party entities into the study. The end result of the study will be the Feasibility Report addressing all technical, operational and financial requirements of the proposed RECC.

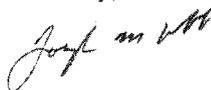
Professional Fees

Based on our past experience with RECC Feasibility Studies for communities similar in size and complexity as Boxborough and Littleton, Webb Consulting Services will conduct this Feasibility Study for the all-inclusive, fixed fee of \$28,400. This fee also includes all necessary expenses.

Summary

We sincerely appreciate the opportunity to provide this budgetary quote for your needs. If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



Joseph M. Webb
President





Webb Consulting Services^{LLC}

OUR INDEPENDENCE IS YOUR GUARANTEE

Regional Emergency Communications Center Feasibility Study

Our Project Team

Joseph M. Webb
Project Manager & Telecommunications

Sheldon Cohen
Senior Consultant
Computer Applications, Staffing, Governance

Ron Orazine
Senior Consultant
Public Safety Technology, Radio & Wireless

Don Stull/Kevin Benjamin
Architectural Services/Facility Planning

Our Expertise and Experience

Public Safety Experience
Massachusetts Municipal Experience
Commonwealth Agency Experience
National Experience and Perspective

Conducted First Major RECC Study in Massachusetts
Conducted RECC Feasibility at Municipal Level
Conducted RECC Feasibility at County Level

Conducted CAD/RMS Evaluations
Designed First Massachusetts IP Radio System
Reviewed Public Safety Network Infrastructure
Participated in Broadband Fiber Network Design

National Architectural Work and Perspective
Conducted RECC Facility Site Location Reviews
Architect of Record: Boston Police Headquarters



Consulting services designed for your public safety project!



Webb Consulting Services^{LLC}

OUR INDEPENDENCE IS YOUR GUARANTEE

Our Project Approach

Initial Project Meeting
Layout Project Particulars

Sub-Committee Approach
Consolidates Expertise
Simultaneous Task Execution

Information Gathering
Existing Documentation
Site Visits & Inventories
Interviews

Feasibility & Assessment
Technical
Operational
Facility
Governance
Budget

Feasibility Report
Presentation of Draft Report
Revisions Based on Client Input
Final Report & Presentations

Our Firm

Founded in 1991

Technology Consulting Services
Local, County & State Consulting Focus
Public Safety Focus
Healthcare Focus

Independent Consulting Firm

Commonwealth Contractor
Authorized Contractor of the
Commonwealth of Massachusetts
Statewide Contract for Information
Technology Services (ITS43)

Authorized Contractor of the
Commonwealth of Massachusetts
State 911 Department's Contract for
Technical, Operational and Governance
Feasibility Consultant Services



Webb Consulting Services, LLC
35 Fuller Street, Canton, MA 02021
Phone: 781.575.1600
Fax: 781.575.1477
www.webbconsult.com

Consulting services designed for your public safety project!

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Selina S. Shaw

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

Sent: Friday, February 10, 2012 11:00 AM

To: 'Selina S. Shaw'

Subject: Constable appointment

Hi Selina,

Since Dave Birt will be in Florida for the Presidential Primary, I would like to request that the BOS appoint Alan Rohwer as temporary constable effective Feb.27 through March 31.

Thanks,

Liz

Elizabeth Markiewicz, CMMC

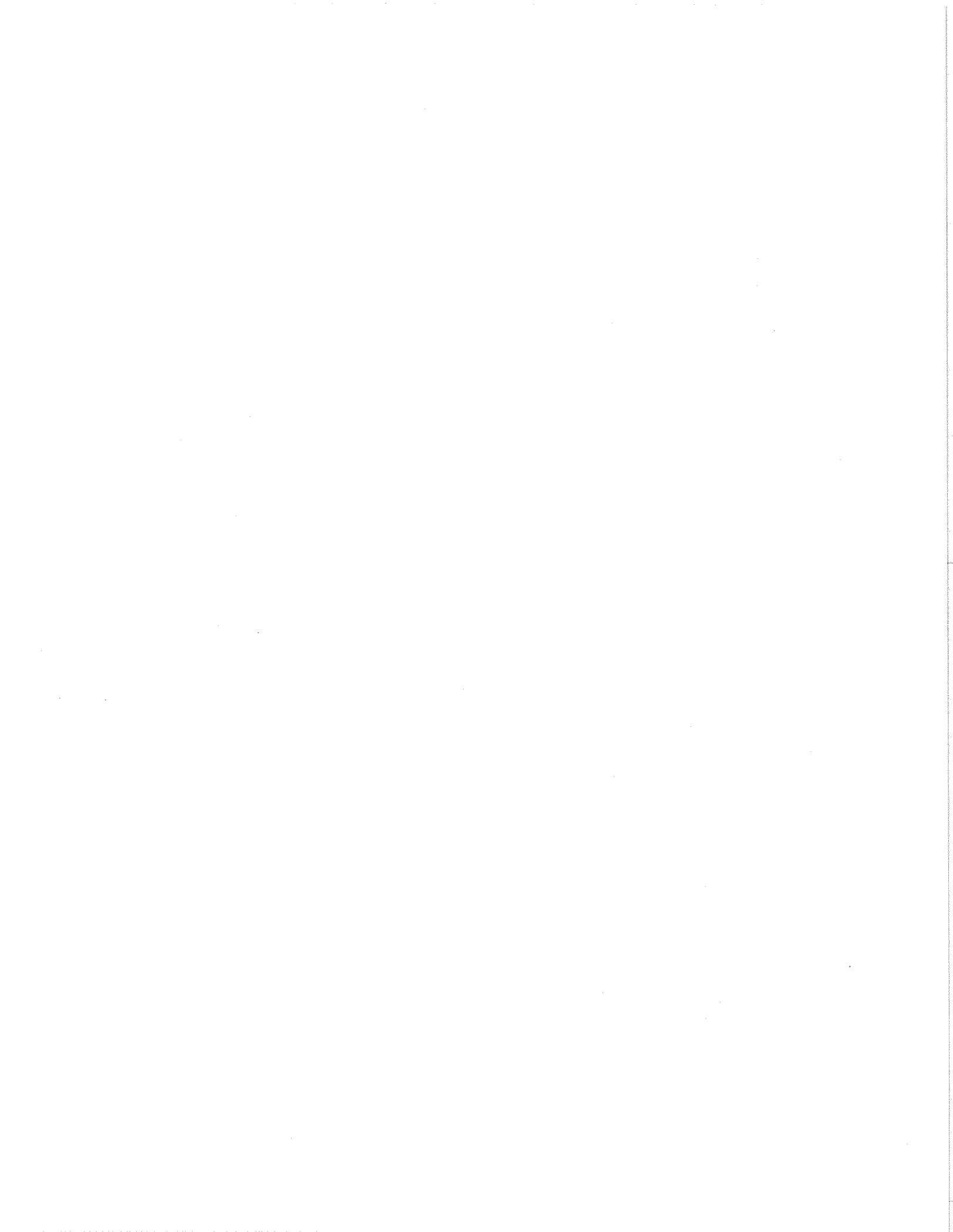
Town Clerk

29 Middle Rd.

Boxborough, MA 01719

Ph: 978-263-1116 x117

Fax: 978-264-3127





Internal Communications and Outgoing Communications
February 27, 2012

1. Letter from the Board of Selectmen, dated February 10, 2012, to Paul Regan, Executive Director of the MBTA Advisory Board voicing specific concerns as to the rate and service changes being considered by the MBTA.
2. Copy of coverletter and filing from the Law Firm of Perkins & Anctil, dated December 27, 2011, to the Civil Clerk's Office Middlesex Superior Court, in the matter of Harvard Ridge Condominium Association v. Bank of America (Town of Boxborough).
3. Memorandaes to Municipal Clients and materials from Town Counsel, Kopelman & Paige, P.C :
 - a. From Attorneys Lauren Goldberg and Brian Riley, dated January 19, 2012, Regarding:
 - i. Open Meeting Law – Approval of Contracts in Executive Session. *
 - ii. Open Meeting Law – Preparing Your Meeting Notice.*
 - iii. Open Meeting Law – Determinations of the Division of Open Government.*
 - iv. Open Meeting Law – A Checklist and Sample Notices and Votes.*
 - b. From Attorney Michele Randazzo, dated January 19, 2012, regarding Policies for Use of Computers and Electronic Communications, and Social Media.
 - c. From Attorney Katherine Laughman, dated January 19, 2012, regarding Gale v. Gloucester ZBA – Nonconfirming Single and 2 Family Dwellings.
 - d. From Attorneys John Giorgio and Richard Holland, dated January 19, 2012, regarding 3rd Party Financed Renewable Energy Facilities – Municipal Contracting Issues.
4. Email communication, PEG Grant Report 4th Quarter 2011, and check for their 4th Quarter PEG payment of \$12521.54 from Kathy Booker, Verizon New England, Inc., dated February 15, 2012, to Town Administrator Selina Shaw.
5. Correspondence from Comcast:
 - a. From Senior Manager of Government & Community Relations, Timothy Kelly, dated February 12, 2012, to the Board of Selectmen:
 - i. Coverletter accompanying their 4th Quarter Report and access fee payment check of \$ 6,776.23.
 - ii. Coverletter regarding their obligation pursuant to Section 6.5 of their renewal license [Capital Payment]and the accompanying check in the amount of \$10,000.
 - b. Coverletter from Executive Vice Pres., David Cohen, accompanying their *Internet Essentials* Report. Report is available in the "For Review slot."

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





92 (Bai)
KOPELMAN AND PAIGE, P.C.

The Leader in Municipal Law

Bos-22 *
All Board-email
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January 19, 2012

MEMORANDUM TO MUNICIPAL CLIENTS

To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – Preparing Your Meeting Notice

This is the first of a series of four memoranda providing updated information about the Open Meeting Law. As you know, the new Open Meeting Law took effect on July 1, 2010. Of the many changes to the law, implementation of the new requirement applicable to the form of meeting notices has proven especially challenging. Under the prior version of the Open Meeting Law, there was no requirement that a public body prepare a meeting agenda. The new version of the law requires the chair of the public body to prepare a meeting notice listing those topics that the chair “reasonably anticipates” will be discussed at the meeting. Having the benefit of a series of decisions on this topic, it is now clear that the Attorney General’s Division of Open Government interprets this requirement in a consistently strict manner. The notice requirement as interpreted by the Attorney General represents a striking change from the earlier law, and public bodies will need to reexamine their Open Meeting Law procedures to ensure they are consistent with the Attorney General’s standards. The Division issues decisions from time to time, and posts them on its website at <http://www.mass.gov/ago/government-resources/open-meeting-law/>. Although this memorandum seeks to summarize several important decisions, new decisions on these topics are issued frequently.

The next memorandum in this series will address the Attorney General’s treatment of votes taken in executive session involving contracts with non-union personnel, and the possible implications thereof. The third memorandum will provide an update of other important decisions, including the timing of posting and updating meeting notices, discussion of matters not appearing on a meeting notice, and more. The final memorandum will provide examples of meeting notice agenda items and votes to enter executive session that may be used as a resource when planning for or holding a meeting under the Open Meeting Law.

LAW AND REGULATIONS

The previous version of the Open Meeting Law only required that notice of meetings of a public body contain the time, date and place of the meeting. The new law requires that the notice also include “a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c.30A, §20(b). [emphasis added]. The regulations promulgated by the Attorney General provide further that public bodies are required to list such topics with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03.

Division of Open Government Determinations

The Division takes the position in a series of decisions that the meeting notice must be itemized in specific detail, rather than listing the “head of a proposition” or setting forth a simple statement of the subject matter to be discussed. In drafting such topics, therefore, the specific items to be discussed must be individually listed, as well as whether it is anticipated that votes will be taken. To the extent that the chair is aware of any speakers or presentations, it is likely that the Division would find that such information should also be listed on the meeting notice. Further, if the chair anticipates that an executive session might be needed, that should also be included. Specific examples follow.

1. General Business Items

In AG-OML-2011-7, Natick School Committee (February 1, 2011), the Division determined that the Natick School Committee provided insufficient notice of its discussion of various Town Meeting warrant articles where the following item appeared on the notice: “Superintendent’s Report, Town Meeting Update”. The facts recited by the Division in its decision include that the Chairman of the School Committee led a discussion concerning “seven separate warrant articles, including votes on whether the School Committee would recommend positive action at Town Meeting.” The Division concluded that the Chair could reasonably have anticipated discussion of the particular warrant articles and therefore that the notice item was not sufficient, stating further, “The meeting notice should have, at a minimum, included detail of the nature of discussion; ideally it would also indicate any anticipated votes.” The Division recommended that the meeting notice should have taken the following form: “Discussion of Town Meeting Warrant Articles 1, 9, 10, 18, 32, 33, and 35. The School Committee may vote to recommend action on these articles at Town Meeting.”

Practical Implications: A meeting notice must include the particular, specific items the chair anticipates will be discussed, rather than a “summary” statement concerning such items.

2. Discussion of Particular Permits or Renewals

In AG-OML-2011-11, Freetown Soil Conservation Board (February 15, 2011), the Division considered whether an agenda item entitled “Renewal of Fall Soil Permits” was sufficient notice to allow the Soil Conservation Board to act on particular permit renewals. The Division noted that where the Chair reasonably anticipated action on specific permits, the individual permits were required to be listed with “the details of those specific permits, including the name of the applicant and the location under consideration.” The Division suggests the meeting notice should have taken the following form:

Renewal of Fall Soil Permits

#496 [Name of Applicant], 5 acres on the south side of the Assonet River

#497 [Name of Applicant], 53 Dr Braley Road

#499 [Name of Applicant], 5 acres on Braley Road

#498, [Name of Applicant], 4 acres on Chace Road

#500, [Name of Applicant], AA Will Quarry

Practical Implications: Form of Notice Items - This case is of particular importance to land use boards, those boards that grant annual licenses or permits, and those that make annual appointments. In all such cases, the meeting notice, to the extent possible, must list the particular license, permit or appointment to be acted upon, as well as detailed information about the applicant (i.e., name and address for land use applications, and, to the extent applicable, applicant names for appointments).

3. Negotiations with Non-Union Personnel

In AG-OML-2011-15, Melrose School Committee (May 1, 2011), the Division considered whether the following meeting notice was sufficient: "To conduct strategy sessions in preparation for negotiations and, if appropriate, to conduct contract negotiations with nonunion central office administrative personnel." Although the person with whom the School Committee would be negotiating was likely obvious to persons familiar with the facts, the Division concluded that the notice must also include the name of that person. The Division stated, "Providing the public with this additional information would not have been detrimental to the Committee's negotiating position, particularly as [the individual] was aware of the session and had been invited to attend for the contract negotiation portion."

Practical Implications: Exemptions (2) and (3) - This case makes clear that when a board intends to enter executive session for the purpose of negotiating with non-union personnel, the name and office of the non-union personnel must be included in the meeting notice. The same reasoning is likely applicable to negotiations with collective bargaining units.

In AG-OML-2011-32, Templeton Board of Selectmen (July 26, 2011), the Division considered whether the following meeting notice was sufficient to allow discussion in executive session of charges against a public officer. The notice stated, "Complaint of charges against a public officer, employee, staff member or individual. May go into Executive Session under exemption #1 under the Open Meeting Law." The Division found that the notice was sufficient, but stated further:

Given the lack of detail contained within the meeting notice, a member of the public could have had questions about the exact nature of the discussion anticipated by the public body. However, the meeting notice complied with the letter of the Open Meeting Law because it stated the

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Memorandum to Municipal Clients

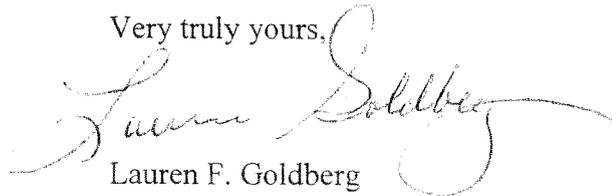
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reason for the anticipated executive session, while balancing the privacy rights of the individual who was the subject of the complaint.

Practical Implications: Exemption (1) - A board entering executive session pursuant to exemption (1) may omit from the meeting notice the name of the individual to be discussed, provided that the public body otherwise preserves the privacy rights of that individual by not disclosing private information concerning that person.

In summary, public bodies should take care to craft detailed meeting notices so as to avoid challenges to the actions they take based upon arguments of technical non-compliance with the notice provisions of the Open Meeting Law.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lauren F. Goldberg".

Lauren F. Goldberg

A handwritten signature in cursive script, appearing to read "Brian W. Riley".

Brian W. Riley



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MEMORANDUM TO MUNICIPAL CLIENTS

To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – Approval of Contracts in Executive Session

This is the second in a four-part series on the revised Open Meeting Law. As you know, the new law took effect on July 1, 2010 and consolidated enforcement authority in the Attorney General. Although the Attorney General has issued regulations, including regulations authorizing remote participation under certain circumstances, the Attorney General, through the Division of Open Government (the “Division”) has in most respects interpreted the application of the law through the issuance of decision on complaints filed with that office. Each of these decisions includes important information, and the next Memorandum in this series will address several such decisions.

This Memorandum will review a public body’s responsibilities under exemption (2) of the Open Meeting Law, which allows a public body to enter executive session to strategize concerning, and conduct, negotiations with non-union personnel. G.L. c.30A, §21(a)(2). In general, municipalities have understood this exemption to allow a public body to meet in executive session to negotiate and agree to terms of a contract or contract amendment. Where the Open Meeting Law does not, by its terms, require a public body to validate, ratify or otherwise announce decisions it has made in executive session, such a requirement has not typically been understood to be part of a public body’s duties under the law.

Importantly, however, in AG-OML-2011-56, the Division states, “the scope of the purpose is limited to the discussions, negotiations, and deliberations that occur prior to a vote on a contract.” [emphasis added]. As is commonly known, however, agreement on contract terms is, in fact, the essence of contract negotiations. Moreover, one could argue that agreeing to terms, regardless of where a vote ensues, creates a contract. Until the Division’s position is challenged in a court of competent jurisdiction, however, the Division’s position will be applicable to all contract negotiations with non-union personnel undertaken by public bodies.

The Division offers two potential strategies for approving contracts, stating, “The Board should have reconvened in open session to approve or ratify the contract terms agreed to in the executive session.” Thus, public bodies may agree to terms in the executive session, but not approve (execute) the contract as a whole until it meets in open session. In the alternative, a public body may approve the contract “subject to” a vote in open session to ratify the same.

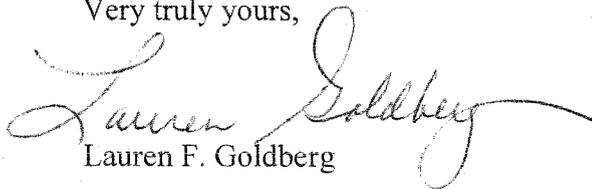
Memorandum to Municipal Clients
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Further, although AG-OML-2011-56 does not explicitly apply to negotiations with collective bargaining units, it is reasonable to anticipate that the Division will take a similar position. In such cases, a procedure similar to the above may be used to approve or ratify contracts or contract terms agreed to in executive session. However, except with respect to school department contracts, such agreements do not become binding on the municipality until the cost items of the first year of the collective bargaining agreement are funded by the legislative body.

It is therefore critical that members of public bodies responsible for negotiating these matters understand the implications of voting differently in open session than they did in executive session. Because of the case law concerning the elements of a contract, if the body agrees to terms in executive session and then fails to approve the same in open session, it may nevertheless be possible for the entity with whom the body is negotiating to bring an action in contract against the municipality. Similarly, changes in positions taken in open and executive sessions concerning the same collective bargaining agreement could expose the municipality to charges of bad faith bargaining or an unfair labor practice. Clearly, the decision in AG-OML-2011-56 is significant, and public bodies should address the manner in which such negotiations are going to be handled prior to such negotiations so as to make clear to the parties involved the process that will be used.

We will, of course, inform you if future decisions of the Division clarify or change the conclusions in this Memorandum.

Very truly yours,


Lauren F. Goldberg



Brian W. Riley



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January 19, 2012

MEMORANDUM TO MUNICIPAL CLIENTS

To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – Determinations of the Division of Open Government

This is the third in a series of four memoranda to clients concerning the application of the revised Open Meeting Law, G.L. c.30A, §§18-25. The new version of the Open Meeting Law took effect on July 1, 2010. Since that time, the Attorney General, as the enforcing authority under the law, has issued a number of decisions through its Division of Open Government (the "Division"). In addition to the text of the law and the regulations promulgated by the Attorney General, these decisions establish the standards to which all public bodies are now subject. These standards are, in many respects, a significant change from the manner in which the Open Meeting Law was interpreted in the past, and public bodies will need to re-examine their open meeting procedures to ensure compliance.

The last memorandum in this series will present an Open Meeting Law notice "checklist" and draft meeting notice agenda items and votes to be used in preparing for and conducting public meetings.

Posting

Under the revised Open Meeting Law, the chairman of a public body must post notice of a meeting, including all topics the chair reasonably anticipates will be discussed, no later than 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. The posting must be made in all locations required by law, or the Attorney General will conclude that the meeting was not properly posted. See AG-OML-2011-32. Thus, for example, if the municipality posts meeting notices in the Town Clerk's office and on the Town's website, the posting must be made timely in both locations in order for the public body to hold its meeting as planned.

Updating Meeting Notices

As noted, the posting is required to include those matters that the chair reasonably anticipates will be discussed at the upcoming meeting. If something else comes to the attention of the chair after the posting deadline but before the meeting, and that matter was not something the chair should have reasonably anticipated, the Attorney General

Memorandum to Municipal Clients

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has indicated that the chair is required to update the meeting notice with the additional item or items as soon as possible, to the extent feasible. See AG-OML-2011-53. For example, if the Town Manager, the morning after the deadline for posting has passed, informs the Council President of a just-issued decision in a court case that requires the Council to take immediate action, the Council President should update the meeting notice as soon as possible to include that matter.

Discussion of Matter Not Appearing on Meeting Notice

The Attorney General has taken the position that a public body cannot discuss a matter that should have been reasonably anticipated unless that matter appears on a meeting notice. Thus, if a matter is raised by a single selectman or councilor, or if a citizen raises a matter during a citizen participation period, the public body may discuss, and even act, on the matter at issue provided that the chair should not reasonably have anticipated the matter would be discussed at the meeting.

Be aware, however, that the Attorney General takes the position that although the law does not prohibit such action, it should be avoided. In AG-OML-2011-32, the Attorney General explains this position in detail:

[W]e caution public bodies to carefully consider whether a topic not listed in the meeting notice—particularly one that is controversial in nature—is appropriate for lengthy deliberation and decision by the public body at the time it is raised. . . . Nevertheless, we realize that topics may be raised during meetings, either by members of the public or by members of the public body, which were not anticipated. Accordingly, public bodies are advised that discussions on topics that are not listed in the meeting notice should be avoided when possible and, if they must occur, should be general and brief. Here, a discussion of the topic raised by the Police Chief would have more appropriately been conducted during an adequately noticed meeting. This is particularly true given the nature of the deliberation . . . Although we are constrained to find that the Board acted within the letter of the Open Meeting Law because the topic was not anticipated in advance of the meeting, the Board failed to act within the spirit of the Open Meeting Law. The intent of the Open Meeting Law would have been better served if the discussion had been postponed until a future, duly posted meeting. [Emphasis added].

Be reminded that although the Attorney General can “encourage” public bodies to put off matters not reasonably anticipated, such action is not required by the Open Meeting Law. Whether it makes sense in any particular case to consider a matter not reasonably anticipated by the chair is a policy decision. However, a public body may want to keep in mind that if an objection is raised with respect to consideration of the matter at that meeting, it is always possible that a complaint will be filed with the Division. Based

upon the above decision, the Attorney General's response to such a complaint can be anticipated.

Use of Exemption 7

Exemption 7 to the Open Meeting Law allows a public body to go into executive session to comply with a general or special law or a federal grant-in-aid requirement. Under the prior version of the law, it was generally unclear whether and when a public body might be permitted to use the exemption. The Attorney General has specifically recognized, however, that the exemption can be used to protect an individual's privacy under G.L. c.214, §1B or the Public Records Law. See AG-OML-2011-53. Importantly, if a public body goes into executive session under this exemption, the body must specify the law on which it is relying.

Deliberations - E-mail Opinions Prohibited

The revised Open Meeting Law specifically defines the term "deliberation" to include e-mail. However, the law exempts from the definition the distribution of a meeting agenda, scheduling information, or distribution of documents that might be discussed at a meeting "provided that no opinion of a member is expressed". The Division, in AG-OML-2011-14, reviews the application of this definition, and finds that an e-mail sent to a quorum of members requesting a meeting violated the law where it included the following statement, "when we took the language about the opportunity for a public hearing out of the bylaw, it rendered it no longer compatible with the procedure language we approved. I think we need to meet to resolve this issue." The Attorney General determined that this portion of the e-mail constituted an "opinion" in violation of the law. When requesting agenda items, therefore, care must be taken to ensure that the reasons for requesting the inclusion of the agenda item not be shared via e-mail among a quorum of members of a public body. Be reminded that an e-mail made or received by a governmental officer or employee is a public record subject to mandatory disclosure upon request, subject to the application of any exemptions to the law.

Deliberations – Matters that Require a Posted Meeting

In AG-OML-2011-38, the Attorney General concludes that although scheduling and distribution of various materials may be accomplished by e-mail, other types of "procedural or administrative matters" cannot. The Attorney General indicates that the following matters constitute "deliberations" and must appear on a properly posted meeting notice to be discussed by the members of a public body: organization and leadership of the public body; committee assignments; rules or bylaws for the body; and discussions of whether the body should consider or take action on specific topics at a future meeting. It is likely the last item in this list that will pose the greatest challenge, as

Memorandum to Municipal Clients

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members of a public body requesting inclusion of an agenda item will need to be careful not to “explain” their reasoning for requesting such an agenda item in an e-mail to a quorum of members of the public body, as discussed above. For five-member boards, this risk may be minimized by copying only the chair or administrative staff when requesting agenda items.

Intentional Violations

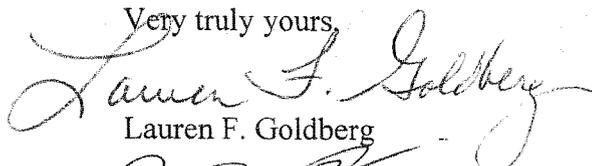
In virtually all cases in which the Attorney General finds a violation of the law, the decision indicates that “future similar violations may be considered an intentional violation.” See, e.g. AG-OML-2011-48; AG-OML-2011-45; AG-OML-2011-38. This is significant, as the revised version of the Open Meeting Law allows for imposing a civil penalty of \$1,000 against a public body for each intentional violation.

Cure/Remedial Action

Consistent with prior case law, the Division recognizes that “public deliberation (at a properly posted open meeting) effectively cured the private discussion which occurred over email because it enabled the public to see the discussion that went into the creation of the policy. To cure a violation of the Open Meeting Law, a public body must make an independent deliberative action, and not merely a ceremonial acceptance or perfunctory ratification of a secret decision.” AG-OML-2011-14. It is imperative, therefore, if a public body is attempting to cure an earlier violation, that there be deliberation about the issue. The chair can encourage board members to participate by inviting their comments. Additionally, care should be taken to attach to the minutes of the current meeting the minutes of any earlier meeting held in violation of the law or any e-mail or other records that may have contributed to a violation.

In summary, the new Open Meeting Law imposes additional obligations on public bodies and members thereof. The Attorney General’s interpretation of the law continues to be explained on a case by case basis through the issuance of decisions on Open Meeting Law complaints filed with the Attorney General. While many of these decisions represent a significant change from the obligations imposed by the prior version of the law and may therefore involve revision of existing practices and procedures, compliance with the newly explained standards will be helpful in protecting public bodies from complaints.

Very truly yours,



Lauren F. Goldberg



Brian W. Riley



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January 19, 2012

MEMORANDUM TO MUNICIPAL CLIENTS

To: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY

Re: Open Meeting Law – A Checklist and Sample Notices and Votes

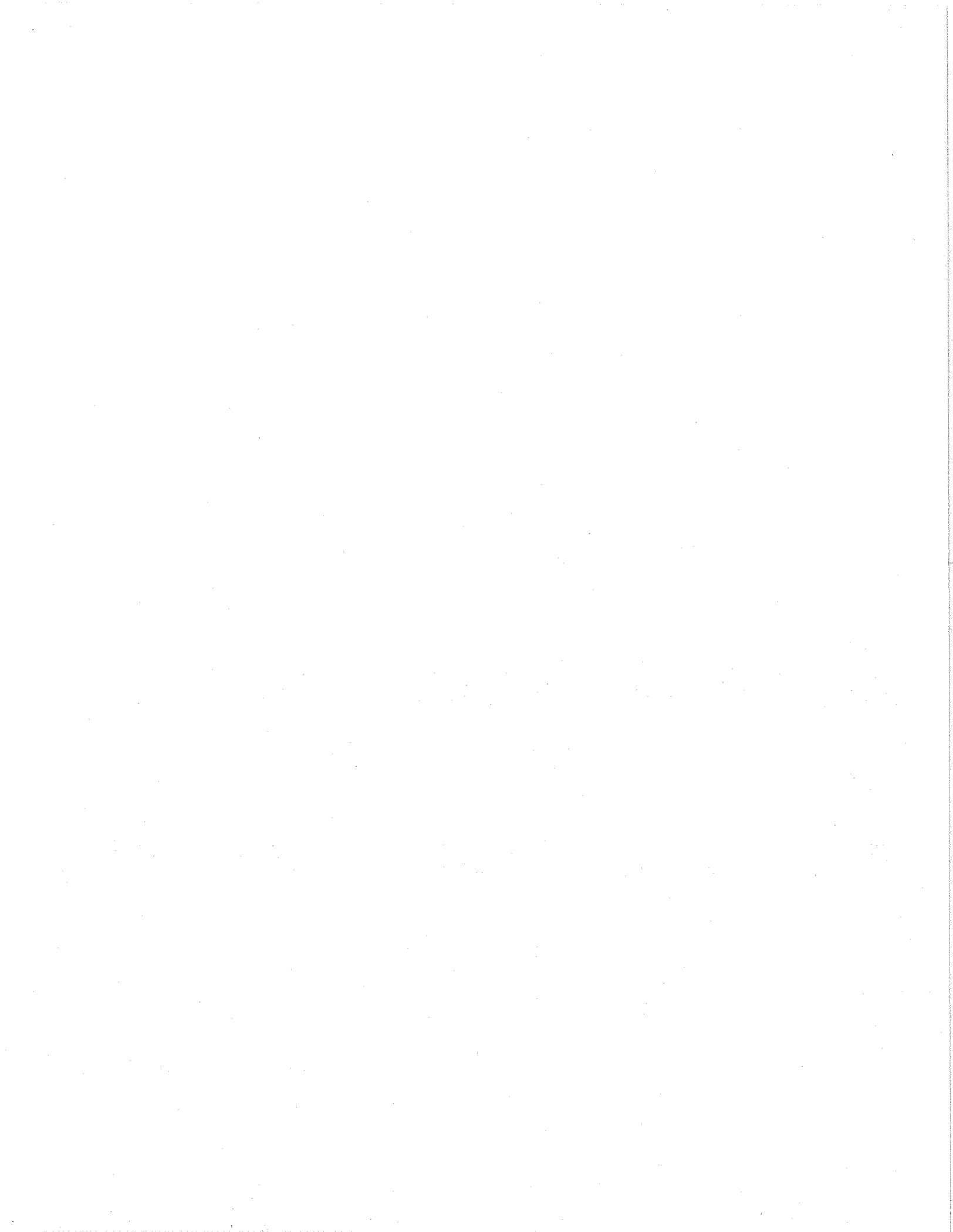
This is the fourth in a four-part series on compliance with the revised Open Meeting Law. As you are aware, the new version of the Open Meeting Law took effect on July 1, 2010. Since that time, the Attorney General, who has enforcement authority under the revised law, has issued many decisions on complaints filed with that office. Those decisions, issued by the Division of Open Government (the "Division") have provided insight into the manner in which the Division will address future complaints. In an effort to simplify the more stringent requirements applicable to calling for and holding meetings of a public body, we have prepared the attached checklist and sample votes for use by public bodies when calling for and holding public meetings.

Very truly yours,

Lauren F. Goldberg

Brian W. Riley

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OPEN MEETING LAW NOTICE
CHECKLIST

1. Post notice of meeting at least 48 hours in advance, excluding Saturdays, Sundays and legal holidays
 - a. In general, for a meeting to be held on a Monday, the meeting must be posted on Thursday no later than the time set for the Monday meeting;
 - b. In general, for a meeting to be held on a Tuesday, the meeting must be posted on Friday no later than the time set for the Tuesday meeting
2. Ensure that notice is timely posted in all locations required by law
 - a. This requirement means that the meeting notice must actually be posted in all locations at least 48 hours in advance calculated as indicated in item 1, including, for example, on the municipality's website if the website is the alternate posting location.
3. List on said notice all topics that the chair of the public body "reasonably anticipates" will be discussed at the meeting.
4. Ensure that the topics are specific, itemized and detailed, as follows:
 - a. Generally -
 - i. Subject matter;
 - ii. Whether any particular speakers will be recognized or presentations made;
 - iii. Whether an executive session is anticipated; and
 - iv. Whether any vote is anticipated.
 - b. For licenses, permits, variances or authorizations -
 - i. The matter at issue (i.e., specific permit, license, variance, or authorization requested);
 - ii. Name of applicant;
 - iii. Location of activity, if applicable; and
 - iv. Whether any votes are expected.
 - c. For appointments of personnel or officers -
 - i. The position at issue;
 - ii. Term of appointment, if applicable; and
 - iii. Names of possible finalists for appointment, if known.
 - d. Exemption 2 - For strategy with respect to, or negotiations with, non-union personnel -
 - i. For strategy with respect to negotiations with non-union personnel, the name of such personnel only if inclusion of the same will not negatively impact the negotiating position of the public body; and
 - ii. For negotiations with non-union personnel, the name of the non-union personnel.
 - e. Exemption 3 - For strategy with respect to collective bargaining negotiations or litigation -
 - i. The name of the union or the litigation if stating the same would not negatively impact the position of the public body.
 - f. Exemption 3 - For conduct of collective bargaining negotiations -
 - i. The name of the union.

- g. Exemption 6 - To consider the purchase, exchange or lease of real property -
 - i. The address of the real property if inclusion of the name would not have a detrimental effect on the negotiating position of the public body.
- h. Exemption 7 - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements -
 - i. Reference to the specific law at issue.
- 5. Update the meeting notice with any items of which the chair becomes aware that will be discussed at the meeting and that arise after the meeting notice is posted, but before the meeting, even if such information becomes available within the 48 hour window.
- 6. Exemption 1 (to consider medical condition, reputation and character, or discipline, dismissal or charges or complaints against an individual)– ensure that notice is provided at least 48 hours in advance of the meeting to the individual to be discussed setting forth the date, time and place of the meeting, and the rights afforded to the individual under the Open Meeting Law.
- 7. Exemption 8 (to consider applicants for appointment by a screening committee) – ensure that at least one applicant for appointment has indicated that they would not take part in the search process if the process was undertaken in open session.

SAMPLE NOTICE AND VOTES TO ENTER EXECUTIVE SESSION

1. General Requirements

The notice should identify the statute, including the specific exemption to be relied upon, and the details identified in the Open Meeting Law Notice Checklist. Below are samples to act as a starting point for preparation of meeting notice items. However, in each case the facts must be reviewed to ensure that the notice contains sufficient detail and otherwise meets the requirements imposed by law.

Note that prior to entering executive session for the purposes set forth below, the public body must first meet in open session. The body must vote, by roll call, to enter executive session for one or more of the purposes set forth below, and that vote must be recorded in the minutes of the open meeting. Moreover, if a public body enters executive session under Exemptions 3, 6, or 8, the chair must also declare that holding an open session would be detrimental to the position of the public body (as specified in further detail, below), and the declaration must also be recorded in the minutes. Finally, the body must indicate whether it intends to return to open session after conclusion of the executive session.

2. Open Session – Sample Notice Items and Votes

Town Meeting.

(early in the process)

Town Meeting Warrant – To consider articles for inclusion on the Annual Town Meeting warrant, including annual operating and capital budgets, revolving funds, enterprise fund budgets, departmental equipment requests, general and zoning bylaw amendments and citizen petitions; votes may be taken.

(later in the process)

Town Meeting Warrant – To review draft warrant, attached hereto, particularly Articles [insert particular items to be discussed]; and to make recommendations on all items in warrant; votes may be taken

(at end of process)

Town Meeting Warrant – To approve and execute draft warrant, attached hereto.

Annual Appointments.

To approve annual appointments as set forth in the attached list

Or

To approve annual appointments as follows:

Position – name

Position – name

Position – name

Renewal of Annual Permits

To approve annual permits as follows:

#496 [Name of Applicant], [address]

#497 [Name of Applicant], [address]

Or:

To approve annual permits as set forth in the attached document

Informational Items

Presentation from Open Space Committee on proposed Open Space Plan; review of matters presented; votes may be taken

John Smith, Company XYZ – discussion of use of photovoltaic panels at Middle School, 123 Main Street; review of matters presented; votes may be taken

3. Executive Session Notice Items and Votes

Sample notice items and votes are set forth below with respect to frequently used exemptions under G.L. c.30A, §21(a). In each case, the text of the exemption appears first, followed by a sample notice item and vote. Where appropriate, the declaration as to the detrimental effect of an open session discussion is noted.

Exemption 1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

NOTICE:

Executive session under G.L. c.30A, §21(a)(1) to discuss [insert one or more applicable reasons from among the following: the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual]; votes may be taken.

VOTE:

The vote would reiterate the language in the notice, omitting the clause about votes being taken.

Exemption 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

NOTICE:

(strategy – substitute the name of the non-union personnel if doing so would not negatively impact Town’s negotiation position)

Executive session under G.L. c.30A, §21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel; votes may be taken.

(to conduct negotiations)

Executive session under G.L. c.30A, §21(a)(2) to conduct negotiations with Police Chief (insert name); votes may be taken.

VOTE:

The votes would reiterate the language of the notice, omitting the clause about votes being taken.

Exemption 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

NOTICE:

(strategy – substitute the name of the collective bargaining unit or litigation if doing so would not negatively impact Town’s negotiation position)

Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to [collective bargaining or litigation, as appropriate]; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

KOPELMAN AND PAIGE, P.C.

*Note: If the public body intends to enter executive session to strategize under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect on the position of the public body.

Exemption 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

NOTICE:

(substitute the description of the location of the real property at issue if doing so will not negatively impact the body's negotiation position)

Executive session under G.L. c.30A, §21(a)(6) to consider the [insert, as appropriate, purchase, exchange, lease or value of] real property; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

*Note: If the public body intends to enter executive session under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect on the position of the public body.

Exemption 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

NOTICE:

Executive Session under G.L. c.30A, §21(a)(7) to comply with, or act under the authority of, [insert citation to general or special law or federal grant-in-aid requirement]; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

Exemption 8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.

KOPELMAN AND PAIGE, P.C.

NOTICE:

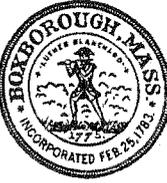
Executive Session under G.L. c.30A, §21(a)(8) to consider [insert "and interview", as appropriate] applicants for [insert name of position]; votes may be taken.

VOTE:

The vote would reiterate the language of the notice, omitting the clause about votes being taken.

*Note: If the screening committee intends to enter executive session under this exemption, the chair of the public body must also declare that discussing the matter at an open meeting may have a detrimental effect obtaining qualified applicant.





Minutes, Notices and Updates
February 27, 2012

Minutes

1. Minutes of the Conservation Commission meeting held January 18, 2012.
2. Minutes of the Personnel Board meeting held February 1, 2012.
3. Minutes of the Finance Committee meeting of February 6, 2012.

Notices

1. Notice of a Boxborough Housing Board meeting held February 15, 2012.
2. Notice of a Council on Aging held February 16, 2012.[Subsequently cancelled]
3. Notice of a Boxborough Leadership Forum held February 21, 2012.
4. Notice of a Board of Health meeting held February 22, 2012.
5. Notice of an Agricultural Commission to be held February 27, 2012.
6. Notice of a Steele Farm Advisory Committee to be held February 28, 2012.
7. Notice of a Personnel Board meeting to be held February 29, 2012.
8. Notices of Boxborough School Committee related meetings:
 - a. Regular Meeting held February 16, 2012.
 - b. Joint Meeting of the Boxborough School Committee and the Finance Committee to be held February 27, 2012.
 - c. Meeting regarding Salary Survey Results Presentation to be held February 28, 2012.
9. Notices of Board of Selectmen meetings:
 - a. Regular Meeting to be held February 27, 2012.
 - b. Contract Negotiating Team [Executive Session]:
 - i. To be held February 27, 2012
 - ii. To be held March 7, 2012
 - iii. To be held March 14, 2012.
10. Notice of a Finance Committee meeting to be held February 27, 2012.

11. Notice of a BITcom meeting to be held February 28, 2012.
12. Notice of a Cemetery Commission meeting to be held February 29, 2012.
13. Notice of an Airport Study Committee meeting to be held March 1, 2012.
14. Legal Notice of Board of Selectmen public hearing(s) to be held March 12, 2012, to consider proposed revisions to the Personnel Plan Personnel Plan and Schedules A & B; a proposed Right to Farm Bylaw.
15. Legal Notice of Board of Selectmen public hearing(s) to be held March 19, 2012, to consider the proposed laying out of public ways – Hughes Lane.
16. Legal notice of Public Hearing of the Planning Board to be held on February 27, 2012, to consider a proposed amendment to Boxborough's Subdivision Rules & Regulations "Lot Frontage."
17. Legal notice of Public Hearing of the Boxborough School Committee to be held on March 8, 2012, on the proposed FY' 13 School Budget.
18. Legal notice of Zoning Board of Appeals Public Hearing to be held on March 13, 2012, to consider the application filed by Attorney Kathleen Vorce to secure a variance for a longstanding setback nonconformity to a single family dwelling and a special permit for two reduced frontage lots for the properties identified as:
 - 94 & 100 Chester Road - Owners Patrick & Harriet Moran
 - Assessor's Parcel 05-02-189-0.D – Owner John J. Flannery, Inc.
19. Invitation for Bids from the Boxborough Fire Department for Refurbish Hose Wagon.
20. "Save the Date" Notice of a MBTA Advisory Board meeting to be held February 29, 2012.

4c



General Correspondence
February 27, 2012

1. February 2012 Newsletter, *The Wren*, from the Sudbury Valley Trustees.

