



BOARD OF SELECTMEN
Meeting Minutes
July 30, 2012

Approved: August 27, 2012

PRESENT: Les Fox, Chair; Frank Powers, Clerk; Raid Suleiman, Member; Vincent Amoroso, Member; and Robert Stemple, Member

ALSO PRESENT: Selina Shaw, Town Administrator

At 7:01 PM Chair Fox called the meeting to order in the Town Administrator's Office.

EXECUTIVE SESSION

- Member Suleiman moved to adjourn to executive session to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200A, Dispatch) and to reconvene in open session in the Grange Meeting Room to continue with the business on the agenda. Seconded by Member Powers. **Approved 5-0 by Roll Call Vote: Suleiman "aye," Fox "aye," Powers "aye," Stemple "aye," and Amoroso "aye."**

Chair Fox stated that "To conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board."

Chair Fox reconvened the meeting at 7:35 P.M. in the Grange Meeting Room of Town Hall.

ALSO PRESENT: Cheryl Mahoney, Department Assistant

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

APPOINTMENTS

- Chair Fox announced that the Town and the Massachusetts Coalition of Police, Local 200A, Dispatch have reached an agreement on a contract and reviewed some the terms. Elaine Delorme was present representing the Union. Chair Fox outlined some of the terms of this agreement. Member Powers moved to ratify and execute the Agreement between the Town of Boxborough and Massachusetts Coalition of Police, Local 200A, Dispatch for the period July 1, 2012 through June 30, 2015, subject to the approval by Town Meeting of the appropriation necessary to fund the cost items of the first year of the Agreement. Seconded by Member Suleiman. **Approved 5-0.**
- Chair Fox discussed the status of Emergency Medical Dispatch (EMD) services in Town; how the Boxborough Public Safety Dispatch is currently providing this service and eventual transfer of these responsibilities to an external EMD provider. Member Powers moved to ratify and execute the Memorandum of Agreement between Town of Boxborough and Massachusetts Coalition of Police, Local 200A – Dispatch, related to compensation for Performance of EMD duties, effective July 1, 2012 until such time that said EMD duties are transferred by the Town to an external certified EMD resource. Seconded by Member Suleiman. **Approved 5-0.**

ANNOUNCEMENTS

- Chair Fox read the announcements.

MINUTES

- Member Powers moved to accept the minutes for the Regular sessions of April 23, 2012; May 7, 2012; & May 23, 2012 and the Executive Sessions of June 18, 2012 (Contract Negotiating Team, Fire) & July 27, 2012 (Contract Negotiating Team, Police), as revised and Executive Session of June 16, 2012 (Contract Negotiating Team, Police); June 20, 2012 (Contract Negotiating Team, Police) & July 25, 2012 (Contract Negotiating Team, Fire), as written. Seconded by Member Stemple. **Approved 5-0.**

SELECTMEN REPORTS

- Member Powers reported that the Police Union has re-opened negotiations with the Town and have had one meeting so far. The negotiation team continues its discussions with the Firefighters.

He also reported that the tick-borne illnesses were a significant concern at the last Well-being Committee meeting.

- Chair Fox reported that he has participated in a number of contract negotiation sessions since the last Selectmen's meeting.

He reported that the Stow Road Concept Development Committee met last week to review the input received at Fifer's Day. They intend to have a similar booth at the Harvest Fair to solicit additional input.

- Member Suleiman reported that the Personnel Board is investigating converting the Town's compensation model from a step to a merit/performance based system. TA Shaw has obtained information from other communities on this. He further noted that some Town employees have expressed interest as to why there is not an employee representative on the Personnel Board.

OLD BUSINESS

- The Selectmen re-opened discussion on Town of Boxborough Policy for the Hager Well Incident Response. Member Powers related his discussions with the Board of Health on the Selectmen's proposed revisions and other concerns. The Board of Health voted to approve these suggested revisions and made some themselves. A minor grammatical change to the title was suggested. School Committee member Neyland asked for and received clarification as to the notification process. Chair Fox moved, contingent upon the approval of the Board of Health, to adopt the "Town of Boxborough Policy for Hager Well Incident Response", dated 18 July 2012, as revised. Seconded by Member Powers. **Approved 5-0.**
- Discussion opened on the enacting of an order of taking for a sidewalk easement. TA Shaw provided background; noting that it had been determined that this action was the best way to accomplish the gifting of this land due to some convoluted title issues came to light. The Warners have been very cooperative and have agreed to this action. In accordance with the provisions of Massachusetts General Laws, Chapter 79, and the vote under Article 35 of the May 14, 2012 Annual Town Meeting, as well as any other enabling authority, Member Stemple moved to take a permanent easement for public sidewalk purposes over, in, through, under and upon that land shown as "Easement Area = 299 ± S.F." on a plan entitled: "Plan of Land in Boxborough, Mass. Owned by: Karen, Barbara & Joseph Warner at 709 Mass Ave. – Boxborough," dated Jan. 30, 2012 and prepared by Goldsmith, Prest & Ringwall, Inc., to be recorded herewith. Seconded by Member Powers. **Approved 5-0.**
- The Selectmen re-opened discussion on the proposed Minuteman Village of Boxborough development, and reviewed a draft response to MassHousing on this proposal. Chair Fox cited some of the significant concerns that are detailed in this letter. Based on the information that is provided in this letter the Selectmen are requesting that MassHousing not approve this development proposal. Consensus was that letter was well done, comprehensive and the contributing boards were thanked for their hard work. Audience members provided additional input. Member Powers moved to authorize the Chairman, on behalf of the Board of Selectmen, to submit to MassHousing the final input provided from town departments and boards related to the proposed Minuteman Village of Boxborough affordable housing development. Seconded by Member Suleiman. **Approved 5-0.**
- The Selectmen re-opened discussion on the proposed Steele Farm preservation restriction, and reviewed the compiled questions/concerns that are to be submitted to Town Counsel. Chair Fox reviewed some of the concerns presented. This document will also be forwarded to the stakeholders. Audience members provided additional input. Member Powers moved that the Town Administrator submit to Town Counsel for review and response the compiled questions/concerns of the Board of Selectmen and the draft preservation restriction, dated June 1, 2012; further that the TA submit in parallel the compiled questions/concerns to the Steele Farm Advisory Committee, the Historical Commission, the Boxborough Conservation Trust, Boxborough Historical Society and The Trustees of Reservations. Seconded by Member Amoroso. **Approved 5-0.**

NEW BUSINESS

- The Selectmen called the State Primary Election for Thursday, September 6, 2012. Member Stemple moved to notify and warn the inhabitants of the Town of Boxborough who are qualified to vote in Primaries to vote at Ward 0; Precinct 1, Boxborough Town Hall, Grange Meeting Room, 29 Middle Road, Boxborough on Thursday, the sixth day of September, 2012, from 7AM to 8 PM to cast their votes in the State primaries for the candidates of political parties for the following offices: Senator in Congress, for the Commonwealth; Representative in Congress, Third District; Councillor, Third District; Senator in General

Court, Middlesex & Worcester District; Representative in General Court, Thirty-seventh Middlesex District; Register of Deeds, Middlesex Southern District; Clerk of Courts, Middlesex County; and Sheriff (To Fill Vacancy), Middlesex County. Seconded by Member Suleiman. **Approved 5-0.**

- Member Amoroso provided an update on the various AB Regionalization Study Committee (ABRSC) activities. Members of the AB Regional Study Committee were present. Member Amoroso referred to materials that were provided; outlining the work of the ABRSC and its breakout study groups; some of their findings; and the concerns brought to light. Audience members provided additional input. The matter of significant concern for Boxborough – the potential make up this school committee and voting strength was discussed. Both towns would have to approve an agreement. There was discussion about the timing and mechanics of putting an agreement forward for Town Meeting approval. They are meeting again next week. The ABRSC members were thanked for their hard work.
- Citizen’s Concerns – Maria Neyland stated that she would like to see the Selectmen’s agenda packets posted on the web prior to their meetings.

CORRESPONDENCE

- There was discussion on Town Counsel’s Municipal Client Memorandums regarding ADA Compliance, Trial Accessibility and Updates on the Open Meeting Law, Remote Participation Option. It was determined that a closer look needs to be taken at both of these matters.

CONCERNS OF THE BOARD

- Member Suleiman noted that he had forwarded a draft summary of TA Shaw’s performance review to the Selectmen. He would like to have their input for the next Selectmen’s meeting.

ADJOURN

- At 10:05 PM Member Powers moved to adjourn. Seconded by Member Suleiman. **Approved 5-0.**

SELECTMEN'S ANNOUNCEMENTS

JULY 30, 2012

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

- **Absentee Ballot** Applications for the September 6th state primary can now be downloaded from the Town's website or are available at the Town Clerk's office. The deadline to apply is Wednesday, September 5th, at noon.

- The Board of Health wants residents to be aware that there has been an increase incidence of **tick-borne illness** in the area. Residents should use commonsense when outdoors to protect themselves and their pets from ticks. Links to information on ticks and how to protect yourself can be found under "NEWS" on the Town's homepage or on the Board of Health's webpage. These publications include the "*Tick Management Handbook*" and "*Protect yourself against Lyme Disease.*"

- The **Central Mass Mosquito Control Program** personnel intend to be in Town to investigate residents' complaints about mosquitoes, tomorrow, July 31st. Complaints about mosquitoes may be made by calling the CMMCP at 508-393-3055. Notice of the CMMCP spraying schedule is posted on their phone system daily after 3:30 PM and also available on their website: www.cmmcp.org.

- The **Well-Being Committee** is conducting an on-line survey of Boxborough residents about their individual and family's health and well-being. Information from the survey will be used to help develop programs to address wellness issues. Go to the Link on the Town's website under "NEWS" to provide your opinion by completing this on-line survey.

- The **United States Postal Service** has closed its postal facility at the Boxborough Convenience Store. The Selectmen want to thank owner, Mike Houghton, for the many years that he has provided this valuable service to our residents.

- **This year's Hazardous Waste Day** will take place on Saturday, October 27th from 9:00 AM to 1:00 PM, at the Highway Barn, 577 Mass Ave. not the Transfer Station. An informational flyer has been posted at the Town Hall, Transfer Station, various locations around Town and on the Town's website. Please note that the Town will be charged for each car that comes in so residents are encouraged to work with their neighbors and consolidate items into one vehicle.

- The Boxborough Historical Society will be conducting their **2012 Tour of historic homes** in Boxborough on Saturday, September 22nd. The tour will consist of visits to nine homes, including three homes that will be seen for the first time this year. One of them is the Boaz Brown house, c.1730, also known as the “Muster” house, where local residents mustered as Minutemen on that historic day of April in 1775. Tickets for the 2012 Tour will be on sale in August.

- Over the next several weeks the Town will be working on traffic safety improvements at the intersection of **Stow and Burroughs Roads**. The proposed layout will be finalized shortly and the roadwork is expected to take place in the coming weeks. Please check the town’s website for further updates, and be sure to use caution as the work progresses. The town will also see safety improvements undertaken at the Burroughs and Chester Roads intersection in the near future.

- Drivers are reminded to use extra care as many children will be riding their bikes around town during the summer.

- The Towns of Acton and Boxborough are considering expanding the **Regional School District** to include grades Pre-K through 12. Residents are invited to share their thoughts and ideas with Regionalization Study Committee. An informational flyer was included in your recent real estate tax bills with the Committee's internet contact information. The Regionalization Study Committee will be holding two meetings in August both are to be held at 7:30 AM at the R.J. Grey Junior High. There will be a Subgroup meeting on August 6th to discuss Transitional Issues and a full SubCommittee meeting on August 7th for a Discussion of Regional Agreement Issues. These are public meetings and you are welcome to attend.

- The **Stow Road Concept Development Committee** continues its effort to reach out to residents to hear what you would like to see built at 72 Stow Road. There will be a booth and update at Boxborough's Harvest Fair on Sept 8. Meanwhile to provide your thoughts, please go to the Link on the Town's website under "NEWS" for background on the project and to provide your opinion by completing a brief on-line "Suggestion Box" survey.

- The Town is also conducting a **Transit Service Survey** to better understand the transportation needs of residents. Go to the Link on the Town's website under "NEWS" to provide your opinion by completing a brief on-line survey or to print out a paper copy for submission.

- **FY 2013 stickers are now needed to access the Transfer Station.** Applications are still being accepted, but fees will be increased as of August 1st. Please refer to the application for an explanation of fees. Forms may be obtained at Town Hall, the Town's website or at the Transfer Station. Once your submitted application has been processed, you can have your sticker affixed to your vehicle at the Transfer Station shed during regular operating hours. Applications can only be processed by the Tax Collector, at Town Hall, 29 Middle Road, and will not be accepted at the Transfer Station.

- **The Acton-Boxborough Farmers' Market** is back and will run through October. The market is located on Pearl Street just off of Mass Ave./Route 111 in West Acton Village and is open on Sundays from 10 AM to 1 PM.

➤ **Save the date....**

The Boxborough Harvest Fair, previously known as the Agricultural Fair, will be held on Saturday, September 8th at the Boxborough Town Hall and UCC Church. An informational flyer was included in your recent real estate tax bills with more information forthcoming in the future.

➤ 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: Airport Study Committee (1), ZBA (1 alternate member), Housing Board (1), BITcom

(2), ConsComm (1), Design Review Board (1 at-large member), Energy Committee (1), Recreation Commission (4) and the Steele Farm Advisory Committee. Also, the Town Moderator is seeking 3 volunteers to serve on the Finance Committee. Please consider participating on a town board. 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

- Information on the **Regionalization Study Committee** can be found on the web at: www.ab.mec.edu or email your comments to: rsd_study_comm@mail.ab.mec.edu.

- For more information on Boxborough Historical Society's **2012 Tour of historic homes** contact Christine Robinson at 978-263-6246.

- For more information on the **Acton-Boxborough Farmers Market** go to www.abfarmersmarket.org ; or find them on Facebook – Acton-Boxborough Farmers Market.

- To start planning on entering or for more information on the **2012 Boxborough Harvest Fair** go to www.boxboroughfair.org ; or find them on Facebook - Boxborough Harvest Fair.



BOARD OF SELECTMEN

Meeting Agenda

July 30, 2012

Boxborough Town Hall

Grange Meeting Room

1. CALL TO ORDER, 7:00 PM [Town Administrator's Office]

2. EXECUTIVE SESSION

Move to adjourn to executive session to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200A, Dispatch) and to reconvene in open session in the Grange Meeting Room to continue with the business on the agenda

ROLL CALL
VOTE:

Chair shall state: "To conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board."

RECONVENE IN OPEN SESSION IN GRANGE MEETING ROOM, 7:30 PM

A quorum of the Boxborough School Committee members may be in attendance

3. ANNOUNCEMENTS

4. APPOINTMENTS

[Please be advised that times are approximate; please plan to arrive 15 minutes earlier than scheduled]

a) Massachusetts Coalition of Police, Local 200A, Dispatch representatives, 7:30 PM

i. *Move to ratify and execute the Agreement between the Town of Boxborough and Massachusetts Coalition of Police, Local 200A, Dispatch for the period July 1, 2012 through June 30, 2015, subject to the approval by Town Meeting of the appropriation necessary to fund the cost items of the first year of the Agreement*

VOTE:

ii. *Move to ratify and execute the Memorandum of Agreement between Town of Boxborough and Massachusetts Coalition of Police, Local 200A – Dispatch, related to compensation for Performance of EMD duties, effective July 1, 2012 until such time that said EMD duties are transferred by the Town to an external certified EMD resource*

VOTE:

b) Citizens' concerns

5. MINUTES

a) Regular session, April 23, 2012

ACCEPT & POF

b) Regular session, May 7, 2012

ACCEPT & POF

c) Regular session, May 23, 2012

ACCEPT & POF

d) Executive session (Contract Negotiating Team, Police), July 16, 2012

ACCEPT & POF

e) Executive session (Contract Negotiating Team, Fire), July 18, 2012

ACCEPT & POF

f) Executive session (Contract Negotiating Team, Police), July 20, 2012

ACCEPT & POF

g) Executive session (Contract Negotiating Team, Fire), July 25, 2012

ACCEPT & POF

h) Executive session (Contract Negotiating Team, Police), July 27, 2012

ACCEPT & POF

6. SELECTMEN REPORTS

7. OLD BUSINESS

- a) Town of Boxborough Policy for the Hager Well Incident Response
Move to adopt the "Town of Boxborough Policy for the Hager Well Incident Response", dated 18 July 2012, as submitted (...or as further revised) **VOTE:**
- b) Order of taking – sidewalk easement
In accordance with the provisions of Massachusetts General Laws, Chapter 79, and the vote under Article 35 of the May 14, 2012 Annual Town Meeting, as well as any other enabling authority, move to take a permanent easement for public sidewalk purposes over, in, through, under and upon that land shown as "Easement Area = 299 ± S.F." on a plan entitled: "Plan of Land in Boxborough, Mass. Owned by: Karen, Barbara & Joseph Warner at 709 Mass Ave. – Boxborough," dated Jan. 30, 2012 and prepared by Goldsmith, Prest & Ringwall, Inc., to be recorded herewith **VOTE:**
[NB: the second occurrence of "Boxborough" was misspelled on the title of the plan as "Boxbrough" and is correctly reflected in this motion]
- c) Minuteman Village of Boxborough – draft response to MassHousing
Move to authorize the BoS Chairman or the Town Administrator, on behalf of the Board of Selectmen, to submit to MassHousing the final input provided from town departments and boards related to the proposed Minuteman Village of Boxborough affordable housing development **VOTE:**
- d) Steele Farm preservation restriction – questions for Town Counsel
Move that the Town Administrator submit to Town Counsel for review and response the compiled questions/concerns of the Board of Selectmen and the draft preservation restriction, dated June 1, 2012; further that the TA submit in parallel the compiled questions/concerns to the Steele Farm Advisory Committee, the Historical Commission, the Boxborough Conservation Trust, Boxborough Historical Society and The Trustees of Reservations **VOTE:**

8. NEW BUSINESS

- a) AB Regionalization Study Committee – update on activities
- b) State Primary Election – Thursday, September 6, 2012
Move to notify and warn the inhabitants of the Town of Boxborough who are qualified to vote in Primaries to vote at Ward 0; Precinct 1, Boxborough Town Hall, Grange Meeting Room, 29 Middle Road, Boxborough on Thursday, the sixth day of September, 2012, from 7AM to 8 PM to cast their votes in the State primaries for the candidates of political parties for the following offices... **VOTE:**
[please read from the list on the warrant]

9. CORRESPONDENCE

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

ACCEPT & POF

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. ADJOURN



BOARD OF SELECTMEN
Meeting Minutes
April 23, 2012

Approved: _____

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

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

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Suleiman called the meeting to order at 7:00 P.M. in the Grange Meeting Room of Town Hall.

ANNOUNCEMENTS

- Chair Suleiman read the announcements, and further announced that he would temporarily turn chairmanship over to Member Robinson; recuing himself from discussion on the first item on the agenda #3a.

APPOINTMENTS

- Police Chief Warren Ryder was present to recommend the appointment of five Special Police Officers candidates. Chief Ryder provide the rationale behind these appointments; a summary of a Special Police Officer's responsibilities and the background of these candidates. Further to the recommendation of Police Chief Warren Ryder, Member Powers moved to appoint Robert DaCosta, Brandon Bruin, Peter Kinna, Katelyn Pfeifer and Sean Dineen as Special Police Officers for terms effective immediately and ending on June 30, 2012. Seconded by Member Neville. **Approved 4-0-1 (Suleiman abstained).**

Chairmanship was returned to Chair Suleiman.

- Resident, Karyn Kealty, was present to present her proposal for the use of Steele Farm as a community center. Town Planner Hughes; Building Inspector Jennings; members of the Steele Farm Advisory Committee, Historical Commission, Conservation Commission, Board of Health and Council on Aging, along with other interested parties were also present. Karyn Kealty outlined the proposed usage; required modifications to the existing barn and the configuration of the property; related her discussions with construction professionals and what she perceived as the disrepair and underutilization of the property. She proposed that the Town continue to own the property; she would manage the renovated facility; the Town would be able to use it for community events and she would let out the facility for private functions. Town Planner Hughes provided information as to the allowable uses under existing zoning requirements, sanitary facility requirements, ADA compliance and parking requirement. Building Inspector Jennings agreed with the concerns outlined by Planner Hughes and noted additional concerns with the proposal including that there were several aspects which do not comply with the building code. His rough estimate for these renovations, as proposed, would be \$240,000 - \$250,000. This number does not factor in the necessary well & septic installation. Though her enthusiasm was commended and it was acknowledged that the property was in need of restoration, various town board & committee members and residents raised significant concerns about this proposal such as: the infrastructure needed to bring the water to the building and septic installation; potential structural issues; the impact on the property's wetland/conservation areas; affect on the historical integrity of the property; preserving the agricultural heritage of the Town; the lack of compatibility with the draft Preservation Restriction currently in process and altering the character of a property that is very popular and well used. SFAC Chair Whitcomb advised that the Steele Farm Advisory Committee has met with Karyn Kealty and reviewed her proposal. The SFAC has determined that they can not support this proposal. Residents, Larry White and Rich Kealty spoke in support of the proposal. Former Selectmen, John Fallon, provided the background as to the intent behind the Steele Farm acquisition. There was discussion on another development proposal Karyn Kealty had presented in the past. There was discussion on the upcoming Town Meeting article to authorize the continued leasing of the UCC accessory building for use as the Boxborough Community Center. Chair Suleiman commended Karyn Kealty for the effort she put into investigating and presenting this proposal. He noted that Town has a responsibility to determine the best use for these properties and to properly maintain them. Member Neville moved to support the Steele Farm Advisory Committee's recommendation not to support the proposal to renovate the Steele Farm barn to convert it into a function facility. Member Powers. **Approved 4-0-1 (Suleiman abstained).**

- Mark O'Hagan, developer of Craftsman Village Boxborough LLC re: Craftsman Village (formerly known as Stonewall Estates) on Codman Hill Road was present to request a letter of support from the Selectmen. Mr. O'Hagan advised the Selectmen that he had recently acquired the property. He provided the rationale behind his request and an update on the efforts to develop this property. Member Neville moved to authorize the Chair to submit a letter to Mass Housing in support of using the acquisition value of \$380,000 as the basis of valuation for the 40B project now known as Craftsman Village. Seconded by Member Powers. **Approved 5-0**

- BITcom Chair, Jay Bhatia; IT Technician, Matt Frost; Superintendent, Curt Bates; School Committee Chair, Bruce Sabot & members of the School Committee were present to discuss the proposed shared IT positions. Finance Committee members, Dilip Subramanyam and Joe Niro were also present. BITcom Chair Bhatia provided the background on current IT support responsibilities; how services are provided and allocated between the School and Town departments. Currently IT Tech Frost has more demands on his time than he can meet. Frost spoke to these concerns. There was discussion as to the funding mechanism for IT staffing and what other municipal positions are currently being shared. There was discussion on the need for long term planning to address the Town's IT needs; and the oversight, budgetary and administrative processes that will need to be clearly defined as we move forward. School Committee members noted that the governing boards should have input in determining the direction. Chair Bhatia stated that these are constructive discussions, however; the immediate concern is that there are currently more demands for IT services than one person can address. We need consistent quality technical support but we need additional manpower needed to provide this. TA Shaw referred to her "Shared IT" memorandum provided in the packet. Supt. Bates agreed with the concerns outlined in the memo; and stressed that Frost is stretched too thin. There was discussion on the creation of the proposed Information Systems Coordinator position, and the modifications to IT Support Technician job description and reducing this to a part-time position. Frost has been offered the new position of Information Systems Coordinator. This restructuring will be studied, once in place, to determine if this staffing model is meeting the Town's needs. Member Neville moved to set the salary for the Information Systems Coordinator as a Grade 60 position and to offer Matt Frost the position with a salary starting at Step D set in the proposed FY 13 schedule B. Seconded by Member Powers. **Approved 4-1.**

The Board took agenda items 6 a & b, out of order.

OLD BUSINESS

- The Board took up discussion on Field use permitting fees and the possible waivers/reductions of fees. Recreation Commission members, Sue Reuther and Buzz Trembley were present for this discussion. TA Shaw referred to item #1 in the memo "Exception – Field Permitting Fees and Recreation Program Registration Fees" and the proposed revisions to the "Boxborough Field Use Permit Policy". This memo was generated from discussions that she and Member Robinson have had and the input that has been received since this program was initiated on the 1st of year. These changes will further clarify the processes/procedures for applicants. Further revisions were made. Trembley advised that the RecCom has not met and discussed these revisions but that he was comfortable with the Selectmen approving this before they are able to meet. Member Neville moved to approve proposed waiver/reduction structure recommended by the Town Administrator, as revised. Seconded by Member Powers. **Approved 5-0.**
- RecCom members, Reuther and Trembley, remained to discuss the waiver of registration fees for Boxborough Recreation Commission programs. TA Shaw referred item #2 in the memo "Exception – Field Permitting Fees and Recreation Program Registration Fees". There was discussion on the reasons for granting such a waiver and the new proposed approval process. There was discussion about maintaining confidentiality when a fee waiver is sought, but balancing it with the need for fiscal transparency. RecCom member Reuther voiced concern about confidentiality. It would be burdensome for those already in a difficult situation if they have to go through a more formal process. The current approval process was reviewed. The current applications state that, "No child will be denied the opportunity to attend due to an inability to pay." It was noted that the make up of the Recreation Commission is changing so a clear process needs to be in place as we go forward. RecCom approval will still be needed for these waiver requests. Member Robinson moved to approve proposed waiver/reduction structure recommended by the Town Administrator, as written. Seconded by Member Powers. **Approved 5-0.**

MINUTES

- Member Neville moved to accept the minutes for the Regular sessions, February 13, 2012; March 12, 2012; & March 19, 2012 and Executive Session of April 5, 2012 (BoS Contract Negotiating Team), as revised and the Regular session of February 27, 2012; the Executive sessions of March 12, 2012 & April 2, 2012, as written. Seconded by Member Powers. **Approved 5-0.**

SELECTMEN REPORTS

- Member Neville reported that the School Committee has decided not to take on new School Choice students next year. The School Committee is holding two public forums scheduled for May 8 & 9th to discuss the various school related warrant articles.

She reported that she continues to work on Chief White's review. The Selectmen reviewed the evaluation tool and the processes were clarified. Member Neville offered suggested revisions to this evaluation tool, going forward.

- Member Powers reported that there was discussion on a mitigation proposal presented at the recent continuation of the MMAF hearing with the ConsCom. ConsCom will be submitting this proposal to their consultant and Town Counsel for review. The MMAF hearing was continued out to 5/2/12.

He reported that he and Member Fox in negotiations with the Dispatch union.

Member Powers reported on the recent LEPC meeting. The Fire Department's generator has failed again. The revised Radio grant has been denied, but they will be modifying and resubmitting, one more time. There was discussion on this as a potential FY 14 warrant article if it is denied again.

He reported that he had been meeting with the Police Dept. to discuss their budget.

He reported that it was announced at a recent CoA meeting that Betsey Krusen was retiring and Liz West will be stepping up to take her spot. Sgt. Pelley also warned seniors about "gypsy" contracting scams.

Member Powers also reported that he has been meeting with the UCC to discuss lease terms. He will be working with TA Shaw on the discussed revisions.

- Member Robinson reported that she has participated in budget meetings with Chief Ryder, Member Powers and FinCom representative(s).

She reported that she has been meeting with members of the Police Department as part of Chief Ryder's performance review.

- Member Fox reported that they have met with the Firefighters' Union and are scheduled to meet again this week.

He also reported that there was discussion at the April MAGIC meeting of a recent agricultural survey.

- Chair Suleiman reported that the EnCom continues to discuss the Transfer Station article and how to address FinCom's disapproval of the proposal. Member Fox will be presenting the article at Town Meeting; EnCom will provide their recommendation and a presentation they are preparing; and DPW Director Garmon will be present to answer questions as to the management and Transfer Station procedures. EnCom is hoping to be able to present their material at the next Selectmen's meeting.

OLD BUSINESS (Continued)

- Discussion was re-opened on Annual Town Meeting. There was discussion whether or not to defer the Selectmen's recommendation on Regionalization Sense of the Meeting article. TA Shaw intends to have the proposed motions for the next meeting. The Moderator will be holding his pre-town meeting at BLF on Tuesday and the Petitioners have been invited. Member Fox suggested that there be a discussion with the petitioner of the "corporations and individuals rights" article as to providing guidelines or proposed verbiage for the reference support letter.

NEW BUSINESS

- Member Powers moved to forward to the Finance Committee for approval the request to transfer \$420.28 from the Reserve Fund to account #01-543-5100-5125 (Veteran Agent – Hourly Wages). Seconded by Member Fox. **Approved 5-0.**
- Discussion opened on the Distribution of Municipal Funds in the matter of Commonwealth vs. Wheelabrator Saugus, Inc., et al. TA Shaw provide the background on this matter. She recommended that the Selectmen accept the settlement that is being presented. Member Neville moved to execute municipal release in the matter of Commonwealth vs. Wheelabrator Saugus, Inc., et al. Seconded by Member Powers. **Approved 5-0.**

CORRESPONDENCE

- It was noted that the Building Department's monthly status report indicates that there was no new construction.

CONCERNS OF THE BOARD

- There was discussion as a follow up on the February 27th discussions on the snow & ice budget and the acquisition of a new "sander". It was noted that TA Shaw continues investigate this proposed acquiring. This will be re-visited after Town Meeting.

EXECUTIVE SESSION

- It was determined that there was no need for an executive session.

ADJOURN

- At 10:08 PM Member Neville moved to adjourn. Seconded by Member Robinson. **Approved 5-0.**

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BOARD OF SELECTMEN
Meeting Minutes
May 7, 2012

Approved: _____

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

ABSENT: Rebecca Neville, Member

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

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Suleiman called the meeting to order at 7:32 P.M. in the Grange Meeting Room of Town Hall.

ANNOUNCEMENTS

Chair Suleiman read the announcements.

APPOINTMENTS

- DPW Director, Tom Garmon; Energy Committee Chair, Francie Nolde; and members Larry Grossman & Abby Reip were present to discuss the Article 16 (*Reconfiguration of Transfer Station – Feasibility Study*). EnCom member Grossman presented the Powerpoint slideshow proposed for Town Meeting outlining the proposal. The Town could realize a significant decrease in hauling trips resulting in cost savings. Phase #1, a pilot program, would call for the installation of a compactor and studying flow/usage. EnCom anticipates coming back to Town Meeting if the data plays out to seek approval of other improvements. The consensus was there didn't seem to be a downside to this proposal. There could be several benefits, including cost savings. Additional input was provided.

The Board took Agenda Items #4 (a-d) and 5, out of order.

MINUTES

- The Selectmen passed over approval of the minutes of the Regular Session of March 26, 2012 and the May 2, 2012 Executive Session (BoS Contract Negotiating Team).
- Member Powers moved to accept the minutes for the Executive Sessions of April 30, 2012 and May 1, 2012, as written Seconded by Member Fox. **Approved 4-0.**

SELECTMEN REPORTS

- Member Powers reported that he and Member Fox continue to meet with the Dispatch and Firefighter union representatives.
- Member Robinson reported that she continues to work on Chief Ryder's performance review with Member Powers.
- Member Fox confirmed Member Powers comments about recent the negotiation meetings.

He also reported on the Massachusetts House's passage of the Community Preservation legislation.

Member Fox also reported that he had attended the recent MAGIC meeting; they were provided information on the agricultural study and there was discussion on concerns regarding the financing of water infrastructure project in Massachusetts.

- Chair Suleiman reported that the Energy Committee continues to prepare for Town Meeting; including tonight's presentation.

He also reported on the upcoming A/B United Way meeting. He intends on being there and inquired if the other Selectmen were also interested in attending.

OLD BUSINESS

- There was discussion on Annual/Special Town Meeting matters. Revisions to motions were reviewed; some were based on Town Counsel's recommendations. The dollar amounts were revised on some of the Article #8 motions to amend. There have also been two requests received from residents - that Town Meeting be broadcast live and that wireless access be provided. Moderator Fallon has been consulted and is in favor of providing these services. The Selectmen determined that these technical services, if they can be implemented, would be available to residents during Town Meeting.

APPOINTMENTS (Continued)

- Board of Health Chair, Marie Cannon, and DPW Director Tom Garmon were present to discuss the communication process for incidents concerning the Hager Well. Member Powers outlined some of the concerns raised during the Selectmen's review of the proposed policy, and the events that precipitated the development of this document. There was discussion about providing information to department heads/customer sites beyond the official notification. Board of Health Chair Cannon noted that the contractor/operator is the entity required to provide this notice and there are directive as to water usage within these notices, pursuant to requirements outlined by the DEP. It is not necessary for the Board of Health to send notification separate from the DEP required form. She noted that she has met with those who had had issues with the information provided in the previous notice, to try to address their concerns but those parties were not receptive to explanation or the information the Board of Health provided to them. The Selectmen suggested that once testing triggers a notification event, DPW could follow up with department heads/customer sites to confirm that a notice has been issued and to resend the report to department heads/customer sites. Revisions were proposed and discussed.

NEW BUSINESS

- Discussion was opened as to the disposition of Grange Meeting Room tri-fold bench seats. TA Shaw noted that we now have newer meeting chairs for the Grange Meeting Room. She would like to give residents an opportunity to purchase a "piece of Boxborough History" by offering those benches that are still fit for use for sale at Fifer's Day. She has consulted with Town Counsel on this proposal and is researching what would be a reasonable sale price. Member Powers moved to authorize the Town Administrator to dispose of the Grange Meeting Room tri-fold bench seats, and to set an appropriate sales price. Seconded by Member Robinson. **Approved 4-0.**

CONCERNS OF THE BOARD

- There was discussion about the scrub brush pile at Steele Farm.
- There was discussion on the unsolicited email communications being sent to the individual Selectmen from a Minuteman School Committee representative from another community.
- Members Powers and Fox provided a general update on the status of the on-going Collective Bargaining sessions.

EXECUTIVE SESSION

- It was determined that an Executive Session was not needed.

ADJOURN

- At 9:15PM, Member Powers moved to adjourn. Seconded by Member Fox. **Approved 4-0.**



BOARD OF SELECTMEN
Meeting Minutes
May 23, 2012

Approved: _____

PRESENT: Raid Suleiman, Chair; Frank Powers, Member; Les Fox, Member; Vincent Amoroso and Robert Stemple

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

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

Chair Suleiman called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall; welcoming the newly elected Selectmen, Vincent Amoroso and Robert Stemple

REORGANIZATION OF THE BOARD OF SELECTMEN

The Selectmen took up the Reorganization of the Board. Chair Suleiman explained these proceeding to Members Amoroso and Stemple. Chair Suleiman called for nominations for the Chair. Member Powers nominated Member Fox. Seconded by Member Stemple. Hearing no others, Chair Suleiman closed the nominations. **Approved 5-0.**

There was a call for nominations for Clerk. Chair Fox nominated Member Powers for a six month term as Clerk. Seconded by Member Suleiman. It was noted that it was the intention of the Selectmen to re-visit this in six months and call for nominations of another member to serve out the remaining six months. Hearing no other nominations, nominations for Clerk were closed. **Approved 5-0.**

ANNOUNCEMENTS

Chair Fox read the announcements.

MINUTES

- The Board passed over approval of the Executive session (Contract Negotiating Team) minutes of May 15, 2012; #1 – May 16, 2012; and #2 – May 16, 2012.
- Member Powers moved to accept the minutes for the Regular Session of May 14, 2012 and May 17, 2012, as written. Seconded by Member Suleiman. **Approved 5-0.**

SELECTMEN REPORTS

- Member Suleiman reported he has attended no meetings since Town Meeting adjourned.
- Member Powers reported that he met with Chief Ryder this morning to go over the results of Town Meeting and to review plans for FY 13.

He also reported on plans for this year's Fifer's Day. Among the festivities will be a return of the popular donut eating contest and the introduction of a new event a tug of war – Boxborough Fire vs. Boxborough Minutemen.

- Chair Fox reported that he, Member Powers, TA Shaw & Chief Ryder have met regarding Police contract negotiations.

He also reported on MAPC spring council meeting and the election of the Executive council.

- Member Amoroso reported that he is preparing a draft letter pursuant to Article 47 which was approved at Town Meeting.
- Member Stemple had nothing to report.

OLD BUSINESS

Member Powers advised that the other Selectmen that work continues on the various CBU contract negotiations.

NEW BUSINESS

- The Selectmen took up two Reserve Fund Transfer Requests. Both RFTs were necessary due to the significant increase in fuel costs during FY 12. TA Shaw provided background on the Town Administrator's RFT regarding her Mileage Stipend.
 - Member Powers moved to forward to the Finance Committee for approval the request to transfer \$225 from the Reserve Fund to account #001-123-5700-5711, Town Administrator – Mileage Stipend. Seconded by Member Suleiman. **Approved 5-0.**
 - Member Powers moved to forward to the Finance Committee for approval the request to transfer \$7,205.19 from the Reserve Fund to account #001-429-5400-5482, Public Works – Fuel Expense. Seconded by Member Suleiman. **Approved 5-0.**
- The Selectmen reviewed the proposed meeting schedule for the period June 4, 2012 – January 7, 2013. Changes were made to the June meeting dates. There was discussion about changing the usual 7:30 PM start time but it was determined that the start time shall remain the same, the exception would be when the Selectmen conduct their annual en mass re-appointments; all other meetings' start times could be changed as needed. It was moved and seconded to approve the Selectmen's meeting schedule for period June 4, 2012 – January 7, 2013, as revised. **Approved 5-0.**
- The Selectmen provided background and reviewed the annual appointment process for boards and committees. A copy of list of appointees was included in the packet. The consensus was to maintain the current process.
- The Selectmen were provided copies of last year's BoS Liaisons list and were asked to think about which of these responsibilities they would consider taking on. An overview of what of these responsibilities; the background on the Board's existing practice and suggestions on managing these responsibilities were provided. The intention is to assign these liaison responsibilities at the next meeting.

CONCERNS OF THE BOARD

- There was discussion on the latest information on the Local Aid (Cherry Sheet) portion of the FY 13 State budget.
- There was discussion about participation in the 495 Metrowest collaborative. Member Suleiman will be attending their next meeting. He provided information on this organization and encouraged the new members to come and attend a meeting.
- Member Suleiman also noted that he is unable to attend the A/B scholarship event. Member Stemple volunteered to step in.

EXECUTIVE SESSION

- It was determined that an Executive Session was not needed.

ADJOURN

- At 8:30 PM, Member Suleiman moved to adjourn. Seconded by Member Amoroso. **Approved 5-0.**



7a

BOXBOROUGH BOARD OF SELECTMEN
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 263-1116 • Fax: (978) 264-3127
www.town.boxborough.ma.us

Leslie R. Fox, Chair Francis J. Powers, Clerk Vincent M. Amoroso Robert T. Stemple Raid M. Suleiman

Town of Boxborough Policy for the Hager Well Incident Response

Section 1-Purpose

As the owner of the public water supply well, the Town is responsible for maintaining the water supply in conjunction with 310CMR22.00 of the State Environmental Code, The Massachusetts Drinking Water Regulations (regulations). The town recognizes that there needs to be a documented process for steps the town departments should take in the event of a water sample indicating a positive presence of coliform or other violation of the most recent version of the Massachusetts drinking water standards.

Section 2- Procedures

In the event of a confirmed positive test, the following procedure shall be followed.

1. A licensed contractor operator will notify the DPW of the positive test, including specific details regarding the severity of the problem.
2. The DPW will notify the named contact persons at the consumer sites; School, Library, Police and Fire, by phone or in person and a follow up email, including details regarding the problem severity.
3. The DPW will notify the BOH by phone and a follow up email.
4. The DPW will notify the Hager Well Group contacts by email.
5. All contacts will confirm by email that they have received notification.
6. Each department head will take action according to their individual department policy.
7. After the required number of successive test results are clear, per the regulations noted above, Jim Garreffia Nashoba Board of Health representative, on behalf of the Boxborough BOH, will inform all departments that the water supply has returned to compliance with the most recent version of the Massachusetts drinking water standards for the parameter(s) tested.



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3. The DPW will notify the BOH by phone and a follow up email.
4. The DPW will notify the Hager Well Group contacts by email.
5. All contacts will confirm by email that they have received notification.
6. Each department head will take action according to their individual department policy.
7. After the required number of successive test results are clear, per the regulations noted above, a Nashoba Board of Health representative, on behalf of the Boxborough BOH, will inform all departments that the water supply has returned to compliance with the most recent version of the Massachusetts drinking water standards for the parameter(s) tested.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF BOXBOROUGH

ORDER OF TAKING

At a regularly convened meeting of the BOARD OF SELECTMEN of the TOWN OF BOXBOROUGH held this ____ day of _____, 2012, it was voted and ordered as follows:

The BOARD OF SELECTMEN of the TOWN OF BOXBOROUGH, duly elected, qualified, and acting on behalf of the Town, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the vote under Article 35 of the May 14, 2012 Annual Town Meeting of the Town of Boxborough, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the Town, a permanent easement for public sidewalk purposes over, in, through, under and upon that land shown as "Easement Area = 299 ± S.F." on a plan entitled: "Plan of Land in Boxborough, Mass. Owned by: Karen, Barbara & Joseph Warner at 709 Mass Ave. – Boxborough," dated Jan. 30, 2012 and prepared by Goldsmith, Prest & Ringwall, Inc., to be recorded herewith.

This taking does not include any structures presently situated on the easement premises, but does include the right of the Town to remove such structures whenever their removal shall be required for said easement purposes. This taking includes such trees, shrubs, and other vegetation within the easement premises whose removal is necessary to carry out the purposes of the easement taken herein. By this Order, the Town takes no interest in existing easements, if any, affecting the easement premises.

The lands affected by the herein taking are owned or supposedly owned by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the Town.

No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, we, the duly elected and qualified Board of Selectmen for the Town of Boxborough have hereunto set our hands and seal on the date set forth above.

TOWN OF BOXBOROUGH
BOARD OF SELECTMEN

Leslie R. Fox, Chair

Vincent M. Amoroso

Francis J. Powers, Clerk

Robert T. Stemple

Raid M. Suleiman

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss _____, 2012

Then personally appeared the above-named member of the Board of Selectmen for the Town of Boxborough, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his/her free act and deed, and the free act and deed of the Town of Boxborough, before me.

Notary Public
My Commission Expires:

SCHEDULE A

Property Address	Owner Name & Mailing Address	Book	Page
709 Massachusetts Avenue Boxborough, MA	Karen A. Warner Barbara D. Warner Robert J. Warner 709 Massachusetts Avenue Boxborough, MA	1823	315
709 Massachusetts Avenue Boxborough, MA	MERS (mortgagee) P.O. Box 2026 Flint, MI 48501-2026	46788	343
709 Massachusetts Avenue Boxborough, MA	MERS (mortgagee) P.O. Box 2026 Flint, MI 48501-2026	47992	166

041801A

FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES SHOWN ON EXISTING CONVEYANCES AND SHOW ARE THOSE OF PUBLIC OR PRIVATE RECORDS, AS ESTABLISHED BY THE RECORDS OF THE REGISTERED DEEDS AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND TO BE A TRUE AND CORRECT STATEMENT OF THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.

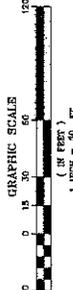
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.



DAVID J. DEBARY, P.L.S. # 33887 DATE: 12/24/14

NOTES:

1. AN ON-THE-GROUND SURVEY OF THE LOT SHOWN, WAS PERFORMED IN 2004.



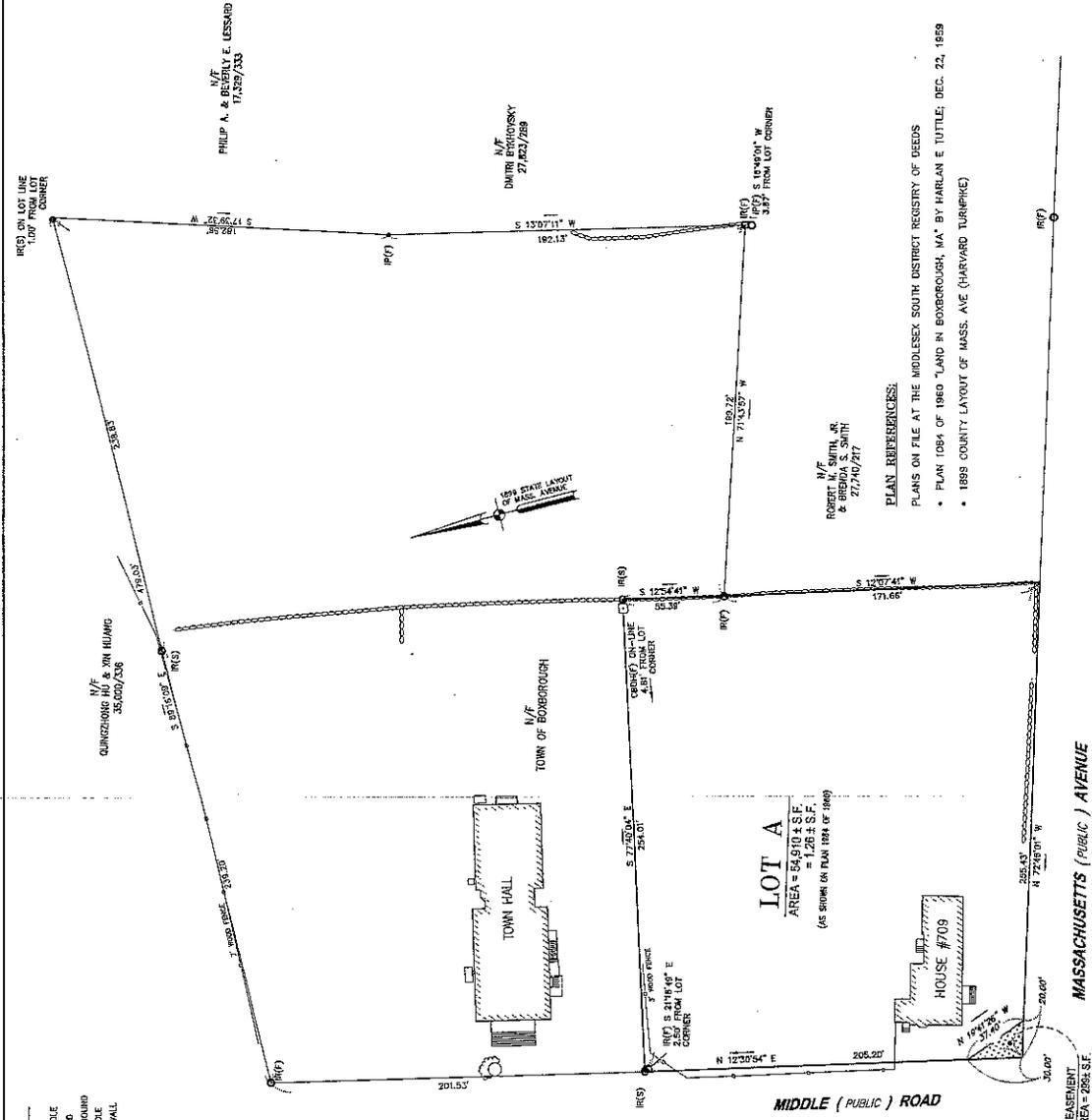
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GOLDSMITH, PIERCE & BIRNBAUM, INC.
CIVIL & STRUCTURAL ENGINEERING - LAND SURVEY & LAND PLANNING
100 STATE STREET, SUITE 200
BOSTON, MA 02109
TEL: 617.778.1900 FAX: 617.778.1901
www.gpr-us.com

PLAN OF LAND
IN
BOXBOROUGH, MASS.

OWNED BY:
HARLEN, BARBARA A. & JOSEPH WARNER
709 MASS. AVE. - BOXBOROUGH

DATE: 12/24/14
JOB NO: 041801
PAGE: 1 OF 1



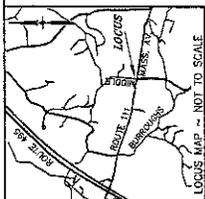
LEGEND

N/F	NON OR FOREVERLY	CR	CENTER
111/111	USED ROCK/PAVED	CH	CHILL HOLE
(C)	CONCRETE	PK	POLE/POST
(S)	SET	GR	GRAVEL
BR	BRASS/STEEL PIPE	ST	STONE WALL
SB	STONE BUILDING	DR	DRILL HOLE
		SW	STONE WALL

N/F SMITH

N/F REALTY TRUST

928 REALTY TRUST



LOW'S MAP - NOT TO SCALE

ROUTE 111

MIDDLE ROAD

MASS AVENUE

BOXBOROUGH, MA

ROUTE 111

THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.

OWNER'S DEED: 46788/330
ASSESSOR'S REF: 6-5-329
ZONING CLASSIFICATION: "TOWN CENTER"

PLAN REFERENCES:
PLANS ON FILE AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS
• PLAN 1084 OF 1980 "LAND IN BOXBOROUGH, MA" BY HARLAN E TUTTLE; DEC. 22, 1959
• 1899 COUNTY LAYOUT OF MASS. AVE (HARVARD TURNPIKE)

ROBERT M. SMITH, JR.
& BRIGIDA S. SMITH
27/740/217

1899 STATE LAYOUT
OF MASS. AVENUE

928 REALTY TRUST

928 REALTY TRUST



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Leslie R. Fox, Chair Francis J. Powers, Clerk Vincent M. Amoroso Robert T. Stemple Raid M. Suleiman

August 27, 2012

Mr. Michael Busby
40B Project Coordinator
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 0208

RE Minuteman Village, Boxborough, MA, PE-518

Dear Mr. Busby,

We are writing in response to your June 5th letter soliciting comments on the proposed Minuteman Village development which has been brought forward by James Fenton, Michael Jeanson and John Lyons. The Board of Selectmen has gathered inputs from the relevant town boards, commissions and departments, which it has organized, summarized and presented below. The comments provided in this letter do not preclude the town or other parties from introducing additional matters bearing on the proposed project for consideration should a comprehensive permit hearing be held.

The Selectmen have a number of grave concerns regarding the project, which will be enumerated below. Foremost are the serious public safety concerns evidenced by the failure to address adequate egress and ingress, the location of the entry road situated between two senior housing developments, the inadequacy of plans for fire protection, as well as roads that are too narrow to sustain emergency vehicles, especially given the density of the project. The proposed project has failed to address the town's housing needs, as described in the May 15th Housing Needs Assessment, which should serve as the guiding document to address proposed affordable housing development in town. The project development plans are flawed, as will be recounted in the Planning Board's summary, and contrary to indications within the application, the project fails to meet a number of the Commonwealth's Sustainable Development Principles. The Boxborough School Committee has voiced concerns regarding lack of adequate school bus access and safety on private roads as well as the affect of an increased student population and the potential need to increase staff. The letter will conclude with comments from the Board of Selectmen concerning the deficiencies of the application itself.

The Selectmen echo the concerns which are appended below from the town departments and boards and thank MassHousing for the opportunity to provide our comments. We hope that MassHousing will seriously consider the town's input and respectfully request that they deny a Project Eligibility Letter to Minuteman Village of Boxborough, LLC.

Planning Board

1. In the developer's cover letter to MassHousing it states that they met with Town of Boxborough officials and the Boxborough Housing Board to discuss the project details. This is severely misleading. The developer's engineer and consultant met informally with the Town Planner, who expressed many of the issues and

concerns still being raised by the Planning Board in this letter. The developer then met with the Boxborough Housing Board, and although they were informed that the Housing Board was completing a housing needs assessment and that 96 three bedroom units would not fill an affordable housing gap, the developer obviously chose to ignore this comment.

2. MassHousing Application Page 2, Item 1: The application states that local zoning (Town Center) allows for a significantly higher density than proposed. This is misleading. The area in Boxborough zoned Town Center is specifically intended for mixed uses and single family dwellings are permitted by special permit only in conjunction with commercial development. There is no correlation between the permitted density of a mixed commercial and residential development and single family dwellings. The higher density allowed by-right in the Town Center Zone District is reserved exclusively for multi-family duplex units reserved for seniors.
3. MassHousing Application Page 2, Item 2: The tabular analysis is misleading and incorrect. The overall property size may be consistent with the Minimum Lot Size, but the Town Center Zoning requires single family dwellings in a mixed use development to be located on their own lot. Taking the total buildable acreage of 44.9 acres divided by 96 units calculates to 20,473 s.f. per dwelling unit. The minimum lot size in the Town Center District is 40,000 s.f. for a single family dwelling in a mixed use project. A Variance is required.
4. MassHousing Application Page 3, Item 1(a & b): The project development site is comprised of seven parcels; six of them owned by James Fenton and Michael Jeanson under the guise of Boxborough Town Center, LLC and one owned by John Lyons under Mane Realty Trust. The six parcels owned by Mr. Fenton and Mr. Jeanson were purchased from Mr. Lyons. If the beneficial interest of the sellers and the buyers are the same going further back than 1995, how is the "Total Purchase Price" in the application valid? Additionally, the purchase price listed in this Item is \$9,785,000, but elsewhere in the application it is listed as \$8,785,000.

Furthermore, the developer has not provided any documentation that shows they have the right of ingress and egress or the right to construct the entrance road off Stow Road, which is not owned by them.
5. MassHousing Application Page 4, Item 2: This statement is false. The South Acton Train Station and the Littleton Train Station are just over 4 miles from the site, and due to the lack of bicycle or pedestrian accommodations, the only way to get there is by car.
6. MassHousing Application Page 5, Item 7: The application states the condominium fees for the market rate units and the affordable units are to be the same. This does not comply with the Chapter 40B requirements. Additionally, the project will require a significant on-site public water supply system, sewage disposal system and distribution. The developer has not provided any documentation as to the reasonableness of the estimated condominium fee given the cost for testing and maintenance of these systems as required by DEP.
7. MassHousing Application Page 6, Preliminary Construction Budget: The validity of the construction budget is questionable given the issue raised with the ownership and site acquisition cost, as well as questions regarding the various budget line items given the fact that the developers have businesses doing site preparation and land clearing, landscaping, residential construction and a direct spouse or relative is the project consultant and the marketing agent.
8. MassHousing Application Page 7, Developer/Applicant Qualifications: This section requires the developer to identify any other 40B project. The developer fails to list the Boxborough Meadows Comprehensive Permit of 48 units. Even if that project is included, the Board questions the developer's ability and competence in developing, managing and being able to adhere to the cost certification rules of the Comprehensive Permit Law for a project that is two times larger than any other project they have done.
9. MassHousing Application Page 10, Certification 2(e): The developer fails to identify the lawsuit between the Town of Boxborough and the developers as principals of Boxborough Meadows LLC.
10. MassHousing Application Page 10, Certification 2(f): The developer fails to mention that as the principals of the Boxborough Meadows Comprehensive Permit, they have failed to carry out the obligations in connection with that Comprehensive Permit as it relates to road acceptance, wetland replication and receiving a Certificate of Compliance under their Order of Conditions.

11. MassHousing Smart Growth Scorecard Page 2, Method 2: The project must meet 5 of the Commonwealth's *Ten Sustainable Development Principles*. The Planning Board does not believe that a project that can check only a single box under one of the Principles meets the Commonwealth's intent for sustainable development and a developer should not be given credit for meeting that Principle.
12. MassHousing Smart Growth Scorecard Page 2, Criteria 1: This project is not multi-family housing. It is 96 single family dwellings that have to be included in a condominium association because of a shared water and sewage disposal system. This project is not compact or clustered so as to preserve undeveloped land. It is compact and clustered because of the extent of wetlands that are not developable. Why is the "Other" box checked when all the developer is doing is double counting the previous inaccurately checked "Multi-family housing" box? This project does not mix uses or add new uses to an existing neighborhood, does not produce multi-family housing, does not utilize existing water and/or sewer infrastructure and does not meet this Principle just because the developer proposes a higher density and "preserves" land that would not otherwise be developable.
13. MassHousing Smart Growth Scorecard Page 2, Criteria 2: There is no open space or passive recreation identified in this project. The area within the project that is not being developed is primarily wetland and swamp or steep slopes. Again, the developer checks the "Other" box and double counts a previous box. The project fails to meet this Principle.
14. MassHousing Smart Growth Scorecard Page 3, Criteria 4: Is the project considered to meet the Energy Star equivalent by having the developer put in Energy Star rated appliances? That doesn't seem to meet the intent of this Principle. Why not make the project a Green Project or LEED certified? The development does not incorporate alternative technologies for water and wastewater. Given the fact that Boxborough does not have any public water or sewer facilities, the developer is required to provide water and wastewater on-site. Because of the number of units proposed, the developer is not able to let each dwelling unit have its own water well and sewage disposal system so an on-site private public water supply and groundwater discharge sewage disposal system are proposed. This is standard under DEP requirements and does not conserve any resources. The project design is for catch basins and detention ponds. This is not an LID technique. Therefore, the Planning Board questions whether the project meets this Principle just because Energy Star appliances will be installed in the dwelling units.
15. MassHousing Smart Growth Scorecard Page 4, Criteria 5: How does the project expand the term of affordability? The developer is only providing the minimum number of required affordable units. The developer should not be taking credit for expanding the term of affordability just because they are planning to donate two units that are 311 s.f. to 729 s.f. smaller than the other affordable units. Again, the developer checks the "Other" box and double counts a previous box.
16. MassHousing Smart Growth Scorecard Page 4, Criteria 6: Unless the developer is taking credit for people to walk on the sidewalk or ride their bike in the road within the development, there is no increase in bike and pedestrian access. There may be a sidewalk on Massachusetts Avenue at the intersection of Stow Road, but there is no connection to this project. This would be especially dangerous for the residents in the units off Massachusetts Avenue. Boxborough is within the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area and is not classified as a rural area by the Federal Census. The project fails to meet this Principle.
17. MassHousing Smart Growth Scorecard Page 5, Criteria 9: The project is not consistent with a municipally supported regional plan as it relates to the 495 MetroWest Development Compact. In the Compact, the Town identified the Town Center area as a Priority Development Site for its mixed use zoning and ability to add a truly needed economic commercial opportunity to the Town with a residential component in a village setting. The village mixed use development model has been shown in other Massachusetts communities to be much more effective in meeting the Commonwealth's *Ten Sustainable Development Principles* as it relates to Concentrated Development, Being Fair, Conserving Resources, Expanding Housing Opportunities, Provide Transportation Options, Increase Job Opportunities, Fostering Sustainable Businesses, and Planning Regionally. Again, the developer checks the "Other" box and double counts a previous box. The project fails to meet this Principle.

18. Project Development Plans: The Board strongly urges that a Project Eligibility Letter not be granted for this development until the developer addresses the significant public safety issue of only one road in and out for a project of 88 units and the dangerous location of the proposed Patriot Lane off Route 111 (Massachusetts Avenue). The entrance road, Minuteman Drive, is directly between two senior housing developments. If there is an emergency at either one of these senior housing developments, a fire engine and other apparatus would block the road. It appears the developer is proposing a gated emergency access road onto Priest Lane, but it is not known how this would function for the residents in the development or whether it is even acceptable from a public safety perspective. Furthermore, there is an overwhelming public safety concern with the construction of this project and the movement of all construction equipment between two senior housing developments.

As shown on the plan, Patriot Lane is located at a point where Route 111 begins to bend going west, creating a dangerous situation for vehicles wanting to turn in and out of the project.

19. Project Development Plans: The Board strongly urges that a Project Eligibility Letter not be granted for this development until the developer addresses the significant public safety issue with fire protection. The Town of Boxborough does not have any public water supply. There is an existing fire pond located on the property adjacent to Route 111, but this would not be accessible for use in fighting a fire in those units within the larger development off Stow Road. The developer is proposing two fire cisterns. Some of the proposed dwelling units are located over 1,300 feet from a cistern.

20. Project Development Plans: The developer is proposing that the roads be 22 feet wide. As evidenced in the Boxborough Meadows Comprehensive Permit development, this roadway width has caused significant public safety issues. Emergency vehicles have been hampered in their efforts to get through because of the density of the project, the close proximity of the units and vehicles parking in the road.

21. Project Development Plans: The project contains approximately 1.17 miles of roadway with catchbasins, detention ponds and two rotaries with what appears to be a combination of paving and brick to accommodate the turning radius of fire engines and school buses. The Town's Department of Public Works is not equipped to handle this additional infrastructure. The cost for maintenance and snowplowing should be factored into the condominium fees since the Planning Board would not recommend that Town Meeting accept the roads as public ways.

22. Project Development Plans: Pursuant to the Planning Board's Subdivision Rules & Regulations, a standard development of this size would be required to provide a suitable park for recreation purposes. The Board does not believe by any reasonable standard that the proposed outdoor half basketball court is sufficient.

Housing Board

The BHB recently completed a Housing Needs Assessment, dated May 15, 2012, which assessed and quantified needs for Boxborough and nearby towns (Attached). The results of the assessment will be used to determine the type of housing that will developed on the Stow Road property and to prepare an update for the Town's Housing Production Plan and Master Plan.

The developers were told about the housing assessment when they met with the BHB in February 2012 and were informed that 96 three-bedroom units did not appear to meet a current housing need. Unfortunately, the proposed development disregards the assessment and does not address the housing gaps identified by it. This is a serious disconnect that must be addressed. The Housing Needs Assessment should be the guiding document for any proposed affordable housing development in Boxborough, such as Minuteman Village.

The Housing Needs Assessment shows that Boxborough housing stock is expected to increase by about 2.6% over the next ten years, absent any Ch40B developments. This is consistent with statewide projections. However, Ch40B developments can easily drive a four-fold increase in the number of housing units over this same period. Housing unit growth in Boxborough under Ch40B will not be merely a small perturbation on the nominal growth rate. Rather, it will be the single most important and determinant factor driving increase in housing stock and town population.

Consequently, it is critical that the proposed Minuteman Village development deliver housing that is actually needed by Boxborough and nearby towns. The current form of the Minuteman Village proposal is far off the mark. The Housing Board requests that the proponents significantly revise their proposal in order to provide housing that is consistent with the affordable housing gaps identified in the Housing Needs Assessment.

Primary Conclusions of the 15 May 2012 Housing Needs Assessment

The assessment identified Boxborough's housing needs as:

Managed Care Facilities

- Continuing care retirement communities
- Assisted living
- Independent living

Low-Income Rental Housing

- 24 to 64 one and two bedroom apartments
- 600 to 1200 sf
- Renting at \$400 to \$1000 per month
- Funding from Low Income Housing Tax Credits for portion of construction cost

Single Family Homes for Seniors

- Rental housing or sold for less than \$400K
- Living space and bedroom on first floor

Single family Homes for Families

- Sold to families for less than \$400K
- Typical size 1200 to 1800 sf
- Four bedrooms

Demographics and Projections

According to the 2010 census, Boxborough actually has 451 single-family homes or apartments that sell or rent below the housing limits defined as affordable by DHCD. These units are not accepted by DHCD, but if they were counted towards Boxborough's 40B goal, 21.8% of the Boxborough housing would sell or rent at or below the affordable prices.

Growth in the senior population is the single largest demographic factor driving future Boxborough housing needs. According to MAPC and the assessment, the senior population (over 60) will increase by more than 50% by 2020, and will be the most rapidly growing population segment in Boxborough. The assessment projects that the senior population will to grow by 72% to 1,226 individuals by 2020, an increase of 523 seniors. This population will include seniors who wish to downsize but stay in Boxborough, seniors who require assisted living or managed care facilities, and single persons on fixed incomes that require housing after the death of a spouse. In many cases, the \$200K asset limit will disqualify a senior for 40B for-sale housing, leaving rental housing as the only viable alternative for seniors. It is essential that affordable housing development properly serve this growing segment of Boxborough, not only for housing, but for contingent needs such as shared communal space for group and individual activities. It will be especially important to address accessibility needs for mobility-impaired and handicapped individuals.

Most economic forecasts predict that the economy will recover gradually over the next several years, resulting in a continuation of unfavorable market for single-family ownership of affordable housing units. Even in good

economic times, the burdens of home ownership can be overwhelming to individuals and families in the affordable housing market. The BHB has seen direct evidence of this in their monitoring of affordable units in Boxborough. The resale of affordable units has been very difficult, and rising condominium fees and assessments have often transformed an affordable condominium into an unaffordable condominium. We have concluded that affordable housing needs can be better served through development of well-conceived rental housing in many cases.

Housing for the downsizing trend is a growing challenge everywhere. The typical downsizer has modest or even good income with some assets, but can no longer afford, or wish to carry the burden of, the large single-family house that was well suited to their child-raising years. They would like attractive mid-market housing suited to their current needs. There is some overlap between this segment and the 60+ group. The BHB requests that the proponent present a creative approach to addressing the housing needs of both groups, through a combination of rental and ownership units. Sales prices need not be tied strictly to the 80% AMI guideline, but should be considered in the context of the whole project serving multiple needs.

Rental Units

Currently, rental units comprise about 21% of housing in Boxborough, which is somewhat higher than comparable nearby rural neighboring towns. Depending on the number of bedrooms, between 55% and 71% of the existing apartments in Boxborough have rents that are less than Ch40B affordable rents. Boxborough needs rental apartments for residents who earn less than \$42,500, which is equal to 30% to 60% of the AMI. Other key needs that are identified in the Housing Needs Assessment include town employees and current residents who wish to downsize their accommodations and remain in town. About 60% of town employees qualify for some form of 40B affordable housing. Of these, the overwhelming majority cannot afford for-sale 40B affordable housing, but can afford rental 40 housing. A large proportion of rental units within a revised Minuteman Village concept would be entirely consistent with both the current state of Boxborough housing and the needs of affordable occupants.

For-Sale Housing

This window of affordability created by mortgage requirements and Ch40B income limits eliminates a large number of people who would like to purchase an affordable home, including senior citizens and new families. For example, a three-bedroom 40B affordable single-family home will cost \$197,000, and the buyer must earn \$61,609, but no more than \$65,000. The Housing Needs Assessment indicates that a large number of local workers, such as police officers, firefighters, and school teachers fall in the \$60K - \$120K income range that cannot be helped by 40B affordable housing. In contrast, families in this income range could be helped by moderately priced (~\$400K) market-rate housing. The conclusion in the Needs Assessment is that in 2010 there are 31 families with four or more children that earned less than the AMI for the area (\$96K) and required a four bedroom unit. The average assessed value of a four bedroom unit in 2010 was \$583K (range \$530K to \$600K) and the monthly payment was \$3,522/mo. A family with four children earning less than the AMI of \$96K can afford 30% of their salary or \$2400 on housing cost. Hence, there are no affordable four bedroom units in Boxborough that a family with four children can afford.

General concerns

- Land acquisition cost basis is not based on an arms-length transaction as required by law and DHCD regulation. Further, the valuation of the property is inconsistent with recent sales of undeveloped nearby land.
- The number of related-party entities involved in the Minuteman Village development would obscure the developer's cost basis and profitability.
- The housing comparables presented in the proposal are not in fact for comparable units in the development. The comparables identified in the application are single family dwellings on 60,000 square foot lots with a dwelling over 2,500 s.f. and a private on-site water well and sewage disposal system.

- The application specifically asks the developers to list any other 40B projects. The developers failed to disclose their ownership in the Boxborough Meadows Comprehensive Permit development in Boxborough, and that they were defendants in the lawsuit brought by the Town of Boxborough.

The BHB notes that factors such as those listed above were precisely what led to the lawsuit with the same developers in the Boxborough Meadows development. The need for local monitoring and oversight is all too apparent.

Summary recommendations

- Revise the proposal to include a significant portion of rental units. This will address the ownership burden described above for affordable occupants. Show how Low Income Housing Tax Credits can be used to advantage for both the developer and occupants.
- Devise a plan whereby the 25% rule for counting in rental developments can be used to maximize Boxborough's SHI count for the project.
- Provide a less homogeneous style of detached single-family housing to better serve the demographics described above. Consider a mix of detached, townhouse, duplex/triplex, single and multiple level units.
- Specifically address the 60+ needs, including accessibility. Provide mix of rental and ownership units.
- Provide for some TBD proportion of ADA-compliant accessible units.
- Provide credible housing market comps for all styles of housing proposed.

Conservation Commission

- The developers will have to file a Notice of Intent with the Commission for work in the wetland resource areas and 100-foot buffer zone for the installation of water and sewer lines.
- In the MassHousing Application, the developer fails to disclose that they are currently in non-compliance with the now expired Order of Conditions (OoC) for Boxborough Meadows because the wetland replication area required by the OoC was never created. The lack of a Certificate of Compliance from the Conservation Commission is preventing road acceptance by the Town, which, much to the dissatisfaction of the residents of Boxborough Meadows, prevents Town maintenance and repair of the road. MassHousing should require the developer comply with the Boxborough Meadows Comprehensive Permit prior to filing an application with the Town for Minuteman Village.

Fire Department

- A single means of open ingress and egress for a development of this size is insufficient. This is a significant public safety issue of only one road in and out for a project consisting of 88 units.
- The proposed gated emergency access off Freedom Circle is not acceptable.
- The proposed ingress and egress of Patriot Lane off Route 111 Massachusetts Avenue is a significant public safety issue due to the dangerous location of the proposed entrance.
- The entrance road, Minuteman Drive, is situated directly between two senior housing developments. The developer is not proposing any alteration to the existing driveway entrance off Stow Road. The existing driveway does not appear to be adequately configured to handle the proposed level of the development.
- The two proposed fire cisterns within the primary development are inadequate given the distance from the cisterns to the furthest dwelling. A fire cistern is required for the secondary development, Patriot Lane off Massachusetts Avenue. This significant public safety concern is compounded by the close proximity of the

dwelling units. The Town has no public water supply system and the developer is proposing only two fire cisterns. Additional fire protection and/or suppression should be provided within the units.

- The developer is proposing that the roads be 22 feet wide. This is not acceptable for public safety due to the density of the project, the close proximity of the units, vehicles parking in the road and the inability of emergency vehicles to get through, especially in winter.

Police Department

- The access road (Patriot Lane) off of Massachusetts Avenue poses a serious risk to motoring public as is exposed to a blind incline to the west and an incline and curve to the east.
- The single access road to the larger development is insufficient for the population living in this area. Additionally, the Police Chief is concerned about the proposed road dissecting the senior housing complex and the volume of vehicles that would be utilizing the roadway.
- The proposed development indicates that it will be maintained privately. The Police Chief is apprehensive that a private contractor may not be as responsive to a public safety concern as the Town's Department of Public Works.
- The Chief's last concern is that of parking. In a similar complex in town, there is serious congestion caused by the narrow roadway and lack of off-street parking. The Chief would like to see a two-car garage unit with paved parking for at least four cars along with adequate width roadways.

Boxborough School Committee

The Boxborough School Committee Chair met with the Town Planner in an effort to estimate the number of children the school could expect to enroll from this development. Based on a commonly used formula, it was estimated that the development would house approximately 134 children under the age of 18 (not all the children would be of elementary school age). Using breakdowns of other similar developments, the best estimate would be as follows:

Ages 0-5	27
Ages 5-12 (Blanchard)	64
Ages 12-18 (AB Regional)	43

An increase of 64 additional students (equal to approximately 2.5 sections) would have a direct impact on the Blanchard memorial School budget. Over the past 5-7 years, we have seen a dramatic drop in the student population at Blanchard from a high of almost 600 students in 2005 to 435 in 2012, with further enrollment decline expected over the next couple of years. We have aggressively budgeted to address this decline by decreasing the number of buses transporting students, the number of sections and teachers in each grade, as well as decreasing the number of hours for other staff that support a smaller number of students. In order to accommodate an increase of 64 students we expect we would need to increase the number of teachers, support staff and buses. In addition, based on the state's average, 14% of all students are in need of Special Education services, so we would likely see an increase in SPED cost, which as we know can be extremely expensive.

There is also another concern regarding Minuteman Village's proposed "Private Road". Currently our Superintendent works closely with the DPW to ensure that the roads are open and that buses can get through. This is especially important during the winter when dealing with weather related road conditions. If this is a private road we are concerned about the quality and timeliness of winter plowing sufficient to allow school bus access in particular.

Board of Selectmen

The Town submits that MassHousing should not issue a Project Eligibility Letter for the Project, in light of the applicant's lack of candor in identifying past projects and lawsuits, in which its principals have been involved.

On page 7 of its application package, the applicant purports to identify "any other 40B projects...in which the applicant or a related party has or had an interest." The applicant lists eight such projects. Conspicuously absent from the applicant's list is the Boxborough Meadows project. Boxborough Meadows was a 48-unit project developed in the Town, pursuant to a comprehensive permit granted by the Town's Zoning Board of Appeals. The developer of the Boxborough Meadows project was Boxborough Meadows, LLC. The two managers of Boxborough Meadows LLC are Michael J. Jeanson and James Fenton—the very same principals of Minuteman Village of Boxborough, LLC. See Exhibit A, printout of Secretary of State Corporation Database Summary Screen for Boxborough Meadows, LLC; Exhibit B, copy of Comprehensive Permit for Boxborough Meadows project, dated January 24, 2001.

The applicant's failure to identify the Boxborough Meadows project can hardly be viewed as an oversight. Nor is this the only instance of the applicant's failure to fully disclose the past activities of its principals. On page 11 of its application, the applicant purports to explain its response to Certification question 2(e), which inquires as to whether "any of the Applicant Entities [have] been a defendant in a lawsuit involving fraud, gross negligence, misrepresentation, dishonesty, breach of fiduciary responsibility or bankruptcy." In response to this question, the applicant identifies only a single lawsuit against its principals (Fenton and Jeanson), brought by the Town of Acton. The applicant's response is misleading in at least two respects.

First, the applicant misrepresents the outcome of the lawsuit brought by the Town of Acton (as well as the related False Claims Act Complaint filed against Messrs. Fenton and Jeanson by the Massachusetts Attorney General) regarding the so-called Crossroads Chapter 40B project. The lawsuit was not, as the applicant avers, simply "resolved by an Agreement for Dismissal [with] no liability against Mr. Fenton or Mr. Jeanson." Rather, resolution of the matter involved a settlement, in which Messrs. Fenton and Jeanson, through their development entity, agreed to perform construction work for the Town of Acton, in lieu of repaying over \$750,000 in excess profits owed to the Town.¹ It is disingenuous for the applicant to suggest that the case was simply dismissed without acknowledging that the dismissal was part of a settlement, under which its principals were required to conduct extensive renovations to property owned by the Town of Acton.

Second, and even more significant, is the applicant's complete failure to acknowledge another lawsuit brought against its principals by the Town of Boxborough. Specifically, the Town sued Boxborough Meadows, LLC, Mr. Fenton and Mr. Jeanson in 2003 (less than ten years ago), based upon those parties' failure to adhere to the limited dividend requirements associated with the Boxborough Meadows project (i.e. the same project that the applicant coincidentally omitted from its list of prior projects on page 7 of the application), as well as the Summerfields comprehensive permit project. A true and accurate copy of the Complaint in the matter of Town of Boxborough v. Boxborough Meadows, LLC, et al. is attached as Exhibit D. The Town's claims against the defendants in that case included (among others) Fraud/Misrepresentation, Unfair and Deceptive Trade Practices, Unjust Enrichment and Conversion. These claims fall squarely within Certification question 2(e) on page 10 of the application, yet the applicant failed to acknowledge this lawsuit in its application.

While the applicant may claim (as it did with respect to the Acton lawsuit) that the Boxborough Meadows lawsuit was "resolved by an Agreement for Dismissal [with] no liability against Mr. Fenton or Mr. Jeanson" (see application page 10), the fact is that the matter was resolved pursuant to a Settlement Agreement, whereby those individuals and their various development entities were required to pay the Town **\$1.18 million**, among other

¹ Of interest is the Inspector General's June 19, 2008 report and findings regarding the Crossroads development at issue in that litigation. A true and accurate copy of that report is attached hereto as Exhibit C.

obligations. A true and accurate copy of the executed Settlement Agreement is attached hereto as Exhibit E. Though the Settlement contains the standard language that the defendants were not acknowledging liability, the substantial amount of this monetary settlement demonstrates the merit and severity of the Town's claims against the applicant's principals and their development entities.

James Fenton, one of the members of Minuteman Village of Boxborough, LLC, signed the Certification on page 10 of the application on behalf of the applicant, and he did so "**under penalties of perjury.**" [Emphasis added]. It is clear that Mr. Fenton's certification was at best incomplete, and possibly was perjurious. Indeed, it would not be credible for Mr. Fenton to claim he simply forgot about the lawsuit, in which he and his partner were required to pay the Town of Boxborough over one million dollars to settle the Town's claims that they fraudulently concealed excess profits related to their Chapter 40B developments in Boxborough. Therefore, it appears that the applicant intentionally omitted this information from a Certification signed under the penalties of perjury.

In light of the above, the Town respectfully submits that Messrs. Fenton and Jeanson are **not** suitable applicants, and MassHousing should therefore deny a Project Eligibility Letter for the proposed Minuteman Village project for this reason.

We hope that the inputs that we have provided above will be helpful in your consideration of the *Minuteman Village* application for project eligibility. If we can be of further assistance, please contact Selina Shaw, Town Administrator or Elizabeth Hughes, Town Planner.

Sincerely,

Les Fox,
Chairman
Boxborough Board of Selectmen

Questions for Town Counsel regarding Steele Farm Preservation Restriction

What would be the impact should one of the Grantee holders of the restriction dissolve, or no longer become unable to act? TToR is not likely to be a concern, but what about the Boxborough Historical Society? Would it be required to replace with a new holder? What is the process in that case?

Preamble

Page 1, Preamble: The site is described about 2/3 down in the first paragraph as "a parcel of land of approximately 34 acres and 10 rods". Since an acre is a unit of area (160 square rods) and a rod is a unit of length this description is in error. Need to revise to use commensurate measures – eg., all acres, or acres + square rods. This can be resolved by examining the deeds and revising the description accordingly.

B. Reserved Rights

Recreational Activities

Page 5, Section B. Reserved Rights, Paragraph (2) Recreational Activities: How can we ensure that recreational activities that are not listed explicitly in the Reserved Rights can be accommodated in future and not excluded or challenged as not being "in the spirit of the restriction" as interpreted by the holders of the restriction? For example, do we need to add such items such as "snowshoeing, amateur astronomy in both daylight and night-time hours, kite-flying, model aircraft flying and model rocketry", because there might be constituency in the future? How much freedom and right would the town have to add things in future that are not explicitly prohibited? How can we guard against interpretation of the "spirit of the restriction" from being used to unreasonably constrain the town?

Can the permissible recreational activities be called out in the management plan which may be modified from time to time, giving the town sufficient freedom? Presumably revisions to the management plan would need to be approved by the holders of the restriction. What happens to the review and approval process if the two holders (TToR and BHS) don't agree? How is agreement reached in that case? (see section below on Management Plan)

Agriculture

Page 5, Section B. Reserved Rights, Paragraph (6) Agriculture: It has been suggested to add in the parenthetical statement concerning allowed practices "...planting of trees, shrubs and flowers *for shade, ornament or fruit-bearing purposes*, planting and harvesting of Christmas trees..." The point being to explicitly preserve the possibility of recreating orchards, where a future restriction holder might say that it is not in the spirit of the restriction.

Forestry

Page 6, Section B. Reserved Rights, Paragraph (8) Forestry. The document should have an authoritative reference to current or best practices such as in Paragraph (6) Agriculture where the U.S. Cooperative Extension Service is referenced. What is the analogous reference for forestry?

Parking

Page 7, Section B. Reserved Rights, Paragraph (16) Parking: We should state a specific number of parking spaces on the generous side and include language that explicitly allows, without prior approval of the Grantee "replacing or repairing asphalt, concrete or hard-packed gravel surfaces with similar surfaces to maintain the integrity and surface of the existing designated parking area."

D. Extinguishment

Page 8. Please explain the provisions of paragraphs sections 1, 2, and 3 of this paragraph in the event that the town should decide in the future that the property should be used for a purpose clearly outside the scope of the intended uses of this restriction. For example, suppose that the town (for whatever reason) determines that the property should be used as a site for some municipal purpose not foreseen at this time. It appears that such use would not be permitted as an amendment to the restriction.

- In that case, is eminent domain the only avenue open to the town to alter the use of the property?
 - If there is some avenue other than eminent domain open to the town, please identify that avenue and how it would work.
- In the case of eminent domain, does the Commonwealth of MA or some court become involved in this process and, if so, how?
- What would be required of the town to execute an eminent domain process?
- In accordance with paragraph D1, there appears to be a real property right that is conveyed to the Grantee with a fair market value, and in paragraph D2, that the Grantee would be entitled to some proceeds in the case of extinguishment.
- If the property were to be used for some municipal purpose and not sold to a private entity, what would be the specifics of the extinguishment process and what would be the financial liability of the town, if any, to the Grantee?

E. Access

Page 9, Section E. Access, Paragraph (2): Need to make the access rights consistent with the Permissible Recreational Activities, and the method and process for identifying and modifying them from time to time.

G. Legal Remedies of Grantee

Page 9. How can we limit the town's obligations and liabilities for restoration?

M. Amendment

Page 9. This paragraph indicates that both Grantor and Grantee may jointly amend the restriction provided that no amendment shall be allowed that affects the qualification of the restriction under applicable laws or that is inconsistent with the purposes of the restriction.

If in the future, it becomes desirable (or necessary) on the part of the town to modify the restriction, presumably the town would propose an amendment that would be evaluated by the Grantee and subsequently by the MA Secretary of Energy and Environmental Affairs and the MA Historical Commission. What is the process for proceeding if the town and the Grantee or Secretary of Energy and Environmental Affairs or the MA Historical Commission do NOT agree on the proposed amendment? What recourse does the town have and how would a town process proceed (e.g, would this be addressed by a Board or Committee/Commission or would it be taken up by a town meeting)? Please identify what sort of vote would be required on the part of the town, if a vote is involved (e.g., if this would be addressed by town meeting, would the vote be a simple majority, or a different percentage?).

Q. Miscellaneous

Baseline Documentation

Page 12, Section Q. Miscellaneous, Paragraph (9): It is our understanding that the Baseline documentation is in two parts – buildings and land. The filing for National Register of Historic Places appears to satisfy the requirement for baseline building documentation. TToR has indicated they will prepare the baseline documentation for the land. We need to ensure this is consistent with the possible evolution of uses and management of the land, according to the land management plan. In other words, the baseline land document should not preclude the types of activities and uses we currently envision.

Management Plan

Page 12, Section Q. Miscellaneous, Paragraph (11) Management Plan: The Town needs the freedom and ability to evolve the Management Plan within the broad construct of the restriction. For example, add language such as the following, "This management plan shall be amendable from time to time to resolve conflicts or ambiguities that may arise in the enforcement of this restriction in future, regarding the permissibility of specific activities identified by residents that are unforeseen in the present restriction and are perhaps neither explicitly allowed nor prohibited."

8a

To: RSDSC Members, Acton-Boxborough Regional School Committee,
Boxborough School Committee, Acton Public School Committee
Fr: Mac Reid
Re: Review of Regional Agreement Issues - Assignments

June 26, 2012

At our Monday, June 25 meeting, we revised the list of issues which we believe need to be reviewed and assigned them a value of "Non-controversial" or "Potentially Controversial." We also noted a number of issues which should be given to the Regional School Committee to address prior to community votes on a revised Regional Agreement.

Additionally, we decided to divide our committee of twelve members into three groups of four to review specific issues and report back to the entire committee. We agreed that our next full meeting would be on Tuesday, August 7, 2012 at 7:30 AM in the Superintendent's Conference Room at RJG. The expectation is that each subgroup will have met and be prepared to make some recommendations at that time regarding specific issues assigned to it.

The three groups were carefully divided based on:

- members from each town in each group;
- members representing specific groups given specific topics (e.g., FinCom members working on finance issues);
- members of the original committee of six being spread in each sub-group; and
- dividing the "Non-controversial" and "Potentially Controversial" issues between the three sub-groups.

Issues to be Addressed in a Pre-K to Grade 12 Revised Acton-Boxborough
Regional Agreement

Categories

1 = non-controversial

2 = potentially controversial

Sub-group A - Construction/Capital/Ownership

Vince Amoroso, Curt Bates, Adria Cohen, Pam Harting-Barrat

[2] Issue: Is each town responsible for pre-K to grade 6 construction/renovation costs OR will financial responsibility be based on a percentage of each town's students in that building?

[2] Issue: Will grades 7 – 12 construction/renovation costs be based on student enrollment in all grades or in grades 7 – 12?

[2] Issue: Does Boxborough receive a 5% discount in construction/renovation costs?

[1] Issue: Should there be any buy-in regarding the building assets of each town?

[2] Issue: What about current debt?

[1] Issue: Should there be any reference in the Regional Agreement regarding current equipment and technology?

[1] Issue: Should the Region buy or lease all school Buildings? [Region currently owns the two 7 – 12 buildings]

Sub-group B - Operating Budgets/Assessments

Peter Ashton, Mary Brolin, Bob Evans, Jim Ham

[2] Issue: Will there be any change in the operating budget assessment allocation formula? How will potential savings/benefits be shared?

[1] Issue: Should there be a change in the process to authorize debt?

[1] Issue: Will there be any change in the capital assessment formula?

[1] Issue: Will the assessments continue to be based on a three-year rolling enrollment average?

[2] Issue: Should the operating costs of Acton and Boxborough elementary schools be separated to allow one town to contribute supplemental funds for specific services? [i.e., special budgetary consideration for special programs; e.g., music, ESL, special education, tutors, curricula, etc.]

[2] Issue: How will transportation costs be assessed/allocated?

[2] Issue: Should transportation costs be allocated the same percentage as operating costs OR as actual costs?

[2] Issue: How would OPEB be handled to insure consistency in funding between the member entities and the proposed new preK – 12 region?

[2] Issue: How will financial benefits of an expanded region be shared in a favorable way to both communities?

[2] Issue: Should there be any changes in Section 11 (“Budget”) of the current Regional Agreement to allow more involvement of the Acton Leadership Group and the Boxborough Leadership Forum?

Sub-group C - Transitional Issues

Kristin Hilberg, Xuan Kong, Steve Mills, Mac Reid

[1] Issue: How will A-B’s Community Education and similar programs in Boxborough be merged and how will each town share in available funds?

[1] Issue: How will the Transitional Regional School Committee be elected and for what time period?

[2] Issue: What should be the make-up of the Regional School Committee? Which of the five options concerning the members of the regional school district committee and its voting, from MGL, Chapter 71: Section 14E, should we use, and what should the specifics of that option be?

[1] Issue: Should there be a guarantee that all pre-school to grade 6 (Or grade 4 OR grade?) students can attend an elementary school in her/his hometown?

[1] Issue: Should the Agreement language indicate the location of any new building?

[1] Issue: Should there be a guarantee that there would always be at least one elementary school in each community?

[1] Issue: Can Section 13 (lease of Blanchard Auditorium) and Exhibit A (references to the use of the Blanchard Auditorium) be deleted?

[1] Issue: Section 12 (“Annual Report”) needs to be re-examined to see if it is still relevant.

[1] Issue: Review Section 9 (“Withdrawal of Member Towns”)— does this need to be revised?

Issues to be Addressed by the Regional School Committee

Issue: How will elementary students' bussing be affected?

Issue: Will there be a policy of accepting external funding to offset operating budget expenses (e.g. fundraising for classroom assistants)?

Issue: Will all six elementary schools have a shortened day every Thursday?

Issue: How will the start times of all six elementary schools be affected? Will the times change every year?

Issue: What about religious holidays?

Issue: Should the Regional School Committee have authority to balance classes between towns? Should there be specific language regarding exceptions for special needs children? Should there be language to allow voluntary pre-kindergarten to grade 6 movement between towns? If parents choose to send their children to a school in the other town, will parents be responsible for transportation? If a Boxborough student goes to an Acton elementary school, will that student have equal rights to the lottery system?

Issue: The Regional School District Study Committee recommends that legal support for this effort be contracted to an attorney/firm not represented by either community or any of the three school districts.

Acton-Boxborough Regional Study Committee: Revised June 26, 2012

Dear Committee Members,

My suggestion is directed to group C, but given its importance in this process, I have included all of you.

Bob Evans (Acton Finance Committee and formerly (16 years) a member of the Regional School Committee)

A Suggestion for the Membership of a revised Regional School Committee

In the 2010 Federal Population Census the town of Acton had a population of 21,924 and the Town of Boxborough had a population 4,996. If each Town's representatives were reduced by two from the current Committee of nine members, each representative could have a full vote and the current election process of individual town voting could be maintained.

A Committee of five may be too small to allow for the efficient use of subcommittees, and more importantly only one member from Boxborough may not allow their citizens an adequate voice in Committee decisions. Given this a Committee of seven, five from Acton and two from Boxborough would seem ideal. Nine members, to me, is simply too unwieldy.

A seven member Committee with dedicated Town membership and with each member having an equal vote would require that voters in both towns vote for all candidates. One way to achieve this is outlined below.

1) A full term for a member would be three years. A term would begin on July first following the towns' elections and end on June 30th three years later. {With tree year terms and the use of town elections this may have legal problems, but providing overlapping terms of less than four years, terms that run with fiscal and academic years, it seems superior to the state's two years with November elections and might be acceptable to the department of education}

2) Candidates for the Regional School Committee (from both towns) would appear on the spring election ballots of both towns. (Qualification for the ballot would be according to each town's charter.) The winning candidate for each town would be the one with the most combined vote in the two towns. Town clerks would certify the vote totals to the Regional School Committee which at its first meeting following the last town election would declare the winner. In two years of a three year cycle there would be two openings for an Acton member and one for a Boxborough member. In one of the three years there would only be a single Acton opening. An Acton citizen or a Boxborough citizen would always win their respective positions even in the case where a citizen of the other town had received more votes, but not enough to win his/her town's position. In the case of a members' resignation mid-term, the

Regional Committee would inform the Selectmen of the two towns within 30 days and a joint meeting of the Regional Committee and the two Boards of Selectmen would be called to select a citizen of the relevant town to be the new member who would fill out the rest of the resigned individual's term.

3) Transition: Following a successful vote to extend the Region to pre-K-6, the terms of the nine current members would be extended until the next June 30th following new elections. At the first election for the new Region voters would elect two Acton representatives and one Boxborough representative for three year terms (those who had the highest vote count); two Acton representatives and one Boxborough representative for two year terms (again by vote count). One Acton representative would be elected for a one year term.

Discussion:

My view has always been that influence on Committee decisions is based more upon analysis and argument concerning an issue than it is by an actual vote. Given the demographic and economic similarity of the two communities I anticipate that there would be few if any issues that would become defined as one town's representatives voting in opposition to the other town's representatives. In my sixteen years as a member of the Regional School Committee, I recall only one such vote and that one only because it was so unusual.

In such a situation under the format proposed above, Boxborough's two representatives would have to find two from Acton to join them in order to win. The same would be true under a weighted voting system. With a seven member Regional Committee each Acton representative would represent 4,385 citizens. Each Boxborough representative would represent 2,498 citizens. The ratio of 2,498 to 4,385 is .57. Thus if each Boxborough representative had .57 of a vote and each Acton representative a full vote, then two Boxborough representatives in combination with two from Acton would have 3.14 votes which would carry a motion. In situations where the two Boxborough representatives divide on an issue, their votes cancel each other whether they count for .57th of a vote or a full 1.0 value.

In my view in a Regional Committee with five Acton members and Two Boxborough members, a full vote for each Boxborough representative provides fairness to Boxborough and because of its implications for complicated votes is as fair to Acton as a weighted vote system would be.

Bob Evans 7-4-12

Memo

To: Regionalization Study Committee
From: Vince Amoroso
Date: 7/23/2012
Re: **Selection, Size, and Makeup of an Expanded Regional School Committee**

Objectives

- 1) Comply with the "one person one vote" requirements of U.S. and Massachusetts law.
- 2) Provide a sufficient number of members to perform the work of the Committee without being unwieldy.
- 3) Address the fact that an Expanded Regionalization Plan must be approved by both communities, and that each community has an equal vote in that determination.
- 4) Ensure that each community has, and perceives that it has, an adequate voice on the committee.
- 5) Establish a committee whose composition strikes an appropriate balance between the power to pass and the power to persuade.

The "One person, One Vote" Requirement

In *Reynolds v. Sims*, 377 U.S. 533, 568 (1964), the U.S. Supreme Court held that "the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis." The equal protection guarantee of "one-person, one-vote" extends not only to congressional districting plans, but also to local school committee elections. *Avery v. Midland County*, 390 U.S. 474, 479-481 (1968).

On a Regional School Committee, Acton would ideally get 4.12 times the number of Boxborough votes based on the population difference between the towns (21,349 versus 5,178 per April 2011 town census). However, a deviation of less than 10% is generally deemed to comply with the "one person, one vote" requirement of the U.S. Constitution and Massachusetts law. *Voinovich v. Quilter*, 113 S.Ct. 1149, 1159 (1993), quoting *Brown v. Thomas*, 462 U.S. 835, 842-843 (1983); *Brookline v. Secretary of the Commonwealth* 417 Mass. 406, 413-414 (1994); *McClure v. Secretary of the Commonwealth*, 436 Mass. 614, 617 (2002).

Rounding off to a ratio of 4:1 results in a deviation of approximately 3%, which is well within permissible limits. This would allow us to use the 4:1 ratio our voters are familiar with and keep whole number vote totals for both towns. It also results in much simpler calculations that should be significantly easier to present to voters. For these reasons, the attached **Spreadsheet** calculates all solutions using a population ratio of 4:1.

Regional School District Committee Membership Options (MGL, Chapter 71: Section 14E)

A regional school district may, by amendment to its regional school district agreement, provide for one of the following options concerning the members of its regional school district committee: (1) electing committee members by voters in member communities with each community's representation apportioned according to population; (2) electing members in district-wide elections to be held at the biennial state elections; (3) electing members with residency requirements in district-wide elections to be held at the biennial state elections; (4) weighing the votes of committee members according to the population they represent; and (5) appointing committee members by locally elected officials such as school board members.

Discussion of the Options

(1) electing committee members by voters in member communities with each community's representation apportioned according to population

This option has difficulty complying with the "one person, one vote" rule without resulting in an unworkable or unwieldy committee size.

Rounding off to a 4:1 ratio would require either a committee of 5 members, with 1 from Boxborough and 4 from Acton, or some whole number multiple thereof. Any multiple would create the possibility of a deadlock and multiples of 3 or more could be unwieldy. Five members may be too few to perform the work of the committee, and would force the Boxborough member to attend every meeting or Boxborough would have no representation. It would further reduce Boxborough's voice from 50% to 25% that of Acton's (3:6 compared to 1:4). It would also require Boxborough to persuade 2 out of 4, or 50%, of Acton's votes and achieve a 60% supermajority to pass a motion. *(See Solution 10A in the Spreadsheet).*

(2) electing members in district-wide elections to be held at the biennial state elections

This option would raise the very real possibility that all members of the board would reside in Acton, which is highly undesirable and unlikely to permit any Regionalization Plan to pass at Boxborough Town Meeting.

(3) electing members with residency requirements in district-wide elections to be held at the biennial state elections

This option would address the problem presented in Option 2 by guaranteeing Boxborough and Acton representation on the Board. It also satisfies the "one person, one vote" requirement. However, it creates a new problem because voters in either town could decide the representation of the other. This could be exacerbated by low overall turnout and an energized faction of voters. Because Acton outnumbers Boxborough by more than 4:1, it is more likely that Acton voters would effectively choose Boxborough's representatives. It almost certainly would not pass at Boxborough Town Meeting, for reasons illustrated by the following example:

New York and Massachusetts, like Acton and Boxborough, are neighbors. Also, like Acton and Boxborough, they share many attitudes, values, and characteristics, except that one community is significantly more populous than the other. New York has nearly 3 times the population of Massachusetts, while Acton has more than 4 times Boxborough's population. New York and Massachusetts each have two U.S. Senators, elected by voters in each state. If all 4 candidates were on the ballot in *both* states, even with a residency requirement, it would be possible for New York voters to choose all 4 senators, and Massachusetts candidates could win by appealing solely to voters of New York.

A 7 member board selected in this manner, with 2 members from Boxborough and 5 from Acton, would meet the "one person, one vote" requirement, and increase Boxborough's voting strength from 20% under a weighted solution to 28.6%. However, this increase makes no difference, because Boxborough would still need to persuade 2 Acton members to pass a motion, whether it starts with 20% or 28.6% of the vote. *(See solution 7A in Spreadsheet).*

Moreover, it is easily possible to guarantee each town representation while meeting the "one person, one vote" requirement without introducing the significant downside of one community deciding the representation of the other.

(4) weighing the votes of committee members according to the population they represent

This is the option we currently use. It allows for maximum flexibility in size and composition, and complies with the "one person, one vote" requirement by weighting votes. *(See the Analysis section below and all solutions presented in the Spreadsheet).*

(5) appointing committee members by locally elected officials such as school board members

This option is typically used in a partial regional school district where the elected school committee at the elementary level appoints representatives to the secondary district.

In a K-12 regional district, there is no elected school committee, so an elected town body appoints representatives to the K-12 Regional School Committee. The number of representatives from each town is negotiated and specified in the Regional School District Agreement, and need not be proportional to the population of the towns.

This would allow us to comply with the "one person, one vote" requirement without weighting votes. However, it would still require that we determine the size and composition of a new Regional School Committee in the Agreement, and would shift the selection of school committee members one level away from the electorate, giving voters less direct participation in school matters.

Meeting the Objectives

The same issues faced the Founding Fathers in forming a union of states with widely varying populations. Large states were concerned with maintaining the voting power of their numbers, while smaller states feared losing a meaningful voice. They met the challenge with the Connecticut Compromise, which adopted a bicameral legislature, with the House based on proportional representation according to population and the Senate based on equal representation for each state. The "one person, one vote" requirement does not apply to the U.S. Senate, whose membership is set by Article I, Section 3 of the U.S. Constitution.

We can achieve a similar result with a single body by increasing the number of Boxborough members, thus guaranteeing it a voice by improving its power to persuade, while weighting the votes of Acton members, thus retaining Acton's power to pass.

That was the rationale behind the existing Committee's makeup of 3 Boxborough members and 6 Acton members, with Acton's votes being counted twice. Regrettably, as the accompanying **Spreadsheet** makes clear, the size, composition, and weighting chosen presents the worst achievable result of all possible solutions having between 7 and 11 members. Not only does it require Boxborough to meet the highest possible burden of persuasion, it also requires that it obtain the largest possible supermajority in order to pass any motion. This may well have exacerbated the sense among some Boxborough residents that they lack a meaningful voice in the deliberations of the Regional School Committee. Fortunately, there are several superior alternatives.

Analysis

The attached **Spreadsheet** analyzes all possible combinations of size, composition, and weighting for boards having 7 to 11 members, where Boxborough has at least two members and never has more members than Acton. In all examples, Acton has 4 votes for every Boxborough vote, and thus can always pass any motion it supports as a group without the need to persuade any Boxborough members. The analysis determines the number of Acton members that Boxborough members need to persuade in order to pass a motion, and

calculates the "% to persuade". It then determines the minimum votes needed and calculates the "% to pass". For both "persuasion" and "passage", a lower percentage indicates a more meaningful voice for Boxborough.

The persuasion ratio varies from a low of 40% to a high of 50%. The passage ratio varies from a low of 52% to a high of 60%. The solution we currently use maximizes both ratios, and is the worst achievable outcome. (See *Spreadsheet solution 9B, requiring 50% to persuade and 60% to pass*). Its results are equaled by several others: 7B, 8A, 8C, 10A, 10C, 11B, and 11D. The best solutions minimize both ratios (40% to persuade and 52% to pass) and are achieved by several solutions: 7A, 8B, 9C, and 10D.

Although 7A has favorable ratios, I think that 2 members from Boxborough are inadequate to perform the work of the committee and provide representation for Boxborough in the event that one of its members is unavailable. Moreover, with 6 members on a 9 member board, Acton currently has twice the opportunity to be heard. With 5 members on a 7 member board, Acton's speaking advantage would increase to 2.5 to 1, further reducing Boxborough's voice.

It should be noted that solutions 8A, 8C, 10A and 10C are included for completeness but are unworkable because they could result in a deadlock. That is not the case with 8B, 10B and 10D because Acton and Boxborough would each have an odd number of representatives and no combination of members' votes could total 50%.

It is instructive to look at the following pairs in tandem: 7A and 7B, 8B and 8C, 9A and 9B, 10B and 10C, 11C and 11D (*the last pair are highlighted in red for ease of reference*). In each case, increasing the number of Boxborough representatives by 1 actually makes both the ratio of persuasion and the ratio of passage **worse**. This result is counterintuitive, and is caused by the fact that Boxborough would be required to persuade the same number of Acton members but would have a smaller pool of Acton members with which to work. This underscores the importance of examining the mathematical consequences of each solution and not being misled by an intuitive sense that one solution appears to be more fair than another. (See, e.g., *discussion of option 3 above*).

Recommendation

I recommend that we continue to employ option (4) of MGL, Chapter 71: Section 14E and that we consider solutions 8B, 9C, and 10D. (*Highlighted in green on the accompanying Spreadsheet for ease of reference*). They are manageable in size, comply with the "one person, one vote" requirement, provide Boxborough with a meaningful voice by offering the best ratios of persuasion and passage, and keep Acton's voting power intact.

Population: (2010 Town Census)	Acton	Boxborough	Ratio
	21,349	5,178	4.12

Rounded off to a 4:1 ratio so that Acton gets 4 times the number of Boxborough votes.

Under the present agreement, Acton gets 4 times the number of Boxborough's votes		
Boxborough: 3 members with 1 vote each	15 Total Votes	Boxborough: 20% voting power
Acton: 6 members with 2 votes each		Acton: 80% voting power

Committee Size	Solution	Acton	Boxborough	Weight of Each Acton Vote	Total Acton Votes	Total Box. Votes	Total Votes on Committee	Acton Members Needed to Carry	% to Persuade	Minimum Votes Needed to Pass	% to Pass
7 Members	7A	5	2	1.60	8	2	10.00	2	40%	5.20	52%
	7B	4	3	3.00	12	3	15.00	2	50%	9.00	60%
8 Members	8A	6	2	1.33	8	2	10.00	3	50%	6.00	60%
	8B	5	3	2.40	12	3	15.00	2	40%	7.80	52%
	8C	4	4	4.00	16	4	20.00	2	50%	12.00	60%
9 Members	9A	7	2	1.14	8	2	10.00	3	43%	5.43	54%
	9B	6	3	2.00	12	3	15.00	3	50%	9.00	60%
	9C	5	4	3.20	16	4	20.00	2	40%	10.40	52%
10 Members	10A	8	2	1.00	8	2	10.00	4	50%	6.00	60%
	10B	7	3	1.71	12	3	15.00	3	43%	8.14	54%
	10C	6	4	2.67	16	4	20.00	3	50%	12.00	60%
	10D	5	5	4.00	20	5	25.00	2	40%	13.00	52%
11 Members	11A	9	2	0.89	8	2	10.00	4	44%	5.56	56%
	11B	8	3	1.50	12	3	15.00	4	50%	9.00	60%
	11C	7	4	2.29	16	4	20.00	3	43%	10.86	54%
	11D	6	5	3.33	20	5	25.00	3	50%	15.00	60%

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in financial operations. This section also highlights the role of internal controls in preventing fraud and errors.

2. The second part of the document focuses on the implementation of robust risk management strategies. It outlines the need for a comprehensive risk assessment process that identifies potential threats and vulnerabilities. The document stresses the importance of developing effective mitigation plans to minimize the impact of risks on the organization's operations and financial health.

3. The third part of the document addresses the critical role of communication in organizational success. It discusses the importance of clear and consistent communication channels between all levels of the organization. The document emphasizes the need for regular reporting and updates to ensure that all stakeholders are informed and aligned with the organization's goals and objectives.

4. The fourth part of the document discusses the importance of continuous improvement and innovation. It highlights the need for organizations to regularly evaluate their processes and systems to identify areas for improvement. The document also emphasizes the importance of fostering a culture of innovation and encouraging employees to propose and implement new ideas that can drive the organization forward.

5. The fifth part of the document discusses the importance of maintaining strong relationships with external stakeholders. It emphasizes the need for organizations to engage with their customers, suppliers, and other partners in a transparent and collaborative manner. The document also highlights the importance of staying up-to-date on industry trends and regulations to ensure compliance and maintain a competitive edge.

8b

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2012 STATE PRIMARY

SS.

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

GREETING:

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

WARD 0; PRECINCT 1

BOXBOROUGH TOWN HALL, GRANGE MEETING ROOM, 29 MIDDLE ROAD, BOXBOROUGH

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

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

- SENATOR IN CONGRESS. FOR THIS COMMONWEALTH
- REPRESENTATIVE IN CONGRESS THIRD DISTRICT
- COUNCILLOR. THIRD DISTRICT
- SENATOR IN GENERAL COURT MIDDLESEX & WORCESTER DISTRICT
- REPRESENTATIVE IN GENERAL COURT. . . THIRTY-SEVENTH MIDDLESEX DISTRICT
- REGISTER OF DEEDS. MIDDLESEX SOUTHERN DISTRICT
- CLERK OF COURTS. MIDDLESEX COUNTY
- SHERIFF (TO FILL VACANCY) MIDDLESEX COUNTY

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

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

Selectmen of: _____
(City or Town)

(Indicate method of service of warrant.)

_____, 2012.
Constable (month and day)

Warrant must be posted by **August 30, 2012**, (at least *seven days* prior to the **September 6, 2012** State Primary).



**Internal Communications and Outgoing Communications
July 30, 2012**

1. Copy of a certified letter from Conservation Commission, dated July 13, 2012, to Robert Stanley, 535 Stow Road advising him of the Commission's decision to rescind its June 12th Enforcement Order (EO); clarifying the specific focus of this determination and outlining the activities that prompted the issuing of an EO. #
2. Letter from TA Shaw, dated July 20, 2012, to Karen Guzzardi, confirming her verbal acceptance of the Town's offer of employment and providing an outline of the terms of her employment.
3. Communications from Town Counsel, Kopelman & Paige, P.C.:
 - a. Memorandaes to Municipal Clients:
 - i. from Attorney Brian Riley, dated July 13, 2012, regarding Open Meeting Law – Remote Participation and “Intentional Violations”.*
 - ii. from Attorney Jeanne McKnight, dated July 19, 2012, regarding Americans with Disabilities Act – Trial Accessibility Requirements. *
 - b. Copy of a coverletter from Town Counsel, Jonathan Eichman, dated July 23, 2012, to Attorney Michael Marsh, requesting Quitclaim Deeds and accompanying documents be filed/recorded with the Middlesex Registry of Deeds [Town of Boxborough – Hughes Lane]
 - c. Copies of certified letters from Town Counsel, George Pucci, dated July 18, 2012, regarding their continued encroachment on the Flerra Meadow Conservation Land to:
 - i. Nancy & Donald Copeland, 498 Stow Road
 - ii. Bruce Davidson & Marnie Butler, 432 Stow Road.

Indicates that the item had been previously distributed.

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



92 (321)
KOPELMAN AND PAIGE, P.C.
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July, 13, 2012

Town Clerk
 Local DB



MEMORANDUM TO MUNICIPAL CLIENTS

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

Re: Open Meeting Law – Remote Participation and “Intentional Violations”

The Attorney General’s Division of Open Government (“Division”) recently issued amended regulations on both remote participation and the definition of an “intentional violation,” and public bodies subject to the Open Meeting Law should be aware of these developments.

Remote Participation

When the new Open Meeting Law, G.L. c.30A, §§18-25, was enacted in 2010, it did not specifically authorize remote participation in meetings by members of a governmental body, such as via telephone or video conference. However, the Law provided that the Attorney General could authorize remote participation by letter ruling or regulation. In November 2011, the Division released regulations on the subject, and these were further amended in May of this year. The regulation, 940 CMR 29.10, may be accessed on the Division website at <http://www.mass.gov/ago/governmentresources/open-meeting-law/940-cmr-2900.html>.

The primary provisions of the regulation are as follows:

- Authorization – The “chief executive officer” must authorize use of remote participation before it can be used by a municipality’s public bodies. General Laws Chapter 4, §7 defines the term “chief executive officer” as the mayor in a city and the board of selectmen in a town, unless a different chief executive officer has been designated by charter or special act. Once authorized, remote participation will be available to all boards and committees subject to the Open Meeting Law. The chief executive officer may also decide to revoke such authorization.

Note: On May 24, 2012, the Division issued an emergency regulation that is currently in effect. The emergency regulation clarifies that Mayors and Boards of Selectmen have sole authority to: (1) authorize remote participation; and (2) impose additional local regulations that will apply uniformly to all city or town public bodies. For example, if a Board of Selectmen approves remote participation under particular conditions, another board cannot have its own remote participation policy establishing different conditions. The Division allowed one variation from this, in that a Mayor or Board of Selectmen may adopt, as part of their own municipality-wide policy, a provision that allows an individual board or

Memorandum to Municipal Clients

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commission to “opt out” – i.e., to decide against using remote participation at all. Any local regulations must be consistent with state law.

- Media – “[T]elephone, internet, or satellite enabled audio or video conferencing” may be used for remote participation, or other technology may be used provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must also be visible to all in attendance.
- Quorum Requirements – A quorum of the public body must be physically present at the meeting location before an absent member may participate remotely.
- Votes – If any member of a public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll call must be recorded in the minutes.
- Status – A member participating remotely may vote, and is not deemed to be “absent” from the meeting, including for purposes of G.L. c.39, §23D (a local acceptance statute that allows a board member to be “absent” from one session of a public hearing and still participate and vote, subject to certain conditions).
- Reasons – Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. In other words, a member cannot participate remotely only for convenience.
- Notification – A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above may be used for this announcement, and particular private details should be avoided (i.e., use the words “personal illness” as compared to “she has the flu,” or use “geographic distance” as compared to “she is in Alaska visiting relatives”). It is important to protect a member’s privacy rights with respect to illness or disability.
- Technical Issues - If technical difficulties arise with the media connection, the chair must decide how to address them. The Division encourages suspension of deliberations while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.
- Executive Session - A member participating remotely may participate in an executive session, but the member must state for the record that he or she is alone and cannot be overheard. Alternatively, another person may be present with the member participating remotely if the public body votes to authorize it.

Memorandum to Municipal Clients

Page 3

Any public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10, summarized above, as well as the other requirements of the Open Meeting Law and all of the Division's regulations.

Intentional Violations

When the Open Meeting Law was revised in 2010, it included various enforcement methods that the Division may employ, including severe actions that may be taken if the Division determines that the violation was "intentional." The term is defined in the regulations at 940 CMR 29.02, but the Division is in the process of revising the definition this summer. While this term includes actions by a board or board member with the specific intent to violate the Open Meeting Law, or with "deliberate ignorance" of the Law's requirements, the Division's proposed regulation also includes situations where a body has been warned once by the Division that certain actions are in violation, and the body then repeats that action. When the Division issues a written determination in response to a citizen's complaint and includes such a warning, the Division now includes a statement that "future similar violations may be considered evidence of intent to violate the law." If a public body receives a determination from the Division with a caution not to take certain action in the future, it is important that all members understand the determination so that members can avoid inadvertently doing something that might be treated as intentional by the Division.

Very truly yours,



Brian W. Riley



92 (3211)
KOPELMAN AND PAIGE, P.C.

The Leader in Municipal Law

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July 19, 2012

SFAC
Legal DB
Rel Comm

Received
7-26-2012

MEMORANDUM TO MUNICIPAL CLIENTS

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

Re: Americans with Disabilities Act – Trail Accessibility Requirements

As summer increases the number of individuals enjoying nature and outdoor activity, this Memorandum is intended to provide an overview of recent changes to the Americans with Disabilities Act related to public trails and outdoor facilities. Federal regulations created under the Americans with Disabilities Act of 1991, 42 U.S.C. § 12101 et. seq. (“ADA”), now require state and local governments to provide greater access to public trails and other outdoor spaces for individuals with mobility disabilities. The United States Department of Justice (“DOJ”) released guidelines setting forth its interpretation of the new regulations, which may be accessed at http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm.

I. Scope of Regulations

The new ADA regulations are significant because they require public entities to allow individuals with mobility disabilities to use wheelchairs, and in some cases other types of powered mobility devices, to access a wide range of public facilities including trails and nature areas. 28 C.F.R. § 35.137. A public entity cannot discriminate against or exclude individuals with disabilities on the basis of disability. 42 U.S.C. § 12132. Public entities subject to the ADA include state and local governments, as well as any associated governmental bodies, such as a municipal conservation commission, within the definition of public entity. 42 U.S.C. § 12131; 28 C.F.R. § 35.104(1) & (2). Such public entities cannot summarily deny access to public facilities to individuals due to their disabilities. A facility includes all or any portion of sites, walks, parking lots, complexes, and any other property belonging to the public entity. 28 C.F.R. § 35.104. This broad definition of facilities under the regulations includes trails, open spaces, wildlife sanctuaries, and nature centers.

II. Wheelchairs – As of Right Use

Public entities must allow individuals with mobility disabilities to use wheelchairs and manually powered aids, such as canes, walkers, and crutches, in any area open to pedestrian use. 28 C.F.R. § 35.137 (a). A wheelchair includes manually operated and power-driven devices such as powered wheelchairs and motorized scooters. 28 C.F.R. § 35.104. To qualify as a wheelchair, the device must be designed specifically for the use of individuals with mobility disabilities. 28 C.F.R. § 35.104. The use of wheelchairs and manually powered aids is allowed as of right but there is no requirement that a public entity alter an existing trail to better accommodate a manually powered mobility aid or wheelchair. 28 C.F.R. § 35.150(a)(1).

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III. Other Power-Driven Mobility Devices – Discretionary Use

Separate requirements govern the use of other power-driven mobility devices (“OPDMDs”) and give public entities some discretion regarding OPDMD access. 28 C.F.R. § 35.137(b)(1). An OPDMD includes any mobility device (other than a wheelchair) powered by fuel, batteries, or an engine, and used by an individual with a mobility disability to move from place to place. 28 C.F.R. § 35.104. An OPDMD includes devices that are not intended for the primary purpose of assisting individuals with mobility disabilities. 28 C.F.R. § 35.104. Thus, a Segway, golf cart, truck, or a snowmobile falls within the parameters of an OPDMD under the regulations. The regulations stipulate that a public entity must make reasonable accommodations in its policies and practices to allow individuals with mobility disabilities to use OPDMDs. 28 C.F.R. § 35.137(b)(1).¹ A public entity does, however, have some flexibility regarding this requirement. If an entity can demonstrate that the OPDMD in question cannot be used safely at the facility, an entity may bar the use of that particular type of OPDMD from the facility. 28 C.F.R. § 35.137(b)(1).

IV. Assessment Factors for OPDMD Use

A public entity must thoroughly assess the specific facility before concluding that allowing the use of a particular type of OPDMD is or is not a reasonable modification under 28 C.F.R. § 35.137(b)(1). The DOJ has interpreted 28 C.F.R. § 35.137(b)(1) to place the burden on the public entity to demonstrate that an OPDMD may not be used in a particular facility. Section 35.137(b)(2) of 28 C.F.R. provides a five-factor assessment that a public entity must apply to determine whether a certain type of OPDMD may or may not reasonably be used in a particular facility. The DOJ has not, however, provided guidance as to what constitutes a facility when applying these five factors. At this point, it remains uncertain whether this assessment must be applied on a trail by trail basis, or on a broader level, such as an entire park. The five factors are as follows:

1. The type, weight, size, and speed of the certain type of OPDMD;
2. The facility’s volume of pedestrian traffic including variations in volume depending on hour, day, month, year, and the like;
3. The facility’s design and operation, e.g., type of activity or services provided, outdoor or indoor locations, availability of device storage, square footage, and density of use;
4. Whether safety requirements can be established to allow other types of OPDMDs in the facility; and
5. Whether the use of the OPDMD would result in “a substantial risk of harm to the immediate environment, or natural or cultural resources” or conflicts with federal land management law. 28 C.F.R. § 35.137(b)(2)(i)-(v).

¹ A reasonable accommodation does not require a public entity to change an existing facility to the extent that accommodations would “fundamentally alter the nature” of that facility or create “undue financial and administrative burdens.” 28 C.F.R. §§ 35.130(b)(7) & 35.150(a)(3); Darian v. University of Massachusetts Boston, 980 F.Supp. 77, 88 (D.Mass., 1997).

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A public entity must make specific findings in respect to a particular facility and a specific type of OPDMD under the above assessment factors before concluding that the use of an OPDMD is or is not reasonable. In its guidelines, the DOJ states that “the focus of the analysis must be on the appropriateness of the use of the device at a specific facility, rather than whether it is necessary for an individual to use a particular device.” Public entities are permitted to create safety requirements regarding OPDMDs, as well as safety requirements for their facilities generally, but these safety requirements must be based on actual risks not generalizations. 28 C.F.R. § 35.130(h).

In sum, an entity must perform individual assessments for each facility under the five factors above and assess specific OPDMDs or OPDMD characteristics before reaching a conclusion regarding OPDMD use.

V. Drafting a OPDMD Use Policy

The DOJ recommends that once a public entity determines that changes to its rules can or cannot reasonably be made to accommodate the use of OPDMDs, the entity should develop an OPDMD use policy. Specifically, the DOJ advises that a policy should clearly state rules and conditions governing OPDMD use and the entity should provide advance notice to the public of its policy and the rules that apply to OPDMDs. The development and application of any OPDMD use policy must be based on findings under the five assessment factors discussed above and should address actual risks as well as reasonable accommodations discovered during the assessment process.

The DOJ’s guidelines provide suggestions to assist public entities in developing their OPDMD use policies. Examples include:

1. Grouping permitted and excluded OPDMDs by class, weight, power source, or speed;
2. Establishing OPDMD weight or speed limits;
3. Outlining the places, times, or circumstances where, and to what extent, OPDMD use will be prohibited or limited;
4. Providing rules for pedestrian safety and habitat safety, e.g., operating OPDMDs on established pathways, yielding to pedestrians, speed limits, etc;
5. Creating procedures to assess the legitimacy of OPDMD use.

VI. Inquiry Regarding Use of OPDMD

Staff members and volunteers may ask an individual using an OPDMD to verify that the use of the OPDMD is because of a disability but may not ask about the nature of the disability. 28 C.F.R. § 35.137(c). This limitation seeks to balance individual privacy with public entities’ interest in maintaining facilities and public safety.

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A public entity must be satisfied by an assurance from the individual using the OPDMD that it is necessary due to a disability. An assurance is sufficient if it is in the form of a state-issued proof of disability such as a parking-placard, or a verbal representation that the OPDMD is necessary for mobility. 28 C.F.R. § 35.137(c)(2). The DOJ clarifies in its guidelines that a verbal representation is sufficient to allow OPDMD use if an individual's disability is not readily observable. However, the DOJ guidelines state that if an individual subsequently engages in physical activities that contradict his or her earlier representation, the individual may be prohibited from using an OPDMD.

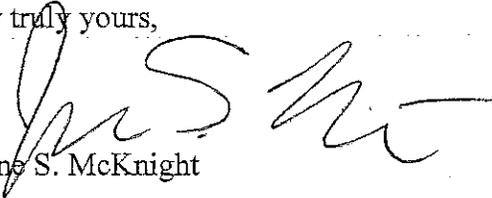
VII. New Design Standards

Beginning March 15, 2012, all newly constructed or altered public facilities, including trails and other outdoor areas, must meet the 2010 Standards for Accessible Design. 28 C.F.R. § 35.151(c)(3).

VIII. Conclusion

This Memorandum is intended to provide an overview of the new ADA accessibility regulations. We anticipate that these regulations will be further interpreted by the courts and thus, what it means to comply with these regulations may change. If you have not already begun to do so, we recommend that you assess your community's trails and outdoor facilities and develop an OPDMD use policy to meet the new ADA requirements discussed above. If you have a Conservation, Parks and/or Recreation Commission with jurisdiction over public trails, please share this Memorandum with them.

Very truly yours,


Jeanne S. McKnight

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**Minutes, Notices and Updates
July 30, 2012**

Minutes

1. Conservation Commission Minutes of meetings held June 20, 2012 and July 11, 2012.
2. Personnel Board Minutes of the meeting held June 20, 2012.
3. Finance Committee Minutes of the meeting June 25, 2012.

Notices

1. Notice of an Agricultural Commission meeting held July 18, 2012.
2. Notices of Board of Selectmen meetings:
 - a. Regular meeting to be held July 30, 2012
 - b. Contract Negotiating Team [Executive Session]
 - i. Held July 20, 2012 [Police]
 - ii. July 23, 2012 [Police] *Cancelled*
 - iii. Held July 27, 2012 [Police]
 - iv. To be held August 1, 2012 [Fire]
3. Notices of Joint Meetings of Acton /Acton-Boxborough School Committees:
 - a. Policy Subcommittee - held July 24, 2012
 - b. Negotiations Subcommittee - held July 25, 2012
4. Notice of a Stow Road Concept Development Committee meeting held July 25, 2012
5. Notice of a Personnel Board meeting held July 26, 2012.
6. Notice of an Energy Committee to be held August 1, 2012
7. Notice of a Steele Farm Advisory Committee meeting to be held August 9, 2012.
8. Notice of the Boxborough School Committee's meeting schedule for 2012-2013.
9. Legal Notice/Invitation for Bids – De-Leading and Painting of the Older, Western Portion of the Boxborough Town Hall.
10. Notice/Request for Quotes – Boxborough Fire Department – Installation of Cassette Air Conditioning System.
11. Job Posting from the Boxborough School District – Head Teacher (K-2) for the Blanchard Extended Day Program.
12. Register Now Notice – MassDOT's "Moving Together 2012" Conference to be held October 17, 2012.

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General Correspondence
July 30, 2012

1. Information provided by Minuteman School Committee Chair, Alice DeLuca, "the Minuteman school committee has many accomplishments this year, despite many distractions." [FY 2012]

