



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**January 28, 2013**

**Approved: February 4, 2013**

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

**ABSENT:** Raid Suleiman

**ALSO PRESENT:** Selina Shaw, Town Administrator; Finance Committee Chair, Karim Raad; and Fincom Members: Jim Ham; Dilip Subramanyam; Susan Bak & Neal Hesler

Chair Fox called the meeting to order at 6:30 PM in the Town Administrator's Office. Chair Fox stated that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board.

**EXECUTIVE SESSION**

Member Powers moved to adjourn to executive session to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200A, Dispatch; Massachusetts Coalition of Police, Local 200, Police; Boxborough Professional Firefighters, Local 4601) and to reconvene in open session in the Grange Meeting Room at 7:30 PM. Seconded by Chair Fox. **Approved 3-0, by Roll Call Vote: Fox "aye," Amoroso "aye," and Powers "aye." (Member Stemple not present for vote).**

Chair Fox reconvened the meeting, in Open Session at 7:40 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.

*The Board took Item #4, out of order*

**ANNOUNCEMENTS**

Chair Fox read the announcements.

**APPOINTMENTS**

- Mr. Ron Cuomo was present to request that he be named as the new manager, on the Holiday Inn – Boxborough's alcoholic beverage license. Mr. Cuomo discussed his business background. He is taking on these responsibilities until a new General Manager is retained to replace, Jules LaVoie. Their intention is to come back before the Selectmen, in the near future, to name the new General Manager as the manager on their alcoholic beverage license. Member Powers moved to approve and forward to the Alcoholic Beverages Control Commission the petition of the Hotel Boxborough Lessee, LLC, dba Holiday Inn Boxborough Woods, located at 242 Adams Place, to change the manager of the Hotel's beverage service operations from Julien N. Lavoie to Ron Cuomo. Seconded by Member Amoroso. **Approved 4-0.**
- Recreation Commission Chair, Matt Rosen, was present to request that Hilary Greven be appointed to the Recreation Commission. Greven was not present. Further to the recommendation of the Recreation Commission, Member Powers moved to appoint Hilary Greven to the Recreation Commission for a term effective immediately and ending on June 30, 2015. Seconded by Member Stemple. **Approved 4-0.**

Though not on the agenda, Rosen advised the Selectmen that due to the lack of snow RecCom was cancelling WinterFest. He summarized the arrangements that had been made and related some of the plans that RecCom is discussing to avoid cancelling this event in the future.

- Police Chief Warren Ryder was present to introduce Frank Gordon as a candidate for appointment as Special Police Officer. Chief Ryder reviewed the status of the Department's Special/auxiliary roster and these officers' duties/responsibilities. This appointment will now put special officer staffing at the optimal level. Chief Ryder discussed Gordon's background and the re-training he is currently undergoing. Gordon spoke to his experience and why is seeking re-appointment as a Special officer after an absence of several years. Further to the recommendation of Police Chief Warren Ryder, Member Powers moved to appoint Frank Gordon as a Special Police Officer for a term effective immediately and ending on June 30, 2013. Seconded by Member Stemple. **Approved 4-0.**
- Citizens concerns – Karim Raad, stated that after much deliberation he felt that he had to come forward and publicly respond to a statement made by Selectmen Powers after the conclusion of the January 7<sup>th</sup> Special Town Meeting. Raad commented that he felt threatened by the alleged remarks. Member Powers related his recollection of this discussion and noted that this had been a private conversation between himself and Raad. He further stated that introducing their private conversation in a public forum was neither productive, nor was it in the best interest of the continuing negotiations with the unions or the relationship between the FinCom and the Selectmen. Selectman Powers also indicated that he felt Mr. Raad's introducing this item in a public forum was offensive to him personally and an attack on his integrity. Powers stated that he intends to inform the Moderator of his concerns; urging the Moderator to take disciplinary action against Raad. Raad noted that he has already brought this to the Moderator's attention. Other Selectmen also provided input, specifically, noting that a stated goal of the Selectmen was to maintain morale in the public safety departments and this was probably the point Powers was trying to make. It was also reiterated that this had been a private, personal conversation and should remain that way, out of the public forum.

*The Board took Item #6, out of order*

#### **SELECTMEN REPORTS**

- Member Amoroso reported on the work of the Regional Study Committee. Boxborough School Committee Chair and A/B Regional School Committee member, Maria Neyland was present and also provided her input. Member Amoroso reiterated and expanded on the information provided in the announcement read by Chair Fox. Several concerns have recently developed that have affected the trajectory of the Study Committee. An Acton resident had proposed a new, radically different, assessment model. It had been communicated to the Study Committee that there was little support from either the Acton Selectmen or the Acton FinCom on expanding the region. Based on the public feedback that has been received Acton residents do not perceive a strong need to expand the region and there was only weak support from Boxborough residents. Based on these factors the Study Group will be recommending to the A/B Regional School Committee that the effort to revise the existing agreement to expand the region should not move forward. Amoroso noted that a preliminary draft is currently in the hands of legal counsel. Neyland advised that during this study it came to light that several portions of the existing agreement needed to be updated – it is intended this work still be undertaken. She also advised that the study costs were covered by grant funds. There was discussion on the representational models that were reviewed by the Study Comm. Neyland advised that since the Study Committee made its determination she has been contacted by residents stating they still wanted to move forward. She encouraged anyone that wishes to continue to support the expansion of the region to attend the Feb.7<sup>th</sup> Regional School Committee's meeting to voice their support. There was discussion as to what could happen to efforts to expand the region in the future.
- Member Stemple reported that the only meeting he attended was that of the Regional Study Committee.
- Chair Fox reported that he, TA Shaw, Town Counsel and Members Powers met to discuss how to proceed with CBA negotiations.
- Member Powers further noted that the negotiation team is scheduled to meet with Fire and Police this week and Dispatch in February.

He also reported that the Well-being Committee reviewed the latest school age "at-risk" survey. Of concern is the amount of stress experienced by 6<sup>th</sup> graders, some even having suicidal thoughts and in one case an alleged suicide attempt. It was also reported that there has been an increased use of inhalants by this age group. They are looking to reach out to the parents of this age group, to increase their awareness of these matters.

#### **MINUTES**

- Member Powers moved to accept the minutes for the Regular Session of January 14, 2013, as revised and the Executive Session minutes of January 14, 2013, as written. Seconded by Member Stemple. **Approved 4-0.**

## OLD BUSINESS

- The Board took up discussion on the FY14 Budget. It was noted that, at this time, FY 14 CBA salaries should be based on the FY 13 schedules. Chair Fox reported that he and FinCom member, Jim Ham, has met with Chief Ryder. Member Powers reported that he has also met with Chief White, and that a subsequent meeting with himself, Member Amoroso and Chief will be set up. The respective Chiefs' salaries will also be addressed during upcoming discussions. TA Shaw updated the Selectmen on Personnel Board's work on Schedule B for FY 14. She also noted that the Governor's proposed budget and aid concepts will be discussed at BLF. FinCom member, Jim Ham, was present and provided his general input on the CBA matters.
- Ham also delivered three Reserve Fund Transfer Requests that had been forwarded to the FinCom for approval. He advised the Selectmen of FinCom's votes on the respective RTFs.
- TA Shaw updated the Selectmen on preparations for Annual/Special Town Meeting. Planning Board has notified her of possible articles and ConsCom has already submitted a draft article.

## NEW BUSINESS

- Member Stemple volunteered to present the John R. & Elsie G. Hammond Scholarship at this year's A/B Scholarship Reception. Member Powers moved to award the John R. & Elsie G. Hammond Scholarship in the amount of \$750, to be presented by Selectman, Robert Stemple, at the June 4th ABRHS Scholarship Ceremony. Seconded by Chair Fox. **Approved 4-0.**
- The Selectmen took up the acceptance of two grants.
  - ◇ Member Stemple provided information on the Student Awareness of Fire Education (SAFE) grant which was awarded to the Fire Department; the programs that the Dept. is able to offer because of this grant and the efforts that made this possible. Member Powers moved to accept a grant in the amount of \$3,725 from the Executive Office of Public Safety in support of the Fire Department's 2013 Student Awareness of Fire Education program. Seconded by Member Amoroso. **Approved 4-0.**
  - ◇ There was discussion on the award of a Bulletproof Vest Partnership (BVP) grant to the Police Department. These armored vests are a significant expense; they have to be fitted to the individual wearer and need to be replaced on a regular basis. Chair Fox moved to accept a grant in the amount of \$2,585 from the Bureau of Justice Assistance for the purpose of acquiring National Institute of Justice compliant armored vests for the Police Department. Seconded by Member Powers. **Approved 4-0.**
- Pursuant to the authority granted under Article 6 of the January 7, 2013 Special Town Meeting, Member Amoroso moved to release an existing access easement described in a deed recorded with the Southern Middlesex Registry of Deeds in Book 22281, Page 67, on a parcel of land owned by Ken C. and Sandra G. Fabian, with the exception of that portion of the easement being shown as "Existing Trail Easement to Remain" on a plan entitled "Easement Plan, 90 Barteau Lane, Boxborough, MA; prepared for: The Town of Boxborough & Ken C. & Sandra G. Fabian; scale: 1"=40'; dated: September 2, 2012", prepared by Places Site Consultants, Inc. Seconded by Member Powers. **Approved 4-0.**
- The Selectmen reviewed the proposed Rules and Regulations for (Conservation and) Municipal Land in Boxborough for Use of Other Power Driven Mobility Devices (OPDMD) as it relates to trail accessibility in regards to the Americans with Disability Act. As there were some questions about how this would affect new trails, the Selectmen tabled approval so that input could be sought from the Conservation Commission.
- The Selectmen passed over discussion on a Temporary Constable.

## CORRESPONDENCE

- A letter from a resident that was delivered earlier today was distributed to the Selectmen. As it is about the proposed generator project, input will be sought from Chief White and the intention is to discuss at a future meeting.

## ADJOURN

- At 9:20 PM Member Powers moved to adjourn. Seconded by Member Stemple. **Approved 4-0.**

## SELECTMEN'S ANNOUNCEMENTS

JANUARY 28, 2013

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

- In October, the **Regionalization Study Committee** reached consensus on a proposal to expand the Acton Boxborough Regional School District to include grades pre-K through 12. Since then, committee members have been involved in community outreach efforts to inform the public as to the proposal and to receive comments and suggestions as to how it might be improved. In the course of that 3 month effort, it became clear that Acton residents did not perceive any strong need to expand the region, and that it would not be possible to secure a favorable recommendation from either the Acton Board of Selectmen or the Acton Finance Committee. In addition, the Study Committee perceived weak expression of support in the Boxborough community forums. In view of that reality, at its meeting on January 23, the Regionalization Study Committee voted unanimously to recommend to the Regional School Committee that it discontinue the effort of working to revise the Regional Agreement to expand the region. The Regionalization Study Committee continues to believe that expanding the region would benefit Acton and Boxborough both financially and educationally and encourages residents of both towns to consider doing so in the future.
  
- Real and Personal Property **Tax bills are due this Friday**, February 1<sup>st</sup>. To accommodate taxpayers the Tax Collector's Office will be open on Friday from 8am-4pm to accept payments.
  
- The Boxborough Recreation Commission is once again hosting Boxborough's Annual **Winterfest** at Steele Farm on Middle Road from 1:00 to 4:00 p.m. this Sunday, February 3<sup>rd</sup>. Come join in on a family afternoon of winter fun while taking in the beauty of Steele Farm. Please check the Town's website for more details and weather updates.
  
- **The FY 2014 budget process has begun. The current draft budget is available on the Town's website (Home page, under "NEWS").** You are encouraged to attend Selectmen, Finance Committee, School Committee and Library Trustee meetings at all times, but especially during the budget season. Please check the web calendar for meeting dates. Your input is important.

- **The annual street listing/census forms have been mailed to residents.** Please review the information, make any corrections necessary, sign the form and promptly return it to the Town Clerk's office at Town Hall. Voters who do not complete their census form will be put on the inactive voter list. Dog owners please note that a dog license application for 2013 is included in the census mailing. These are due by March 10. Please contact the Town Clerk, Liz Markiewicz if you have not received your census form or if you have any questions.
  
- The **Boxborough Museum** at 575 Middle Road, will be open from 2:00 pm to 4:00 pm on Sunday, February 10<sup>th</sup> and Sunday, March 10<sup>th</sup>. Admission is free and all are welcome. Members of the Boxborough Historical Society will be on hand to discuss this and the other exhibits. Contact John Fallon for more information or to arrange for a private tour.
  
- Residents are reminded that a **winter parking ban** is in effect from Nov. 15<sup>th</sup> until April 1<sup>st</sup>. On street parking is not allowed between the hours of 1:00 AM and 6:00 AM and at all times whenever inclement weather is forecasted. Also no overnight or weekend parking is allowed at any of the Town owned facilities, without permission. Unattended vehicles can obstruct the snow removal operations and may be subject to towing. Please go to the Town's website under NEWS or contact the DPW for more information.
  
- **Sand is now available** to be picked up by residents at the DPW facility.
  
- 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. You learn more by going 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.
  
- **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 (4), Design Review Board (1 at-large member), Energy Committee (1), Planning Board (1 associate member), Public Celebrations & Ceremonies Comm. (1) and the Steele Farm Advisory Committee (2). 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](mailto: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](mailto:Selina.shaw@town.boxborough.ma.us)
- Board of Selectmen, Boxborough School Committee and Acton-Boxborough Regional School Committee **meetings are broadcast on both Comcast's Channel 9 and Verizon's Channel 39.** Residents can also tune-in and view the public meetings playback schedule, to find out when a particular meeting is scheduled for broadcast.
- Please contact the Town Clerk, Liz Markiewicz 978-263-1116 x 117 if you have any questions regarding the **street census form or licensing your dog.**
- For more information on the **winter parking ban** please go to the Town's website under NEWS or contact the DPW at 978-263-1600.
- For more information on the **Boxborough Museum** or to arrange for a small group private tour of the Museum or Historic Town Center please call John Fallon at 978-264-0069.



## BOARD OF SELECTMEN

Meeting Agenda

January 28, 2013

Boxborough Town Hall

Grange Meeting Room

### 1. CALL TO ORDER, 6:30 PM - Town Administrator's Office

### 2. EXECUTIVE SESSION [there may be a quorum of the Finance Committee present]

*Move to adjourn to executive session to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200A, Dispatch; Massachusetts Coalition of Police, Local 200, Police; Boxborough Professional Firefighters, Local 4601) and to reconvene in open session in the Grange Meeting Room at 7:30 PM*

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 THE GRANGE MEETING ROOM, 7:30 PM

### 3. APPOINTMENTS

- a) Ron Cuomo, requested new manager of the Hotel Boxborough Lessee, LLC, 7:30 PM

*Move to approve and forward to the Alcoholic Beverages Control Commission the petition of the Hotel Boxborough Lessee, LLC, dba Holiday Inn Boxborough Woods, located at 242 Adams Place, to change the manager of the Hotel's beverage service operations from Julien N. Lavoie to Ron Cuomo*

VOTE:

- b) Hilary Greven, candidate for appointment to the Recreation Commission, 7:40 PM

*Further to the recommendation of the Recreation Commission, move to appoint Hilary Greven to the Recreation Commission for a term effective immediately and ending on June 30, 2015*

VOTE:

- c) Frank Gordon, candidate for appointment as Special Police Officer, 7:45 PM

*Further to the recommendation of Police Chief Warren Ryder, move to appoint Frank Gordon as a Special Police Officer for a term effective immediately and ending on June 30, 2013*

VOTE:

- d) Citizens concerns

### 4. ANNOUNCEMENTS

### 5. MINUTES

- a) Regular session, January 14, 2013  
b) Executive session, January 14, 2013

ACCEPT & POF  
ACCEPT & POF

### 6. SELECTMEN REPORTS

### 7. OLD BUSINESS

- a) FY14 Budget  
b) Annual/Special Town Meeting

## 8. NEW BUSINESS

- a) John R. & Elsie G. Hammond Scholarship  
*Move to award the John R. & Elsie G. Hammond Scholarship in the amount of \$750, to be presented by Selectman... (TBD) at the June 4th ABRHS Scholarship Ceremony* VOTE:
- b) Acceptance of grants
- i. Student Awareness of Fire Education (SAFE)  
*Move to accept a grant in the amount of \$3,725 from the Executive Office of Public Safety in support of the Fire Department's 2013 Student Awareness of Fire Education program* VOTE:
- ii. Bulletproof Vest Partnership (BVP)  
*Move to accept a grant in the amount of \$2,585 from the Bureau of Justice Assistance for the purpose of acquiring National Institute of Justice compliant armored vests for the Police Dept.* VOTE:
- c) Partial release of easement  
*Pursuant to the authority granted under article 6 of the January 7, 2013 Special Town Meeting, move to release an existing access easement described in a deed recorded with the Southern Middlesex Registry of Deeds in Book 22281, Page 67, on a parcel of land owned by Ken C. and Sandra G. Fabian, with the exception of that portion of the easement being shown as "Existing Trail Easement to Remain" on a plan entitled "Easement Plan, 90 Barteau Lane, Boxborough, MA; prepared for: The Town of Boxborough & Ken C. & Sandra G. Fabian; scale: 1"=40'; dated: September 2, 2012", prepared by Places Site Consultants, Inc.* VOTE:
- d) Americans with Disability Act – Trail Accessibility  
*Move to adopt the Rules and Regulations for (Conservation and) Municipal Land in Boxborough for Use of Other Power Driven Mobility Devices (OPDMD) as drafted by the Conservation Commission and revised by Town Counsel* VOTE:
- e) Temporary Constable - discussion

## 9. CORRESPONDENCE

ACCEPT & POF

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

## 10. PRESS TIME

## 11. CONCERNS OF THE BOARD

## 12. ADJOURN





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

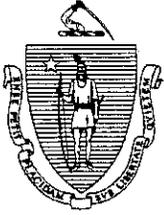
If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**PERSONAL INFORMATION FORM**

Each individual listed in Section 10 of this application must complete this form.

**1. LICENSEE INFORMATION:**

A. Legal Name of Licensee	Hotel Boxborough Lessee, LLC	B. Business Name (dba)	Holiday Inn Boxborough Woods		
C. Address	242 Adams Place	D. ABCC License Number (If existing licensee)	012200001		
E. City/Town	Boxborough	State	MA	Zip Code	01719
F. Phone Number of Premise	978-263-8701	G. EIN of License	35-2246569		

**2. PERSONAL INFORMATION:**

A. Individual Name	Ron Cuomo	B. Home Phone Number	[REDACTED]		
C. Address	[REDACTED]				
D. City/Town	[REDACTED]	State	MA	Zip Code	[REDACTED]
E. Social Security Number	[REDACTED]	F. Date of Birth	[REDACTED]		
G. Place of Employment	TPG Hospitality				

**3. BACKGROUND INFORMATION:**

Have you ever been convicted of a state, federal or military crime? Yes  No

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

**4. FINANCIAL INTEREST:**

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

None

**IMPORTANT ATTACHMENTS (8):** For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

\*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	1/14/2013
Title		(If Corporation/LLC Representative)	

**Hotel Boxborough Lessee, LLC  
Consent of Sole Member**

January 9, 2013

The undersigned, being the sole member of Hotel Boxborough Lessee, LLC, a Massachusetts limited liability company (the "**Company**"), in accordance with the by-laws of the Company, hereby resolves, agrees and consents to the following resolution for and on behalf of the Company, and hereby certifies that such resolution has not been amended, rescinded, or revoked and is in full force and effect as of this date:

**WHEREAS**, the Company is the license holder for the liquor license issued to the Holiday Inn Boxboro Hotel (the "**Hotel**") located at 242 Adams Place, Boxborough, MA 01719-1735; and

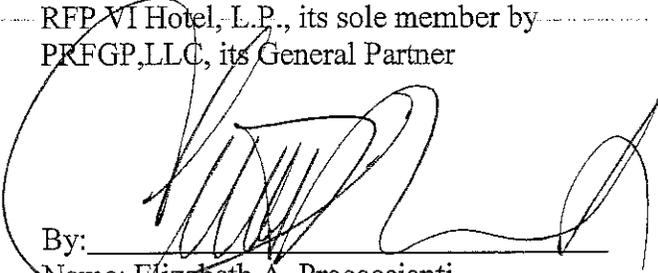
**WHEREAS**, Jules Lavoie is no longer Manager of the beverage service operations for the Hotel and therefore has no authority to act or execute documents relating to the liquor license for the Hotel; and

**NOW THEREFORE**, the Company hereby appoints Ron Cuomo ("**Manager**") Manager of the beverage service operations for the Hotel; and

Said **Manager**, in capacity as Manager, be and hereby is, authorized to execute the necessary documentation, and to do any and all such acts and things as may be necessary or proper relating to the liquor license relating to the Hotel.

**IN WITNESS WHEREOF**, this Consent is executed as of the date first above written.

Hotel Boxborough Lessee, LLC, by  
RFP VI Hotel, L.P., its sole member by  
PRFGP, LLC, its General Partner

By:   
Name: Elizabeth A. Procaccianti  
Title: Manager

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

FORM 43  
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

012200001	BOXBOROUGH	
ABCC License Number	City/Town	Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee	Hotel Boxborough Lessee LLC	EIN of Licensee	35-2246569				
D/B/A	Holiday Inn Boxborough Woods	Manager	Ron Cuomo				
ADDRESS:	242 Adams Place	CITY/TOWN:	Boxborough	STATE	MA	ZIP CODE	01719
Annual	All Alcohol	Innholder					
Annual or Seasonal	Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials)	Type: (Restaurant, Club, Package Store, General On Premises, Etc.)					

Complete Description of Licensed Premises:  
DINING ROOMS, COCKTAIL LOUNGE, BANQUET ROOMS, MEETING ROOMS, exhibit room, Garden Courtyard and pavilion lounge. Enclosed pool areas, exterior barbeque areas, as well as in all 143 guest rooms

Application Filed:	1-16-2013 <sup>11:57AM</sup>	Advertised:		Abutters Notified:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Date & Time		Date & Attach Publication		

Contact Person for Transaction	Michelle R. Joyal	Phone:	401-946-4600 ext. 153				
ADDRESS:	1140 Reservoir Avenue	CITY/TOWN:	Cranston	STATE	RI	ZIP CODE	02920

Remarks:

The Local Licensing Authorities By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ABCC Remarks: \_\_\_\_\_



3b

**Selina S. Shaw**

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**From:** Hilary Greven [REDACTED]  
**Sent:** Monday, January 14, 2013 8:27 AM  
**To:** mrgw@[REDACTED]; carol\_zrl@[REDACTED]  
**Cc:** matthewrosner@[REDACTED]; selina.shaw@town.boxborough.ma.us  
**Subject:** RE: Rec Comm

Hi,

I'm so sorry I'm just responding now. [REDACTED]

I would like to join and am happy to attend the next Board of Selectman's meeting. Just let me know when that is.

Thanks,  
Hilary

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**From:** mrgw@[REDACTED]  
**To:** carol\_zrl@[REDACTED]; hburgoyne@[REDACTED]  
**CC:** matthewrosner@[REDACTED]; selina.shaw@town.boxborough.ma.us  
**Subject:** Rec Comm  
**Date:** Thu, 10 Jan 2013 13:30:27 -0500

Hi Carol and Hilary,

Thank you for joining us Tuesday evening for our Rec. Comm. meeting. We have a terrific group moving forward and we are hoping you decide to join us. To that end, if you are serious about joining the commission, we will need to know so Selina Shaw; Town Administrator can get you on the Board of Selectmen's agenda so they can appoint you. If you would like to proceed immediately, you can get on next Monday's BOS agenda but Selina needs to know by 2pm today! NO PRESSURE! ☺

You can just respond to all if you want to move forward, thanks.

Best Regards,  
Mitzi  
[REDACTED]



3c



# Town of Boxborough Police Department



Warren B. Ryder  
Chief of Police

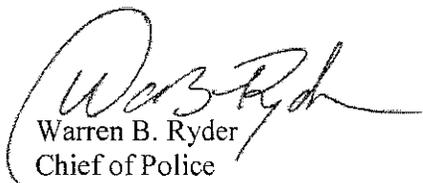
To: Board of Selectmen  
From: Warren B. Ryder, Chief of Police  
RE: Special Officer Appointment  
Date: January 24, 2013

Dear Board,

I respectfully request that Frank Gordon be appointed as a Special Boxborough Police Officer to fill a vacancy created when a Special Police Officer retired last year. Mr. Gordon, a long time Boxborough resident, was a part time Police Officer in the Town of Lincoln for over 15 years and applied for the Boxborough position last year. His previously held certification as a police officer has lapsed with inactivity and he required the 242 hours of training to be considered for the position.

Mr. Gordon has recently completed the legally required Basic Reserve Program held by the Municipal Police Training Committee in Bedford, MA. His prior experience as a police officer and his residential status will make him a valuable asset to the department.

Sincerely,

  
Warren B. Ryder  
Chief of Police





**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**January 14, 2013**

Approved: \_\_\_\_\_

**PRESENT:** Les Fox, Chair; Frank Powers, Clerk; Raid Suleiman, Member; Robert Stemple, Member; and Vincent Amoroso, 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 Fox called the meeting to order at 7:01 P.M. in the Grange Meeting Room of Town Hall.

**ANNOUNCEMENTS**

Chair Fox read the announcements. He noted that a videographer was not available so this meeting would not be broadcast.

**APPOINTMENTS**

- Chair Fox introduced Boxborough's new Inspector of Buildings/Code Administration Officer, David G. Lindberg. Member Powers related the search team's efforts which resulted in their selection of Mr. Lindberg for this position. The job description also encompasses facilities management responsibilities. The January 7<sup>th</sup> Special Town Meeting approved an increase from 25 hours to 40 hours for this position. In addition, Mr. Lindberg will be on call 24/7, for emergencies. Town Clerk, Liz Markiewicz, swore Mr. Lindberg in.
- Planning Board Chair, Nancy Fillmore; members, John Markiewicz & Owen Neville; and Town Planner, Elizabeth Hughes, were present to hold a joint meeting with the Selectmen to consider Eduardo Pontoriero as a candidate to fill the vacancy on the Planning Board, due to the resignation of Julie Carroll. The Planning Board called its meeting into session. Selectmen Chair Fox reviewed this appointment process and the background on tonight's appointment. He thanked Mr. Pontoriero for the thoughtful letter that he submitted seeking this appointment. Planning Board Chair Fillmore reviewed Mr. Pontoriero's participation on the Planning Board as an associate member.
  - ◊ Selectmen: Due to the vacancy created by Julie Carroll's resignation, Selectman Powers moved to appoint Eduardo Pontoriero to the Planning Board until the next municipal election to be held on May 20, 2013. Seconded by Selectman Suleiman. **Approved 5-0, by Roll Call Vote: Fox "aye," Powers "aye," Stemple "aye," Suleiman "aye," and Amoroso "aye."**
  - ◊ Planning Board: Due to the vacancy created by Julie Carroll's resignation, Member Neville moved to appoint Eduardo Pontoriero to the Planning Board until the next municipal election to be held on May 20, 2013. Seconded by Chair Fillmore. **Approved 3-0, by Roll Call Vote: Markiewicz "aye," Neville "aye," and Fillmore "aye."**

*The Selectmen took Agenda Items 5 (a-d), out of order.*

**MINUTES**

- Member Powers moved to accept the minutes for the Regular Sessions of December 17, 2012, as revised and January 7, 2013, as written. Seconded by Member Suleiman. **Approved 5-0.**
- Member Powers moved to accept the minutes for the Executive Sessions of December 3, 2012 and December 17, 2012, as written. Seconded by Member Stemple. **Approved 5-0.**

## APPOINTMENTS (Continued)

- Personnel Board Chair, Anne Canfield, was invited to open the discussion on approving a candidate to fill the Planning Board vacancy due to the passing of Dick Golden. Philip Kicelemos and Rebecca Neville had expressed interest in serving. Both were present as candidates for this position. Personnel Board Chair Canfield related what she knew about the background of Mr. Kicelemos and Ms. Neville. Chair Fox gave Mr. Kicelemos and Ms. Neville an opportunity to discuss their reasons for seeking this position and to relate the expertise and/or experience that they have that could be beneficial to the Personnel Board. Some of the items that Mr. Kicelemos related were that: he has lived here for 44 years; this was a good opportunity to serve; he still owns and manages his own investment company; he has a master's degree; he is familiar with the Town's tax rate and feels that he could do an excellent job working on a budget. Chair Fox then asked Ms. Neville to speak. Ms. Neville noted that before she stepped down, last year, as a Selectman she had been the Personnel Board liaison. She understands the municipal budget process; public sector compensation structures; and the Personnel Board's role & responsibilities. She spoke to some of the items that she worked on while she was the Personnel Board liaison, including the Personnel Board's research into establishing a merit-based compensation system. There was a general discussion regarding the make up of the Personnel Board and its governing bylaw. Chair Fox asked for nominations. Member Suleiman moved to nominate Rebecca Neville to the Personnel Board to fill the unexpired term of Richard Golden, commencing immediately and ending on June 30, 2013. Seconded by Member Powers. Member Amoroso moved to nominate Philip Kicelemos to the Personnel Board to fill the unexpired term of Richard Golden, commencing immediately and ending on June 30, 2013. Seconded by Member Stemple. Chair Fox called for a vote to approve a candidate: Rebecca Neville – vote to **approve 5-0** and Philip Kicelemos - vote to **approve 0-5**.
- Recreation Commission member, Mitzi Garcia-Weil, as present to introduce Carol Zeroual as a candidate for appointment to the Recreation Commission. Further to the recommendation of the Recreation Commission, Member Suleiman moved to appoint Carol Zeroual to the Commission for a term effective immediately and ending on June 30, 2015. Seconded by Member Powers **Approved 5-0**.
- The Holiday Inn's Director of Sales, Lindsay Dean, was present to discuss a "live entertainment" event to be held at the Holiday Inn on February 16, 2013. The Selectmen spoke to the materials provided and reviewed what lead up to tonight's discussion. Ms. Dean and TA Shaw provided further updates regarding the arrangements for the February 16<sup>th</sup> event and other upcoming events. The promoter will be following up with Fire Chief White address the components concerning EMT/Fire personnel. Arrangement should be finalized once these items are addressed. The Selectmen noted that it is the license holder's responsibility to make sure there is compliance with the Town's "Policy on Issuance of Entertainment Licenses". It is important that there is a clear understanding of these responsibilities going forward. Ms. Dean reviewed the hotel's practices & procedures and their previous experience with similar events. There was also discussion concerning upcoming departure of the General Manager and the arrangements that are being made to manage of the facility during this transitional period.

## REORGANIZATION OF THE BOARD OF SELECTMEN

- Chair Fox opened discussion on nominations for Clerk of the Board. He related the discussions of May 23<sup>rd</sup>, when it was proposed, that Member Powers' appointment as clerk be for a term of six months. There was discussion regarding the history of the Selectmen's appointment process and the role of the Clerk. Chair Fox called for nominations for the Clerk. Member Powers moved to nominate Vincent Amoroso as Clerk. Seconded by Member Suleiman. As there were no other nominations Chair Fox closed discussion. **Approved 5-0**.

## SELECTMEN REPORTS

- Member Amoroso updated the Selectmen on the activities of the Acton-Boxborough School Regionalization Study Committee. Some significant concerns have recently arisen. It had been agreed that several key terms of the existing regional agreement would be unchanged, as our communities consider the proposed expansion, such as maintaining the current assessments formula. However, an Acton resident recently came forward to propose a major re-working of the assessment formula. A subgroup of the Committee met to review his proposal and, the subgroup will be presenting its findings and recommendation(s) to the Committee as a whole. The Committee continues to move forward in its preparation for April's Special Town Meetings. Member Amoroso also supports continuing to move forward.

There was discussion regarding voter attendance at town meetings.

- Member Suleiman reported on Energy Committee activities. They are excited about Mr. Lindberg's appointment. They are looking to meet with Department heads to discuss capital planning projects that focus on energy usage. They are, also, looking forward to providing input on when the Town re-negotiates its recycling contract. DPW Director Garmon has provided some data on the recycling compactor's usage, which will be reviewed. The EnCom has suggested that window curtains be installed

in the Grange Meeting Room. TA Shaw has further suggested that a new stage curtain be included when quotes are sought. He also reported that a resident has voiced concern that AC window unit in data room at the front of Town Hall is very unsightly and something should be done about it. The Selectmen discussed ways to possibly fund the work that would be necessary to address this concern.

- Chair Fox reported that he and FinCom's Jim Ham had met with Chief Ryder to discuss Police & Dispatch budget matters and the status of the department's vehicle fleet.

He also reported that there was discussion, at a recent MAGIC meeting, on the legalization of medical marijuana. Town Counsel is already in communication with the Town on this.

- Member Powers reported that at the last Council on Aging meeting it was reported that in 2012 there were 11,001 van rides. There was also a discussion about providing shoveling services for some senior residents. This service had previously been provided but has fallen by the way. The intention is to reach out to area youth groups to re-ignite this program.

He also reported that though he was unable to attend the last Substance Abuse Task Force meeting he had been advised that its chair is looking to energize the Task Force's efforts.

## **NEW BUSINESS**

- Chair Fox moved to reappoint Irene Boiarski, Lorraine Carvalho, Ralph DeMent, James Faulkner, Michael Fetterman, Heather Fleming, Les Fox, Susan Frederickson, Diane Friedman, Kurt Hayes, and Al Murphy to the Stow Road Concept Development Committee for terms effective immediately and ending on December 31, 2013. Seconded by Member Suleiman. **Approved 5-0.**
- Member Powers moved to accept the deed for Pine Pasture Run, pursuant to the authority granted by the vote under Article 7 of the January 7, 2013 Special Town Meeting, General Laws Chapter 82, Section 21 and any other authority in any way appertaining. Seconded by Chair Fox. **Approved 5-0.** The deed acceptance was executed by the Selectmen.
- There was discussion on expanding of the scope of the, previously authorized, compensation study and a Reserve Fund Transfer to fund these additional services. The expansion of the scope of this study is due the feedback received after the January 7<sup>th</sup> Special Town Meeting. Member Powers moved to forward to the Finance Committee for approval the request to transfer \$3,000 from the Reserve Fund to account #001-122-5200-5306, Board of Selectmen – Consulting for the purpose of expanding the Comprehensive Compensation Study to include the union positions of Public Safety Dispatcher, Public Safety Dispatch Supervisor, Firefighter/EMT, Fire Lieutenant, Police Patrolman and Police Sergeant. Seconded by Member Stemple. **Approved 5-0.**
- The MMA and MIAA are holding their Annual Meetings on January 26, 2013. None of the Selectmen are able to attend so TA Shaw shall be designated as the Town's delegate at these meetings. Member Powers moved to authorize the Chairman of the Boxborough Board of Selectmen to designate Town Administrator Selina Shaw as the Town's voting delegate at the MMA and MIAA Annual Meetings to be held on January 26, 2013. Seconded by Chair Fox. **Approved 5-0.**
- Member Powers moved to call the annual town meeting, to begin on Monday, May 13, 2013, at 7 PM, to be held at the Blanchard Memorial School and if necessary, a special town meeting to be held within the annual town meeting. Seconded by Member Suleiman. **Approved 5-0.**

## **EXECUTIVE SESSION, TOWN ADMINISTRATOR'S OFFICE**

- At 9:05 PM, Member Powers moved to adjourn to executive session to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200A, Dispatch; Massachusetts Coalition of Police, Local 200, Police; Boxborough Professional Firefighters, Local 4601) and to adjourn immediately thereafter. Chair Fox noted that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Member Stemple. **Approved 5-0, by Roll Call Vote: Fox "aye," Powers "aye," Stemple "aye," Suleiman "aye," and Amoroso "aye."**



80

Acton-Boxborough Regional High School  
36 Charter Road, Acton, Massachusetts 01720  
Tel: (978) 264-4700 Web Address: [ab.mec.edu/abrhs](http://ab.mec.edu/abrhs)

*Together we promote respect for self, others, and learning*



January 4, 2013

Dear Mr. Suleiman

Re: John and Elsie Hammond Memorial Scholarship

We welcome your participation in recognizing our students through awarding a graduating senior in the Class of 2013 with a scholarship. This year, as we prepare for graduation week activities, we would like your assistance in providing us with the information we need to begin the process.

Again, we are planning a Scholarship Reception within graduation week specifically for the presentation of scholarships. We look forward to your participation in this June 4th event which will focus attention on community support. Presenters, recipients and their families, and the community will be invited. Presenters will have the opportunity to present their awards directly to the recipients at the podium, personalizing the occasion for both. There will be a photographer on hand and there will be a reception following the formal presentation of scholarships. We continue to be excited about the more personalized approach which the scholarship reception offers. It has been well received.

I hope you will want to make an award again this year and that you will feel able to match, or increase, last year's amount. We have looked at our local scholarship program as a vehicle that has enabled us to grant aid to some of our students based on the character, qualities, activity or their attainment as a student scholar. Over the years we have been fortunate to have received support for our students from many segments of our communities including civic organizations, local businesses and booster groups.

On the enclosed sheet would you kindly make changes, if any, in the information about the scholarship, complete the data requested with regard to the presenter, and indicate your preferred method of payment. We ask that you also include an email address on the criteria form as well. A stamped, self-addressed envelope is enclosed for your convenience. Please respond by **February 8th** in order for us to have all the information available for the scholarship committee when they begin their series of meetings.

The Scholarship Ceremony will be held at 7:00 p.m. on Tuesday, June 4, 2013 in the high school auditorium. I will be in touch with you again prior to this date. However, please feel free to contact either myself or the ABRHS Local Scholarship Coordinator, Susan Sousa (978-264-4700 ext. 3405) if you have any questions.

As a reminder to all of our sponsors, only those seniors who have completed the electronic local ABRHS scholarship application by the established deadline are eligible for the scholarships to be awarded at the ceremony on June 4, 2013

Thank you in advance for your continued support of our ABRHS graduates.

Sincerely,

A handwritten signature in black ink, appearing to read "Alixe Callen". The signature is fluid and cursive.

Alixe Callen, Ed.D.  
Principal



8 b i

**Selina S. Shaw**

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**From:** Chief White [rwhite@boxboroughfire.com]  
**Sent:** Tuesday, January 15, 2013 2:43 PM  
**To:** Amoroso Vincent; lesfox@comcast.net; Powers Frank; Robert Stemple; selina.shaw@town.boxborough.ma.us; sraid@yahoo.com  
**Cc:** jmalinowski@boxboroughfire.com; ebohnert@boxboroughfire.com  
**Subject:** Student Awareness of Fire Education

Greetings,

I am pleased to announce that the Boxborough Fire Department has received a grant amount of \$3,725.00 dollars, from the Executive Office of Public Safety to support our 2013 Student Awareness of Fire Education (S.A.F.E.) program. This year's grant award is \$1,725.00 dollars higher than last year's amount which will certainly enhance our program capability.

Regards,

Randy

[rwhite@boxboroughfire.com](mailto:rwhite@boxboroughfire.com)  
Randolph T. White, Fire Chief  
Emergency Management Director  
Boxborough Fire Department  
502 Massachusetts Avenue  
Boxborough, MA 01719

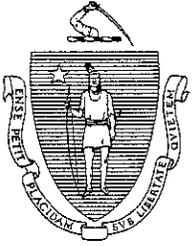
978-263-7546 Main  
978-263-0038 Fax  
[www.boxboroughfire.com](http://www.boxboroughfire.com)

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Thank you.





The Commonwealth of Massachusetts  
 Executive Office of Public Safety and Security  
 Department of Fire Services



P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-3100 Fax: (978) 567-3121

[www.mass.gov/dfs](http://www.mass.gov/dfs)

DEVAL L. PATRICK  
 GOVERNOR

TIMOTHY P. MURRAY  
 LT. GOVERNOR

MARY ELIZABETH HEFFERNAN  
 SECRETARY

STEPHEN D. COAN  
 STATE FIRE MARSHAL

January 11, 2013

Chief Randolph White  
 Boxborough Fire Department  
 502 Massachusetts Avenue  
 Boxborough, MA 01719

Dear Chief White:

I am pleased to inform you that your FY 2013 Student Awareness of Fire Education (S.A.F.E.) grant application has been approved for funding. The Boxborough Fire Department has been awarded \$3,725.00 in state funds.

Please return the enclosed *contract form and the contractor authorized signatory listing form* (where the municipality says who is authorized to sign contracts on its behalf) to the Department of Fire Services (DFS) to the attention of Fiscal Affairs by February 1, 2013. Once these documents have been received, DFS will sign the contract and send you a copy. Fire departments may only begin to incur costs upon receipt of the executed contract. Be sure to alert your treasurer and to check with them to ensure receipt of the funds. We expect the funds to be electronically distributed in February 2013.

All grantees were required to submit the FY 2012 year-end report to DFS by December 31, 2012. If there are any unexpended funds, the grantee may apply for a one-time 6-month extension, which will be part of the year-end report form. At the close of the single 6-month extension, all unexpended funds must be returned to the Commonwealth. At this time, any FY 2011 funds (or any prior year) remaining after December 31, 2011, or if an extension was received, after June 30, 2012, must be returned to the Commonwealth.

Eighteen years ago, the fire service advocated to the legislature for the creation of the S.A.F.E. Program. Since that time we have reduced average annual child fire deaths by 70%. I thank you for your commitment to the S.A.F.E. Program and for your continuing efforts to raise a fire safe generation of children. If you have any questions, please feel free to contact Jennifer Mieth at (978) 567-3381 or the S.A.F.E. staff at (978) 567-3388.

Sincerely,

Stephen D. Coan  
 State Fire Marshal

*Administrative Services • Division of Fire Safety  
 Hazardous Materials Response • Massachusetts Firefighting Academy*

## **SCOPE OF WORK—Student Awareness of Fire Education (S.A.F.E.)**

This grant is available to municipalities in order to provide student awareness of fire education programs, which shall include information about the risks caused by smoking.

Amounts received with each award will be specified in both the "Award Letter" and on the Commonwealth of Massachusetts Standard Contract Form issued to the jurisdiction. Recipient agrees that funds awarded through this grant will be used to supplement but not supplant federal, state or local funds.

Funds received must be expended by December 31, 2013. Recipients may apply for a 6-month extension through June 30, 2014. Extension applications must be received with FY 2013 year-end reports by January 31, 2014.

Any unexpended funds must be returned as soon as possible after the June 30, 2014 contract end date.

A report of spending of the prior year grant amount must be submitted prior to the release of new funds.

Changes to this scope may be made as part of the annual legislation authorizing this grant program.

The receipt of funds is subject to availability of funds and any other provisions specified in the appropriation of those funds.



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### Bulletproof Vest Partnership

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### Body Armor Safety Initiative

[NEWS](#)

[CURRENT ACTIVITIES](#)

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[SUMMIT INFORMATION](#)

[BODY ARMOR RESOURCES](#)

[FAQS](#)

## Bulletproof Vest Partnership



The **Bulletproof Vest Partnership (BVP)**, created by the Bulletproof Vest Partnership Grant Act of 1998 is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement.

Since 1999, over 13,000 jurisdictions have participated in the BVP Program, with \$277 million in federal funds committed to support the purchase of an estimated 800,000 vests. The Office of Justice Programs' Bureau of Justice Assistance (BJA) administers the BVP Program.

**NEW:** The Bureau of Justice Assistance is pleased to announce the Fiscal Year 2012 BVP funds are available for use. The FY 2012 award funds may be used for the latest National Institute of Justice (NIJ) compliant armored vests which are ordered on or after April 1, 2012. The deadline to request payments from the FY 2012 award funds is August 31, 2014, or until all available 2012 awards funds have been requested.

The complete list of FY 2012 BVP awards can be viewed [here](#).

**Documentation Requirement:** Grantees are required to keep documentation to support the BVP vest application and payment requests for at least a three year period.

**Other Federal Funds:** Justice Assistance Grant (JAG) funds or other federal funding sources may not be used to pay for that portion of the bullet proof vest (50%) that is not covered by BVP funds. JAG or other federal funds may be used to purchase vests for an agency, but they may not be used as the 50% match for BVP purposes.

Please see the FY 12 [application checklist](#) for further details.

**Notice (updated 12/05/2011):** The BVP user login process was updated 11/22/2011. This update requires all existing users to register for a new BVP account and associate it with an existing agency before agency details can be viewed.

To register, please create a new user login and associate it with your current agency by providing your current account login and password. See the [BVP Account Creation Checklist](#) for an overview of the steps required, and the [BVP User and Agency Registration Guide](#) for more details on this process.

For questions regarding account migration, please do not hesitate to contact the BVP Help Desk at [vests@usdoj.gov](mailto:vests@usdoj.gov) or 1-877-758-3787. During this transition, the helpdesk is experiencing heavy call volume during peak hours. If you experience issues getting in contact with the helpdesk, please try again during off peak hours (before 10am, 12-1pm, or after 5 pm EST).

**AAAAAA New:** The Bureau of Justice Assistance is pleased to announce the Fiscal Year 2011 BVP funds

## Body Armor Safety Initiative



**Body Armor Safety Initiative - An Initiative of U.S. Department of Justice.** In response to concerns from the law enforcement community, the Department of Justice (DOJ) announced an initiative to address the reliability of body armor used by law enforcement personnel and to examine the future of bullet-resistant technology and testing. As part of this initiative, the National Institute of Justice (NIJ) has examined Zylon®-based bullet-resistant vests (both new and used) and is reviewing the process by which bullet-resistant vests are certified.

**Body Armor Labels: When In Doubt .... Check It Out** ([Click here for additional information](#))

**NEW 1-16-2013:** NIJ Body Armor Statement - Female Vest Model DXF-II

- [Protective Products Enterprises, model DXF-II](#)
- [Paraclete, model DXF-II](#)
- [PACA, model DXF-II](#)
- [Point Blank Body Armor, model DXF-II](#)

### Closed NIJ Advisory Notices and Safety Notices

Previous National Institute of Justice Body Armor Alerts

3-7-2012: NIJ Body Armor Statement

- [Custom Armor Technologies QVA-3A-1](#)

12-9-2011: NIJ Body Armor Advisory Notices

- [Paraclete Model TRP3A](#)
- [Mine Safety Appliances \(MSA\) Model TRP3A](#)

04/07/2011:

- [Galls model AIIAF \(Apr. 1, 2011\)](#)
- [Galls model CIIIAF \(Apr. 1, 2011\)](#)
- [PACA model AIIF \(Apr. 1, 2011\)](#)
- [Galls model AIIF \(Apr. 1, 2011\)](#)
- [Galls model AIIF \(Apr. 1, 2011\)](#)
- [PACA model CIIIAF \(Apr. 1, 2011\)](#)

12/22/2010:

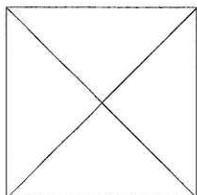
- [Pacific Safety Products, Inc. Model 06UG2A8H](#)
- [GH Armor Systems Model 06UG2A8H](#)

5/28/2008:

- [Model TBL II S6XF](#)
- [Model MF34F-06](#)
- [Model NFORCE II S6XF-06](#)

8/25/2008: [New National Institute of Justice Body Armor Standard 0101.06](#)

2/20/2008: [Bullet-Resistant Body Armor Models Removed from NIJ Body Armor List](#)



**Selina S. Shaw**

8 b ii

**From:** Chief Warren B. Ryder (BPD) [ryder@boxboroughpolice.com]  
**Sent:** Wednesday, January 16, 2013 2:20 PM  
**To:** 'Selina S. Shaw'  
**Subject:** FW: Bulletproof Vest Partnership FY 2012 Award Announcement  
 FYI

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

978-263-2628 Main  
 978-268-5123 Admin Fax  
[www.BoxboroughPolice.com](http://www.BoxboroughPolice.com)

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

**From:** owner-bvp-list@ojp.usdoj.gov [mailto:owner-bvp-list@ojp.usdoj.gov] **On Behalf Of** BVP  
**Sent:** Tuesday, October 16, 2012 3:50 PM  
**To:** Undisclosed recipients:  
**Subject:** Bulletproof Vest Partnership FY 2012 Award Announcement

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2012 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP system. For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at [vests@usdoj.gov](mailto:vests@usdoj.gov) or 1-877-758-3787.

A complete list of FY 2012 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>

The FY 2012 award funds may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered on or after April 1, 2012. The deadline to request payments from the FY 2012 award funds is August 31, 2014, or until all available 2012 awards funds have been requested. Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2012 BVP funding certified during the application process that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP system. For more information on the BVP mandatory wear policy, please see the FAQs here:

<http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVP MandatoryWearPolicy.pdf>

Thank You.

BVP Program Support Team

LA	SULPHUR CITY	\$ 1,455.50	5
LA	TANGIPAHOA PARISH	\$ 1,198.67	30
LA	THIBODAUX CITY	\$ 4,284.00	15
LA	WEST FELICIANA PARISH	\$ 7,020.00	24
LA	WESTLAKE CITY	\$ 4,257.44	13
<b>Totals for LA (52 Jurisdictions):</b>		<b>\$ 342,408.29</b>	<b>2,757</b>
MA	ABINGTON TOWN	\$ 8,395.00	23
MA	ACTON TOWN	\$ 3,975.00	10
MA	ADAMS TOWN	\$ 1,628.13	5
MA	AMHERST TOWN	\$ 2,385.00	6
MA	ANDOVER TOWN	\$ 2,312.50	5
MA	ATTLEBORO CITY	\$ 11,382.50	27
MA	BARNSTABLE CITY	\$ 9,450.00	21
MA	BELMONT TOWN	\$ 3,987.50	11
MA	BERKLEY TOWN	\$ 1,900.00	4
MA	BLANDFORD TOWN	\$ 2,446.50	7
MA	BOLTON TOWN	\$ 1,875.00	4
MA	BOXBOROUGH TOWN	\$ 2,585.00	6
MA	BOXFORD TOWN	\$ 3,132.50	7
MA	BRIDGEWATER TOWN	\$ 1,750.00	5
MA	CAMBRIDGE CITY	\$ 9,315.03	170
MA	CARLISLE TOWN	\$ 672.50	2
MA	CARVER TOWN	\$ 5,532.80	13
MA	CHARLTON TOWN	\$ 2,000.00	5
MA	CHATHAM TOWN	\$ 2,842.00	7
MA	CHELSEA CITY	\$ 1,882.50	5
MA	CHESTERFIELD TOWN	\$ 661.50	2
MA	CHILMARK TOWN	\$ 397.50	1
MA	DEDHAM TOWN	\$ 2,782.50	7
MA	DEERFIELD TOWN	\$ 1,762.50	5
MA	DENNIS TOWN	\$ 1,738.00	4
MA	DIGHTON TOWN	\$ 4,000.00	10
MA	EASTHAMPTON TOWN	\$ 1,048.50	3
MA	ERVING TOWN	\$ 4,200.00	12
MA	ESSEX COUNTY	\$ 19,575.20	281
MA	EVERETT CITY	\$ 15,899.40	66
MA	FAIRHAVEN TOWN	\$ 8,400.00	21
MA	FALL RIVER CITY	\$ 54,650.00	190
MA	GEORGETOWN TOWN	\$ 3,875.00	10
MA	GRANBY TOWN	\$ 2,385.00	6
MA	GREAT BARRINGTON TOWN	\$ 699.00	2
MA	GROTON TOWN	\$ 2,000.00	5
MA	HAMPDEN TOWN	\$ 1,334.00	4
MA	HARDWICK TOWN	\$ 3,400.00	8
MA	HINGHAM TOWN	\$ 9,600.00	24
MA	HOLLISTON TOWN	\$ 1,590.00	4
MA	HOPEDALE TOWN	\$ 1,790.00	4



**PARTIAL RELEASE OF EASEMENT**

The TOWN OF BOXBOROUGH, a Massachusetts municipal corporation with an address of 29 Middle Road, Boxborough, Massachusetts, acting by and through its Board of Selectmen ("Grantor") pursuant to the authority granted by the vote of the January 7, 2013 Special Town Meeting, a certified copy of which is attached hereto and recorded herewith, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, RELEASES and GRANTS to KEN C. FABIAN and SANDRA G. FABIAN (a/k/a Sandra S. Fabian) of 90 Barteau Lane, Boxborough, Middlesex County, Massachusetts, all of Grantor's right, title and interest in and to that perpetual easement granted to the Town by way of an Executor's Deed recorded with the Southern Middlesex Registry of Deeds in Book 22281, Page 67 (the "Easement"), with the exception of that portion of the Easement being shown as "Existing Trail Easement to Remain" on a plan entitled "Easement Plan, 90 Barteau Lane, Boxborough, MA; prepared for: The Town of Boxborough & Ken C. & Sandra G. Fabian", scale: 1"=40'; dated: September 2, 2012, prepared by Places Site Consultants, Inc. (the "Plan"), to be recorded herewith.

The purpose of this release is to complete the relocation of the Town's easement in Grantor's property in the manner shown on the Plan. A grant of easement to the Town in those portions of Grantor's property shown on the Plan as "Proposed Trail Easement" is recorded herewith.

No deed stamp taxes are due on this conveyance pursuant to G.L. c 64D, §1.

EXECUTED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN OF BOXBOROUGH  
BOARD OF SELECTMEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned notary public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on this document, and acknowledged to me that he signed it as his free act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

465773/BOXB/0001







## ADMINISTRATION

# Memo

**To:** Board of Selectmen  
**From:** Selina Shaw, Town Administrator   
**Re:** Rules and Regulations for Conservation and Municipal Land for Use of other Power-Driven Mobility Devices (OPDMD) per the Americans with Disabilities Act (ADA)  
**Cc:** Conservation Commission, Steele Farm Advisory Committee  
**Date:** January 28, 2013

In response to Town Counsel's July 19, 2012 memo to municipal clients re: trail accessibility, the Conservation Commission, in October, drafted and approved Rules and Regulations for Conservation and Municipal Land for Use of Other Power-Driven Mobility Devices (OPDMD) Per the Americans with Disabilities Act (ADA). The Commission and the Steele Farm Advisory Committee have suggested that same be adopted for municipal parcels.

Prior to bringing forward the rules and regulations for the Selectmen's consideration, I asked Town Counsel to review those drafted and adopted by the Commission. A red-lined version reflecting Counsel's input is included, along with a clean version for easier review. As you will see, most of the edits provided by Counsel were minor in nature; however, there were two more substantive revisions.

The first of these was the inclusion in section 1, paragraph 3 of a reference to a non-existent section of Boxborough's general bylaws. This was likely simply a carry-over from one of the model sets of rules and regulations. Of greater concern to Counsel was the inclusion of section 4d, regarding use of other vehicles. Counsel has pointed out that fire protection and other emergency vehicles responding to an emergency could not reasonably seek prior approval and issuance of a permit in advance in any event. The other vehicles (farm vehicles and various DPW equipment, if allowed, could run afoul of state agency interpretations of the ADA. If use by any farm vehicle or DPW equipment is proposed, Counsel has suggested that such use can be dealt with by the Board of Selectmen as to municipal lands and by the Conservation Commission as to conservation lands, outside of these regulations, but with sensitivity to this issue.

Please do not hesitate to let me know if you need additional information.

Thank you for your consideration of this matter.

**Selina S. Shaw**

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**From:** EWhitcomb1@comcast.net

**Sent:** Wednesday, January 02, 2013 8:47 AM

**To:** Selina S. Shaw

**Subject:** Power driven mobility devices on municipal land

Selina,

The Steele Farm Committee reviewed the Rules And Regulations for Conservation and Municipal Land for Use of Other Power-Driven Mobility Devices (OPDMD) Per the American with Disabilities Act (ADA) and recommend the Selectmen adopt them for the Steele Farm municipal land.

Ed



**Boxborough Conservation Commission**

29 Middle Road, Boxborough, Massachusetts 01719

Phone: 978.263.1116 (ext.111) • Fax: 978.264.3127

[www.town.boxborough.ma.us](http://www.town.boxborough.ma.us)

David Follett Charlene Golden Norm Hanover David Koonce Dennis Reip, Chair Rick Williamson

To: Boxborough Board of Selectmen ✓  
Steele Farm Committee  
Selina Shaw

From: Conservation Commission

Date: Oct 11, 2012

Subjects: Americans with Disabilities Act – Trail Accessibility

In response to the memo from Kopelman and Paige relative to trail accessibility, the ConsCom has drafted and approved the attached **Rules and Regulations for Conservation and Municipal Land for Use of Other Power Driven Mobility Devices (OPDMD) Per the Americans with Disabilities Act**. The Rules and Regulations were approved at the Oct. 2, 2012 ConsCom meeting.

These Rules and Regulations are very similar to those adopted by Mass Audubon and the Town of Carlisle.

We suggest that the Board of Selectmen and Steele Farm Committee consider the adoption of the same Rules and Regulations for Steele Farm, the Hager-Library parcel, Community Gardens, the former Picnic Street Trust parcels and other Municipal land. All of these parcels have marked trails and trail maps posted on the Town web site. Many of the trail users do not know which trails are on Conservation land vs. Municipal land. Therefore it would be of value to have one set of Rules and Regulations for all Town owned land.

Some access to Town land is restricted by gates, chains or cables. The ConsCom will work with the DPW to review and modify these entrances to accommodate the OPDMD maximum width of 36".



**Town of Boxborough**  
**Rules and Regulations for Conservation and Municipal Land**  
**for Use of Other Power-Driven Mobility Devices (OPDMD)**  
**Per the Americans with Disabilities Act (ADA)**

1. Introduction and Authority: These Rules and Regulations (“Rules”) describe and regulate use of other power-driven mobility devices (“OPDMDs”) on Town of Boxborough ~~conservation-Conservation~~ and ~~municipal-Municipal~~ lands pursuant ~~to to the U. S. Department of Justice~~ ~~federal~~ regulations amending the Americans with Disabilities Act (“ADA”), Title II, 28 C.F.R., Part 35, effective March 15, 2011.

In addition to these Rules, all ~~conservation-Conservation~~ and ~~municipal-Municipal~~ land users should be familiar with the Rules & Regulations for Use of Town Land and with good ~~Trail-trail Etiquetteetiquette~~.

These Rules are promulgated by the Conservation Commission and Board of Selectmen pursuant to the authority granted under M.G.L. c. 40, Section 8C, ~~and Article III, Section 3.14 of the Town of Boxborough General Bylaws.~~

2. Definitions: For the purposes of these Rules, the following terms shall have the following meanings unless a different meaning is clearly stated:

“Commission” or “Conservation Commission”: the Town of Boxborough Conservation Commission.

“Narrow Single Track Trail”: Unpaved, narrow gauge trail. This type of trail is for natural areas or steep terrain where environmental or topographic constraints require no user impact to natural resources or for trails that do not provide adequate space to OPDMDs for safe passage of trail-users traveling in opposing directions. All trails not listed in ~~either-Appendix A or Appendix B~~ are Narrow Single Track Trails.

“Other Power-Driven Mobility Device” or “OPDMD”: Any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (“EPAMDs”), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Part 35 of the Title II Regulations.

“Service Trail”: Unpaved, unimproved service trail, typically greater than 8 feet in width, capable of accommodating service vehicle traffic. See Appendix A for list of Service Trails.

“Town”: the Town of Boxborough, Massachusetts.

3. Trail Use: Trails on Municipal or Conservation land are available for use ~~to~~by individuals with a mobility disability subject to these Rules. The purposes of these Rules are the physical safety of OPDMD users and other trail users, the protection of sensitive natural resources, noise mitigation, and fire prevention.

- a. The use of OPDMDs powered by internal combustion engines is prohibited. The exclusion of gas-powered OPDMDs, as compared to electric-powered OPDMDs, is due to the substantial risk of serious harm to the immediate environment from the fire danger created by the heat of the gas-fired engine and from noise impacts to animal habitats.
- b. Noise emitted by OPDMDs may not exceed 65 decibels.
- c. No person shall operate an OPDMD at a speed in excess of 3 miles per hour ~~(~~which equals normal walking speed~~)~~.
- d. OPDMDs must stay on designated trails at all times. Many trails pass near or cross wetlands and are vulnerable to erosion, particularly during wet periods.
- e. No OPDMDs are permitted in historical structures.
- f. Additional limitations are based on the type of trail:
  - i. **Service Trail:** All OPDMDs are allowed on service trails provided that the OPDMDs do not exceed 36” inch maximum width in order to allow safe passage of OPDMDs, pedestrians, equestrian riders, and service vehicles;
  - ii. **Narrow Single Track Trail:** No OPDMD devices are permitted on Narrow Single Track Trails. All trails not assessed as Service Trails ~~or Wide Single Track Trails (Appendices A and B)~~ are defined as Narrow Single Track Trails (See Appendix A).

~~(Delete reference to Wide Single Track Trails)~~

4. Limitations:

- a. The adoption of these Rules does not represent an endorsement that the Town’s ~~trails or conservation properties~~Municipal or Conservation land ~~are is~~ safe for any ~~trail~~-user. Users must exercise reasonable caution and care while on Town ~~conservation~~Conservation and Municipal land ~~s~~ and operate OPDMDs at their own risk.
- b. These Rules may be amended from time to time as new information is available regarding the extent of physical constraints, resource protection criteria, specific trail conditions, and safety concerns for all trail users.
- c. Nothing in these Rules shall contradict ~~Federal~~federal or Commonwealth of Massachusetts statutes or regulations. In the case of conflict, ~~Federal~~federal or Commonwealth statutes or regulations shall prevail.
- d. ~~Use of other vehicles may be allowed on conservation lands with the specific approval and issuance of a permit by the Conservation Commission. This includes farm vehicles, fire protection equipment and various DPW equipment.~~

5. Enforcement:

- a. Whoever violates any provision of these Rules may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for each violation shall be fifty dollars (\$50.00).
- b. Whoever violates any provision of the Rules may be penalized by non-criminal disposition as provided in General Laws, Chapter 40, Section 21D, in which case the penalty for each violation shall be fifty dollars (\$50.00) and the enforcing persons shall be the Conservation Commission, its Agent or any Police Officer of the Town.

6. Non-motorized wheelchairs are allowed on all Town Conservation and Municipal ~~trails~~land.

7. Additional Information:

Complete trail maps and ~~Trail-trail Etiquette-etiquette~~ guidelines are available on the Town website at [www.town.boxborough.ma.us/boxborough/consmap=map\\_consland.html](http://www.town.boxborough.ma.us/boxborough/consmap=map_consland.html) and in the “Boxborough Trail Guide”. The Guide is available at the Boxborough Town Hall and on the Town website.

Appendix ~~A~~: Service Trails

Users must exercise reasonable caution and care while on Town Conservation and Municipal ~~L~~ands and operate OPDMDs at their own risk.

**Parcel**

Flagg Hill  
 Flerra Meadows  
 Have Not Pond  
 Patch Hill  
 Rolling Meadows  
 Steele Farm  
 Wolf Swamp

**Trails**

red trail near Flagg Hill ~~pond~~Pond  
 all trails  
 red trail from Hill Road entrance west of North Cemetery  
 red and yellow trails from Hill Road entrance  
 red and yellow trails from Littlefield Road entrance  
 red and yellow trails from Middle Road entrance  
 red and yellow trails from Burroughs Road entrance

**Town of Boxborough**  
**Rules and Regulations for Conservation and Municipal Land**  
**for Use of Other Power-Driven Mobility Devices (OPDMD)**  
**Per the Americans with Disabilities Act (ADA)**

1. Introduction and Authority: These Rules and Regulations (“Rules”) describe and regulate use of other power-driven mobility devices (“OPDMDs”) on Town of Boxborough Conservation and Municipal land pursuant to federal regulations amending the Americans with Disabilities Act (“ADA”), Title II, 28 C.F.R., Part 35, effective March 15, 2011.

In addition to these Rules, all Conservation and Municipal land users should be familiar with the Rules & Regulations for Use of Town Land and with good trail etiquette.

These Rules are promulgated by the Conservation Commission and Board of Selectmen pursuant to the authority granted under M.G.L. c. 40, Section 8C.

2. Definitions: For the purposes of these Rules, the following terms shall have the following meanings unless a different meaning is clearly stated:

“Commission” or “Conservation Commission”: the Town of Boxborough Conservation Commission.

“Narrow Single Track Trail”: Unpaved, narrow gauge trail. This type of trail is for natural areas or steep terrain where environmental or topographic constraints require no user impact to natural resources or for trails that do not provide adequate space to OPDMDs for safe passage of trail-users traveling in opposing directions. All trails not listed in Appendix A are Narrow Single Track Trails.

“Other Power-Driven Mobility Device” or “OPDMD”: Any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (“EPAMDs”), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Part 35 of the Title II Regulations.

“Service Trail”: Unpaved, unimproved service trail, typically greater than 8 feet in width, capable of accommodating service vehicle traffic. See Appendix A for list of Service Trails.

“Town”: the Town of Boxborough, Massachusetts.

3. Trail Use: Trails on Municipal or Conservation land are available for use by individuals with a mobility disability subject to these Rules. The purposes of these Rules are the physical

safety of OPDMD users and other trail users, the protection of sensitive natural resources, noise mitigation, and fire prevention.

- a. The use of OPDMDs powered by internal combustion engines is prohibited. The exclusion of gas-powered OPDMDs, as compared to electric-powered OPDMDs, is due to the substantial risk of serious harm to the immediate environment from the fire danger created by the heat of the gas-fired engine and from noise impacts to animal habitats.
- b. Noise emitted by OPDMDs may not exceed 65 decibels.
- c. No person shall operate an OPDMD at a speed in excess of 3 miles per hour , which equals normal walking speed.
- d. OPDMDs must stay on designated trails at all times. Many trails pass near or cross wetlands and are vulnerable to erosion, particularly during wet periods.
- e. No OPDMDs are permitted in historical structures.
- f. Additional limitations are based on the type of trail:
  - i. **Service Trail:** All OPDMDs are allowed on service trails provided that the OPDMDs do not exceed 36" inch maximum width in order to allow safe passage of OPDMDs, pedestrians, equestrian riders, and service vehicles;
  - ii. **Narrow Single Track Trail:** No OPDMD devices are permitted on Narrow Single Track Trails. All trails not assessed as Service Trails are defined as Narrow Single Track Trails (See Appendix A).

4. Limitations:

- a. The adoption of these Rules does not represent an endorsement that the Town's Municipal or Conservation land is safe for any user. Users must exercise reasonable caution and care while on Town Conservation and Municipal land and operate OPDMDs at their own risk.
- b. These Rules may be amended from time to time as new information is available regarding the extent of physical constraints, resource protection criteria, specific trail conditions, and safety concerns for all trail users.
- c. Nothing in these Rules shall contradict federal or Commonwealth of Massachusetts statutes or regulations. In the case of conflict, federal or Commonwealth statutes or regulations shall prevail.

5. Enforcement:

- a. Whoever violates any provision of these Rules may be penalized by indictment or on complaint brought in the District Court. The maximum penalty for each violation shall be fifty dollars (\$50.00).
- b. Whoever violates any provision of the Rules may be penalized by non-criminal disposition as provided in General Laws, Chapter 40, Section 21D, in which case the penalty for each violation shall be fifty dollars (\$50.00) and the enforcing persons shall be the Conservation Commission, its Agent or any Police Officer of the Town.

6. Non-motorized wheelchairs are allowed on all Town Conservation and Municipal land.

7. Additional Information:

Complete trail maps and trail etiquette guidelines are available on the Town website at [www.town.boxborough.ma.us/boxborough/consmap=map\\_consland.html](http://www.town.boxborough.ma.us/boxborough/consmap=map_consland.html) and in the "Boxborough Trail Guide". The Guide is available at the Boxborough Town Hall and on the Town website.

#### Appendix A: Service Trails

Users must exercise reasonable caution and care while on Town Conservation and Municipal land and operate OPDMDs at their own risk.

#### Parcel

Flagg Hill  
Flerra Meadows  
Have Not Pond  
Patch Hill  
Rolling Meadows  
Steele Farm  
Wolf Swamp

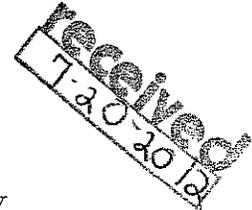
#### Trails

red trail near Flagg Hill Pond  
all trails  
red trail from Hill Road entrance west of North Cemetery  
red and yellow trails from Hill Road entrance  
red and yellow trails from Littlefield Road entrance  
red and yellow trails from Middle Road entrance  
red and yellow trails from Burroughs Road entrance





July 19, 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](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).

Memorandum to Municipal Clients

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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).<sup>1</sup> 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).

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<sup>1</sup> 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).

Memorandum to Municipal Clients

Page 3

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.

**KOPELMAN AND PAIGE, P.C.**

Memorandum to Municipal Clients  
Page 4

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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**Internal Communications and Outgoing Communications**  
**January 28, 2013**

1. Memorandum form TA Shaw, dated January 22, 2013, to Town Clerk, Moderator, Town Counsel, Departments, Boards, Committees and Commissions, Blanchard Memorial School, A/B Regional Schools and Minuteman Regional High School regarding Annual Town Meeting. #



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**Minutes, Notices and Updates  
January 28, 2013**

**Minutes**

Personnel Board meeting minutes for December 4, 2102; December 11, 2012 & December 14, 2012.

**Notices**

1. Notice of Agricultural Commission meetings:
  - a. Held January 16, 2013. [location: TBD]
  - b. To be held January 31, 2013
  
2. Notice of a Personnel Board meetings:
  - a. Held January 22, 2013
  - b. To be held January 29, 2013
  - c. To be held February 5, 2013
  
3. Notice of a Well-Being Committee meeting held January 23, 2013
  
4. Notice of a Finance Committee meeting to be held January 28, 2013.
  
5. Notices of Board of Selectmen meetings:
  - a. Regular Session to be held January 28, 2013.
  - b. Contract Negotiating Team [Executive Session]
    - i. To be held January 30, 2013 [Fire]
    - ii. To be held February 13, 2013 [Dispatch]
  
6. Notice of a Public Celebrations Committee meeting to be held January 30, 2013.
  
7. Notice of a Boxborough School Committee, Negotiation SubCommittee meeting to be held January 31, 2013.
  
8. Notice of an Airport Study Committee meeting to be held February 6, 2013.
  
9. Notice of the Steele Farm Advisory Committee's schedule of meetings: January 10 – December 12, 2013.
  
10. Notice of the Acton-Boxborough Cultural Council's schedule of meetings: January 14 – June 10, 2013.

