



BOARD OF SELECTMEN
Meeting Minutes
October 7, 2013

Approved: October 21, 2013

PRESENT: Vincent Amoroso, Chair; Robert Stemple, Clerk; Les Fox, Member; Raid Suleiman, Member and Jim Gorman, 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 Amoroso called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall.

ANNOUNCEMENTS

Chair Amoroso read the announcements.

APPOINTMENTS

Fire Chief Randolph T. White was present to request that the Fire Department be allowed to use the structures located at 72 Stow Road for fire personnel training exercises. Police Ryder and DPW Director Garmon were also present. This property was acquired by the Town some time ago. The buildings are unoccupied and secured. The department does not usually have the opportunity to run drills in actual buildings and he would like to use this property. He has already approached the Stow Road Concept Development Comm. about this proposed usage. He described the various trainings he would like to conduct at the property; the department's training schedule and the measures taken to ensure that these drills are conducted safely & with little damage to the property. It was confirmed that there would be minimal impact on traffic during these exercises. This is believed to be a good use for this property. Chief White will provide abutters with information on these exercises. Member Stemple moved to allow the Fire Department, under authority of Fire Chief, Randolph White, to use the property located at 72 Stow Road for training purposes. Seconded by Member Suleiman. **Approved 5-0.**

Police Chief Warren Ryder and DPW Director Tom Garmon were present to discuss traffic safety on Hill Road. Chief Ryder was asked to review traffic patterns along Hill Road to see if those travelling this roadway were driving at greater than prudent speeds. He reviewed the results of traffic assignments conducted over the last month and ½ and data compiled by his staff regarding safe driving speeds at specific locations. Based on this information he advised that data does not support the supposition that this area is being travelled at greater than prudent speeds. He did recommend that additional signage be installed; current signage be moved closer to North Cemetery (Hill & Middle Roads); a yellow median stripe be painted the length of the curve and hill on Hill Road; and that the deteriorating sections of the roadway's shoulder need to be addressed. DPW Director Garmon noted that Chief Ryder's recommendation were sound. He discussed the contours of this roadway. Garmon advised that Hill Road's overall condition is poor and the entire length of needs to be repaved. He noted that Hill Road is approximately 2 miles in length so this project and the related cost could be significant.

Police Chief Warren Ryder remained to discuss policing powers in Massachusetts and to propose participation in the Massachusetts Interagency Mutual Aid Agreement (MIMAA). He related the details of a court case that illustrated the necessity for the type of mutual aid agreement being proposed. This agreement would be distinct from our other mutual aid agreements with neighboring community and the Central Mass extended agreement. The MIMA Agreement would encompass Middlesex County; it would allow an officer to engage in emergency enforcement actions within a participating jurisdiction when there is not time to commence formal mutual aid procedures. Fifty percent of communities in Middlesex County have already signed on board. The Selectmen reviewed the terms, jurisdiction and discussed the communities that would be deemed eligible to participate. Middlesex Chiefs of Police Association would, ultimately, like to see this implemented state-wide. The Secretary of the Middlesex Chiefs of Police Assoc. will administrate this program. Member Fox moved that the Board of Selectmen authorize Chair Vincent Amoroso to execute the "Massachusetts Interagency Mutual Aid Agreement" pursuant to chapter 40, section 8G of the general laws, for the furnishing of law enforcement mutual aid for the exercise of police authority. Seconded by Member Stemple. **Approved 4-0-1 (Member Suleiman abstained).**

Though not on the agenda, Selectmen asked Chief Ryder to provide his input regarding the Town's IT service situation. He related several significant IT concerns that will need to be addressed in the immediate future. The issues encountered during the

VoIP launch illustrate that many of these matters are beyond current personnel's technical skills. Chair Amoroso reviewed the recent efforts to identify the Town's needs and how to best address these needs. TA Shaw related her efforts to identify website designers and IT maintenance vendors. She also reviewed the tasks that were performed, time and expense related to the Town's utilization of an IT service vendor in recent months. Based on these factors it had been determined that there is no over-reaching benefit to contract for all of the Town's IT services with an outside vendor. The Town will be better served by having in-house personnel for day-to-day IT issues. TA Shaw reviewed her efforts to fill the IT Coordinator position. It was clarified that the outside IT vendor will still be retained as back up, on an as needed basis. TA Shaw and Chief Ryder were thanked for their hard work and support as the Town worked through this process.

Cheryl Mahoney, Minuteman Regional School District representative and Minuteman's Asst. Superintendent for Finance, Kevin Mahoney were present to provide information on proposed revisions to the Minuteman District's regional agreement and update the Selectmen on other matters concerning the Minuteman School District. Rep. Cheryl Mahoney provided information on Senate Bill No. 228 - "An Act relative to regional school district capital project funding." This legislation would provide an additional 10% reimbursement rate to the MSBA funding formula for academic regional school districts, and an additional 20 % reimbursement rate to the funding formula for a regional vocational technical school district, such as Minuteman. This will affect Minuteman's proposed MSBA building project. It would also benefit the newly formed K-12 Acton-Boxborough School District. Member Gorman moved to draft a letter to our legislators in support of Senate Bill No. 228. Seconded by Member Fox. **Approved 5-0.** Rep. Cheryl Mahoney also updated the Selectmen on Department of Elementary & Secondary Education (DESE)'s position regarding out-of-district tuition. DESE Commissioner Chester has reduced the maximum amount that a school district is allowed to charge for out-of-district tuition. She reviewed the Minuteman School Comm.'s draft of letter to Commissioner Chester urging him to re-evaluate his position. The out-of-district enrollment at Minuteman is a concern as it affects the District's operating costs and may be a factor in the proposed building project. Member Gorman moved to draft a letter to our legislators requesting that they facilitate a discussion between DESE Commissioner Chester and the Boxborough Selectmen. Seconded by Member Suleiman. **Approved 5-0.** Rep. Cheryl Mahoney provided a spreadsheet that broke down the proposed changes to the Minuteman District Regional Agreement. There was discussion on how these changes would affect Boxborough. The Selectmen voiced concern on several of the proposed revisions. Of particular concern were the changes to the operating and capital assessment formulas and the incorporation of the "wealth factor". Asst. Supt. Kevin Mahoney will research how the "wealth factor" metric is determined. There was also concern regarding the proposed formula for determining weighted voting and how this determination seems to differ from what was opined by legal counsel during the A-B District discussions. Asst. Supt. Mahoney and Rep. Mahoney thanked the Selectmen for their input.

The Selectmen took Agenda Item # 7b, out of order.

NEW BUSINESS

The Selectmen opened discussion on Reduction or Waiver of Local Wetland Bylaw Fees. Bob Stanley and Owen Neville were present for this discussion. The Selectmen have received input that the ConsCom's fees for a project can sometimes exceed an applicant's reasonable return for the project. There was discussion as to the metrics used by ConsCom to determine these fees. It was noted that this fee schedule can be particularly burdensome on those using a property for agricultural purposes. The Selectmen noted there is a willingness to entertain a reduction in these fees when it is in the best interest of the town, such as supporting agricultural uses. Chair Amoroso discussed a recent site visit to a parcel off of Tamarack Lane that he and Member Gorman had attended. Bob Stanley had begun to plow the field with the intention of planting alfalfa to stabilize the soil. ConsCom asked that he stop this work pending this site visit. It was noted that this planting work was approved at a subsequent ConsCom meeting. Mr. Stanley is just awaiting ConsCom formal notice of approval. Mr. Stanley advised that he is contemplating filing a RERSE plan, but using ConsCom's current fee structure, his base cost for filing is \$1,500. Based on what was observed during this site visit it is in the best interest of the town to entertain a special request to reduce these fees. It was suggested that Mr. Stanley prepare his filing and then come before the Selectmen to formally request a fee reduction. Member Gorman then moved that it be the policy of the Board of Selectmen to entertain the reduction or waiver of a Conservation Commission Wetlands Application Fee for agricultural or other activities that the Board of Selectmen determines, in its sole discretion, would constitute a manifest benefit to the Town, in such instances where the normal calculation of the Fee would be so prohibitive as to deny the Town of the beneficial activity. In such instances the Applicant must demonstrate to the Board of Selectman that the proposed activity is beneficial to the Town and that the normal calculation of the Fee would preclude the activity. Seconded by Member Fox. **Approved 5-0.**

MINUTES

Member Fox moved to accept the minutes for the regular session, August 26, 2013, September 9, 2013, and September 16, 2013, as revised. Seconded by Member Stemple. **Approved 5-0.**

SELECTMEN REPORTS

Member Fox reported that occasional complaints were being received about noise coming from Kaizen Tuning on Mass. Ave. He met with BICAO Lindberg and discussed these concerns. The owner cooperated with BICAO Lindberg and even hired a consultant. Measures are now in place, and the hope is that they will prove effective. BICAO Lindberg's efforts indicate his willingness to work with business owners to resolve these matters.

He also reported that Stow Road Concept Development Comm has met several times with Ms. Connelly from Mass. Housing Partnership. There has been discussion as to the definition of affordability. Town Counsel is preparing a memorandum regarding this. The notional development on this property could be a "friendly 40B" – a mix of affordable housing and other usages.

Member Stemple reported that the Steele Farm Advisory Comm. will be meeting on Wednesday.

Chair Amoroso noted that he had already provided the information he wanted to report on during the Conservation Fee Waiver/Reduction discussion.

Member Gorman reported that the Well being Comm. will be discussing funding some hours for a Social service support and re-introducing funding of Elliot House, at their next meeting. Acton's Community Services Coord. has been assisting some Boxborough residents with obtaining services. Stow just contracted for part-time social service support. The 2010 US Census indicates 8-10% of Boxborough residents are below poverty line and 5% are unemployed.

TA Shaw reported that there has been some discussion about establishing this Ad hoc group as a formal Town committee. There was discussion as to why this group was initially formed.

She also reported that the painting of the older section of Town Hall should begin this week. BICAO Lindberg is working on a report regarding various capital projects.

TA Shaw reported that the Town-wide Compensation study is coming to a close. The intention is to present the findings at a meeting in November.

NEW BUSINESS (Continued)

Member Fox moved to accept with regrets and place on file the resignations of Susan Fredrickson and Heather Fleming from the Stow Road Concept Development Committee effective immediately. Seconded by Member Suleiman. **Approved 5-0.** Frederickson and Fleming were recognized for their contribution to the SRCDC and thanked for their service.

The Selectmen reviewed proposed FY 15 budget timeline and process. TA Shaw noted that the timeframe is similar to what has been used in prior years. The budget updating procedures implemented last year seem to have worked well; however, there were some issues with revision tracking/control. There was discussion as to how budget updates will be delivered – hardcopies vs. electronic updates only. TA Shaw discussed how budget preparation is being managed during this interim period. She also provided an update on her efforts to hire a new Town Accountant.

The Selectmen also reviewed their proposed meeting schedule going forward. No changes were needed.

ADJOURN

At 10:11 PM, the meeting was adjourned. **Approved 5-0**

SELECTMEN'S ANNOUNCEMENTS

OCTOBER 7, 2013

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

- We would like to thank everyone who joined us for our 6th Annual **Appreciation Event** here at Town Hall on September 21st. We had a great time and hope you did too. We would especially like to thank the Tom Garmon and the DPW for helping with the set up, Cheryl Mahoney for coordinating invitations and responses and Roche Brothers for their generous donation. We hope to see you all at the next one.

- A **new phone system** that will allow Boxborough's town departments to better serve the public has gone live. You may now directly dial Town Hall personnel. The list of new numbers was included in your recent Real Estate Tax Bill and is published on the Town's website. Meanwhile, please make a note of the following new main numbers, which you can start to use immediately:
 - Town Hall - 978-264-1700
 - Police business line - 978-264-1750
 - Fire business line - 978-264-1770
 - DPW - 978-264-1790

In order to allow an uninterrupted transition to the new system, the old phone system numbers will remain in use until December 1st. You will still be able to contact these facilities by dialing their old numbers, but you will then be directed to a new menu of prompts and you will need to listen carefully to the list of extensions, as these will have changed.

Please note that phone numbers for the Blanchard School and the Sargent Memorial Library are unchanged. As always, in an emergency, please be sure to dial **911**.

- The Nashoba Boards of Health will be conducting a **Seasonal Flu Clinic** in Boxborough on Wednesday, October 9th, from 10:00 AM to 12:00 PM at the Boxborough UCC Church. This clinic is free and open to Boxborough residents. For more information please by contact the Boxborough Board of Health office 978 264-1726 or go to the Boxborough Board of Health webpage on the Town's website.

- The **2013 Deer Hunting opens on October 21st**. It begins with Archery Season which runs through November 30th. Archery is followed by Shot Gun Season (December 2nd through December 14th). Deer Hunting ends with Muzzle or Primitive Firearms season (December 16th through December 31st). For everyone's safety and enjoyment please remember to exercise some trail safety commonsense during Hunting Season. A listing of suggested Trail Safety Rules may be found on the Town's website.
- Residents now need to obtain a voucher and pay additional fees for the **disposal of bulk items** at the Transfer Station. Vouchers can be purchased only at the Town Hall from the Tax Collector's office. Please refer to the Transfer Station webpage or call the DPW at 978-264-1790 for more information.
- **Save the Date and your used books...**the next Friends of the Boxborough Library Book Sale will be Saturday, November 2nd. As you begin your fall cleaning, the Friends of the Library would ask that you to save your unwanted used books to donate to this sale during the week of October 28th. The funds from this sale support many library programs that help to make the Library a special place.
- **The Acton-Boxborough Farmers' Market** runs through October. The market is located on Pearl Street just off of Mass Ave./Route 111 in West Acton Village and is open on Sundays from 10 a.m. to 1 p.m.
- 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. To learn more or to provide your opinion by completing a brief on-line survey, go to the Link on the Town's website under "NEWS".
- **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), Public Celebrations & Ceremonies Comm. (1) and the Steele Farm Advisory Committee (2). The Conservation Commission also now has a vacancy for an unexpired term which would run until June 30, 2015. Please consider participating on a town board. You will find it to be a worthwhile and rewarding experience. No matter what your knowledge or interest is, we can use your help in making Town government work.

- Contact information is available on the town website: <http://www.town.boxborough.ma.us> or you may call Town Hall at 978-263-1116 if you have any questions.
- The Selectmen can be contacted directly at selectmen@town.boxborough.ma.us.
- If you wish to find out more about **volunteer opportunities** on Town boards or committees contact Town Administrator Selina Shaw Selina.shaw@town.boxborough.ma.us
- 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.
- Additional information Nashoba Associated Boards of Health **Seasonal Flu Clinics** please by contact the Boxborough Board of Health office 978 264-1726 or go to the Boxborough Board of Health webpage on the Town's website.



BOARD OF SELECTMEN
Meeting Agenda
October 7, 2013
Boxborough Town Hall
Grange Meeting Room

1. CALL TO ORDER, 7:30 PM

2. ANNOUNCEMENTS

3. APPOINTMENTS

[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]

- a) Fire Chief Randolph T. White, re: use of 72 Stow Road for Fire Department exercises, 7:35 PM
- b) Police Chief Warren Ryder and DPW Director Tom Garmon, re: Hill Road traffic control, 7:45 PM
- c) Police Chief Warren Ryder, re: *Massachusetts Interagency Mutual Aid Agreement* re: police powers, 8:00 PM

Move that the Board of Selectmen authorize Chair Vincent Amoroso to execute the "Massachusetts Interagency Mutual Aid Agreement" pursuant to chapter 40, section 8G of the general laws, for the furnishing of law enforcement mutual aid for the exercise of police authority

- d) Cheryl Mahoney, Minuteman Regional School District representative re: proposed revisions to regional agreement and other updates (Superintendent Ed Boquillon and Kevin Mahoney, Asst. Superintendent for Finance may also be present), 8:15 PM
- e) Citizens' Concerns

VOTE:

4. MINUTES

- a) Regular session, August 26, 2013
- b) Regular session, September 9, 2013
- c) Regular session, September 16, 2013

ACCEPT & POF
ACCEPT & POF
ACCEPT & POF

5. SELECTMEN REPORTS

6. OLD BUSINESS

7. NEW BUSINESS

- a) Resignations from Stow Road Concept Development Committee
Move to accept with regrets and place on file the resignations of Susan Fredrickson and Heather Fleming from the Stow Road Concept Development Committee effective immediately

ACCEPT & POF

- b) Reduction/Waiver of Local Wetland Bylaw Fees
Move that it be the policy of the Board of Selectmen to entertain the reduction or waiver of a Conservation Commission Wetlands Application Fee for agricultural or other activities that the Board of Selectmen determines, in its sole discretion, would constitute a manifest benefit to the Town, in such instances where the normal calculation of the Fee would be so prohibitive as to deny the Town of the beneficial activity. In such instances the Applicant must demonstrate to the Board of Selectman that the proposed activity is beneficial to the Town and that the normal calculation of the Fee would preclude the activity.

VOTE:

- c) Review proposed FY 15 budget timeline and process

8. CORRESPONDENCE

ACCEPT & POF

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

9. PRESS TIME

10. CONCERNS OF THE BOARD

11. ADJOURN

Stow Rd. Property (Lyon's Property)

Firefighting Drills & Scenarios

1. Ventilation: Practices in ejecting smoke from a structure that has been filled with smoke, compartmentalization. Techniques and strategies using fans and nozzles.
2. Search and Rescue: Drills and scenarios looking for trapped or downed victims.
3. R.I.T. Training: Rescuing firefighters who our down
4. Specialized Searches: Various scenarios using rope bags to search for victims and firefighters as well as specialized carries and drags to extricate victims.
5. Ladders: Practicing putting ladders up to buildings and going up and down them with and without tools. Practicing bringing up hose lines while going up ladders.
6. First Due Operations: Practicing with first due companies to perform proper scene size ups and vehicle placement, as well proper hose attack and advancement.
7. May-Day: Practicing various may-day scenarios where individuals need to work on proper radio transmissions as well as monitoring radio traffic for proper responses.
8. Tying and Hauling: Practicing the proper techniques for raising and lowering equipment from the ground to the roof or windows.
9. Full Evolution: Practicing of setting up for an actual fire by going over scene set-up using porta-tank operations and the shuttling of water.
10. Hose Handling: Moving hose lines through buildings and around outside whiloe charged.

Selina S. Shaw

From: James Gorman [REDACTED]
Sent: Monday, September 02, 2013 6:06 PM
To: Ryder@BoxboroughPolice.com
Cc: DPW@town.boxborough.ma.us; selectmen@town.boxborough.ma.us;
selina.shaw@town.boxborough.ma.us
Subject: Traffic Control on Hill Road

Hi Warren,

I have been buttonholed by several individuals in the past couple of weeks regarding a potentially hazardous traffic situation on Hill Road, which I have experienced to a concerning if not exactly critical degree myself. The situation is basically that persons travelling at an excessive speed southbound on Hill Road are often surprised just past the intersection of Middle Road by the steep pitch downward and the relatively sharp turn to the right between Charlie Summers' house and Channing Wagg's. The result is often that the cars will wind up in the middle of the road or on the opposite side of the road from the normal travel lane, endangering northbound traffic that might be coming up the hill at the same time. Several folks have indicated some pretty close shaves, nearly being run off the road, and I have seen the basic situation develop both while driving on Hill Road and while walking the dogs. Perhaps a couple of measures might help this situation. I notice that the 25 MPH speed limit sign is located below the brow of the hill, when travelling southbound, and is therefore probably not very useful in warning folks of the downhill pitch and turn. Perhaps we could relocate that sign to the top of the hill or slightly north of the crest. Also, I wonder if we could place a "Slow" sign just ahead of the crest of the hill with a hill or curve graphic as a warning. Finally, when you are planning your traffic enforcement shifts, it might be a good idea to place a cruiser a couple of hundred yards north of the Middle Road/Hill Road intersection during high traffic times, just to let people know we are monitoring the situation.

Thanks,

Jim



Massachusetts Interagency Mutual Aid Agreement

***Sponsored by: Middlesex Chiefs of
Police Association***

The signatory Municipal Police Departments of the Commonwealth of Massachusetts and contiguous communities, all acting through their respective Chiefs of Police and other authorized signatories, referred hereinafter collectively as "the Parties," witness:

WHEREAS, the Parties to this agreement ("Agreement") recognize that, in certain situations the ability of police officers to exercise sworn police powers outside of the territorial limits of the municipality where such officers are regularly employed may be desirable and necessary in order to preserve officer safety and protect the lives, safety, and property of the public of each participating community; and

WHEREAS, Chapter 40, Section 8G, of the Massachusetts General Laws, duly accepted by each of the Parties, authorizes cities and towns that have accepted its provisions to enter into agreements with other cities and towns to provide mutual aid and support; and

WHEREAS, each Party desires to enter into an agreement that sets forth mutually agreeable terms and conditions for the furnishing of law enforcement mutual aid for the exercise of police authority by police officers of each Party within the territorial limits of each other Party;

NOW THEREFORE, the Parties hereto mutually agree as follows:

Section 1.0 Purpose & Authority

This Agreement constitutes an agreement by, between, and among the Parties to establish a strategic working partnership to address public safety concerns including but not limited to: providing mutual aid for the member police departments because of terrorist or enemy action; natural disaster; unusual occurrence, including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search or rescue operations; other natural or man-caused incidents requiring exceptional police action; school or workplace violence; riot; mob action; civil disturbance; demonstration; urban insurgency; impaired driving; drug distribution; electronic & cybercrime; combating violent street gangs and associations; as well as any law enforcement operations that require more sophisticated investigation on a regionalized basis or any situation threatening the peace and tranquility in the Parties' jurisdictions.

In order to address these public safety concerns, the Parties hereby agree to have sworn police officers from each department empowered to operate with full police powers, including the power of arrest, in each signatory community, as authorized under M.G.L. c. 40, § 8G. This type of agreement allows sworn police officers from each signatory community to cross into the geographical jurisdiction of any other

signatory community to carry out official police business under the authority of M.G.L. c. 37, § 13; M.G.L. c. 40, § 8G; M.G.L. c. 41, §§ 95, 98, 98A, 99; and similar statutes. Such extraterritorial exercise of police powers is authorized under this Agreement in both mutual-aid-request and self-activation situations, as defined herein. Nothing in this Agreement is intended to be construed to limit the lawful authority of police officers to make arrests or exercise police powers outside of this Agreement.

Section 2.0 Definitions

For purposes of this Agreement, the following terms shall be defined as set forth below:

- a. Chief of Police: A Party's chief law enforcement officer; includes functional equivalent of Chief of Police, whether denominated "Director," "Commissioner," "Superintendent," or similar title.
- b. Commanding Officer: A Party's Chief of Police, designee of the Chief of Police, or Police Officer in charge of a shift
- c. Official Request: A request for police assistance or for the exercise of Police Powers made by one Party of one or more other Parties under the terms of this Agreement
- d. Party: City, town, or other political subdivision that has executed this Agreement through its Chief of Police and/or other authorized signatory. A Party may be located within, or be contiguous to, the Commonwealth of Massachusetts. The Parties are listed in Attachment A, which may be revised from time to time as Parties join and withdraw from this Agreement.¹
- e. Police Officer: On-duty sworn municipal police officer regularly employed as such by or in any Party; for purposes of this Agreement, Chiefs of Police shall be the only Police Officers considered on-duty at all times.
- f. Police Powers: All police powers granted by municipalities to Police Officers regularly employed as such, including but not limited to the power of arrest
- g. Receiving Party: A Party receiving police assistance or in which one or more Police Officer(s) regularly employed as such by another Party is exercising Police Powers in accordance with this Agreement
- h. Self-Activation: The exercise of Police Powers within the territorial limits of any Party by any Police Officer regularly employed as such by any other Party under the terms of this Agreement in the absence of an Official Request

¹ Absence of a Party from Attachment A will not vitiate its status as a Party as long as this Agreement has been signed on its behalf and it has not withdrawn from this Agreement as provided herein.

- i. Sending Party: A Party that provides police assistance under the terms of this Agreement or that regularly employs one or more Police Officers who exercise Police Powers within the territorial limits of any other Party under the terms of this Agreement

Section 3.0 Term of Agreement

It is the intent of the Parties to conduct this partnership on a continuing basis and to hold periodic reviews as the Parties determine and deem necessary to ensure that the agreement is meeting the mutual aid wants and needs of all the Parties hereto. To this end, this Agreement shall be effective as the date of signature by the Parties and shall remain in effect thereafter until terminated. This Agreement will be maintained by the Secretary of the Middlesex Chiefs of Police Association or his or her designee.

Section 4.0 Termination of Agreement

Any Party may unilaterally withdraw from this Agreement at any time upon thirty (30) days prior written notice to all Parties.

Section 5.0 Amendment of Agreement

This Agreement may be amended from time to time only by a specific writing duly executed by all the Parties.

Section 6.0 Obligations and Responsibilities

6.01 Authority of Officers. The police powers, rights, privileges and immunities of any Police Officer employed by a Party to this Agreement shall extend within the territorial limits of each other Party to this Agreement while such Police Officer operates within the territorial limits of a Receiving Party in accordance with this Agreement, either pursuant to an Official Request or Self-Activation.

Operating within the territorial limits of a Receiving Party in accordance with this Agreement shall not cause a Police Officer to be considered for any purpose to be an employee of the Receiving Party. All employment rights, compensation, and benefits, including but not limited to the provisions of M.G.L. c. 41, § 111F and/or M.G.L. c. 32 § 94, shall remain the responsibility of the Sending Party. Notwithstanding the foregoing, any Party may be reimbursed in accordance with this Agreement and shall be entitled to the liability and indemnification protections as outlined herein.

Any citizen or other complaints or investigatory or disciplinary action arising out of the conduct of any Police Officer acting pursuant to this Agreement shall be treated as if the Officer had been operating within the territorial limits of the Sending Party at the time of the incident(s) or conduct at issue, unless otherwise agreed upon by the Sending Party and the Receiving Party.

6.02 Command and Control. When exercising Police Powers pursuant to this Agreement, Police Officers shall report as soon practically possible to the Commanding Officer of the Receiving Party (either in person or by radio or other alternative electronic device), and shall be under the direction and control of said Commanding Officer during the duration of the operation, event or incident in connection with which the Police Officer is exercising Police Powers.

The Commanding Officer of the Sending Party may recall the Police Officers and equipment of the Sending Municipality at the Commanding Officer's sole discretion.

6.03 Official Request. Any Party or its designee may request assistance from any other Party for any valid law-enforcement purpose, including but not limited to the purposes set forth above in Section 1.0 (Purpose & Authority) and as detailed below in Section 6.04 (Self-Activation). Any Official Request should include all pertinent information such as the nature, location, and expected duration of the event or situation giving rise to the Official Request; the number of Police Officers requested, including specialty requirements; the type of equipment and logistical support needed; the location to which Police Officers should report; and the name of the supervising officer or Commanding Officer to whom Police Officers should report. This Agreement is not intended to impose any obligation on any Party to respond to any Official Request.

6.04 Self-Activation. A Police Officer who observes or becomes aware of any violation of law within the territorial limits of any Party (including the Sending Party), may exercise Police Powers within the territorial limits of any Party for the purpose of preventing harm to the public; preventing loss or damage to property; engaging and stopping unlawful behavior; investigating possible criminal violations; increasing the capability of all Parties to protect the lives, safety, and property of people in the area; detaining offenders pending arrival of a Police Officer of the Receiving Party; enforcing or investigating any traffic-related incident or violation, whether or not it was originally observed in territorial limits of the Sending Party; and fresh-and-continued pursuit or exigent circumstances as otherwise authorized by law.

6.05 Notification to Receiving Party of Exercise of Police Powers. Whenever Police Powers are exercised by a Police Officer in a Receiving Party pursuant to this Agreement, the Commanding Officer of the Receiving Party shall be notified promptly, given the circumstances, by the Police Officer exercising the Police Powers so that arrangements can be made for any arrestee to be transported to the appropriate police headquarters to undergo the required administrative booking process in the jurisdiction where the arrest occurred or other appropriate administrative action may be taken. Such notification is intended to ensure that the Police Officer has properly recorded all of the facts and circumstances of the arrest or other police action, the appropriate biographical data of any involved persons, and the documentation necessary for the effective prosecution of any criminal defendant in a court of proper jurisdiction.

6.06 Powers of Police Officers. The powers of all the Police Officers operating under this Agreement shall remain in full force and effect for the duration of this Agreement unless any of the following should occur:

- ❖ Separation of service from the employing agency;
- ❖ The Chief of Police or designee of the Sending Party imposes a restriction on the Police Officer's authority to exercise Police Powers in accordance with this Agreement.

6.07 Costs and Expenses. Each Party to this Agreement shall assume and be responsible for paying all of its own personnel costs, including, but not limited to, the salaries, overtime premiums, and disability benefits payable to its own Police Officers, and all of its own equipment costs, including, but not limited to, damage to or loss of its own equipment, and use of fuel, ammunition and other expendable supplies; provided, however, that the Receiving Party, if an Official Request has been made, shall reimburse the Sending Party for such payments to the extent there is insurance coverage available to do so and/or any Federal or State grant funds and/or emergency funds (e.g., in the event of a natural disaster) available to do so.

Section 7.0 Liability and Indemnification

Each Party to this agreement agrees to assume its own defense and hold each other Party, its agents, servants, and employees harmless from all suits and claims brought by third parties arising out of any act or omission committed by that Party or its Police Officers.

Section 8.0 Successors and Assigns

The provisions of this Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns and the public body or bodies succeeding to the respective interests of the Parties.

Section 9.0 Section Headings

The headings of the Sections set forth herein are for convenience of reference only and are not part of this Agreement and shall be disregarded in constituting or interpreting any of the provisions of this Agreement.

Section 10.0 Execution of Counterparts

This Agreement may be executed in any number of counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

Section 11.0 Stability of Agreement

This Agreement is to be construed in accordance with the laws of the Commonwealth of Massachusetts and the Ordinances/Bylaws of the Parties. This Agreement, along with any referred to Attachment(s), embodies the entire agreement between the Parties hereto, and each Party acknowledges that there are no inducements, promises, terms, conditions or obligations made or entered into other than those contained herein.

Section 12.0 Invalidity

If any provision of this Agreement is held to be illegal, invalid or unenforceable, the remaining terms and provisions shall not be affected and shall remain in full force and effect.

Section 13.0 Non-Waiver

The failure of any Party to enforce at any time any of the provisions hereof shall not be construed to be a waiver of such provisions or of the right of such party thereafter to enforce any such provisions.

Section 14.0 Legal Advice

The Parties acknowledge that each has had the opportunity to fully discuss and review the terms of the Agreement with an attorney. Each Party further acknowledges that it has carefully read the Agreement, understands its meaning and intent, and freely and voluntarily assents to all of the terms and conditions hereof, and signs the Agreement of his or her own free will.

Section 15.0 Signatories

IN WITNESS WHEREOF, the Parties have executed this Agreement and caused it to be effective as to each Party as of the latest date set forth in the signature block for that Party,

City/Town of Boxborough

By: _____
Name: Warren B. Ryder
Title: Chief of Police
Duly Authorized

Date

By: _____
Name: Vincent Amoroso
Title: Chair
Board of Selectmen
Duly Authorized

Date



Boxborough Town Clerk

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 263-1116 • Fax: (978) 264-3127

elizabeth.markiewicz@town.boxborough.ma.us

I, Elizabeth Markiewicz, Clerk of the Town of Boxborough, hereby do certify that the following is a true copy of the action taken on Article 3 at the Special Town Meeting held on September 6, 1973, at the Blanchard Memorial School in Boxborough, Massachusetts.

ARTICLE 3:

To see if the Town will vote (1) to accept Section 8G of Chapter 40 of the General Laws as inserted by Chapter 220 of the Acts of 1972 authorizing the Town to enter into an agreement with another town or towns to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement; and, (2) vote to authorize the Selectmen to enter into such a mutual aid agreement or agreements with one or more of the surrounding towns and to expend unexpended balances of sums appropriated under Article 5 (Item 29) of the 1973 Annual Town Meeting for services, supplies, materials, contractual services and equipment from any such town when the resources normally available to Boxborough are not sufficient to cope with a situation which requires police action, in addition to the purposes originally voted.

Action on Article 3, STM, September 6, 1973: The motion on Article 3 passed by majority vote.

A true copy, attest:

Elizabeth A. Markiewicz
Boxborough Town Clerk

Summation of Draft Revisions to the Minuteman District Regional Agreement

September 2013 - Proposed by the Minuteman Regional Agreement Amendment Subcommittee

Summary of Change

Current Terms

Proposed Changes

Comments

Summary of Change	Current Terms	Proposed Changes	Comments
SECTION I			
(A) Composition	...shall consist of one member from each member town.	Added ...from each member <i>city or town</i> ...	Adds provisions for a city's membership
(B) Initial Committee	"Within ten days of the establishment..."	Deleted current Subsection B in its entirety and several terms reconstituted into to newly formed (C) Appointing Authority.	
<i>New (B) Staggering of Terms</i>	Appointment is for a 3 year term.	Appointment is for a 3 year term. However some terms will be staggered as of July 1 so aprpx. 1/3 of the terms of office expire at the end of each yr.	
<i>New (C) Appointing Authority</i>	Moderator appoints representative.	Beginning 7/1 representatives shall be appointed by vote of the BoS of that town (or Mayor [for a city]) except where an existing bylaw [prevails]. Members appointed by their Moderators prior to the 7/1 remain until appointment runs.	Moderator Fallon has advised he has no problem with this change.
<i>New (H) Weighted Voting - School Committee</i>	Each member community, through its representative has one vote .	Weighted voting - based on a 4-year rolling [enrollment] average of a community as a percentage of the total school enrollment for that 4-year period.	
	Quorum -total majority of Committee.	Quorum -unchanged.	
	Annual budget - resulting assessments approved TM (note assessment would include share of annual debt service/capital costs).	Approval of the annual budget would require 66.7% of the weighted vote AND two-thirds vote of all SC members . (TM approval-unchanged).	
		New Debt would require 75% of the weighted vote AND 75% vote of all School Committee members —will be deemed approved unless more than 20% TMs of the member communities vote to reject the authorization within 60 days of notification.	
	Amendments to the Regional Agreement require acceptance at TM of 100% of the member communities.	Proposed amendments to the Regional Agreement would be referred by the SC to each of the member communities upon a 2/3 weighted vote of the MM School Committee . (TM approval-unchanged).	
		All other School Committee votes would require approval by more than 50% of the weighted votes among members present and voting .	

Summation of Draft Revisions to the Minuteman District Regional Agreement

September 2013 - Proposed by the Minuteman Regional Agreement Amendment Subcommittee

Summary of Change

Current Terms

Proposed Changes

Comments

Summary of Change	Current Terms	Proposed Changes	Comments
SECTION IX Withdrawal	The withdrawal of a member town - 1. member town approves withdrawal by vote at TM. 2. Town must then request the SC an amendment to this agreement setting forth the terms for withdrawal. Said amendment shall spell out the withdrawing town's remaining liability and indebtedness to the District. 3. As an amendment to the Agreement it must be accepted at TM by 100% of the member towns.	No longer requires an Amendment to District Agreement. Withdrawal upon a 2/3 vote of TM subject to 5-year notice (obligation for students already enrolled in the school when such vote is taken) AND approval by the DESE AND with continuing responsibilities for its share of previously approved debt.(ie a member community that votes to disapprove authorization for new debt AND provides timely notice to the Regional School Committee of its intent to withdraw, would not be assessed a share of the resulting new debt.	
SECTION IV Apportionment & Payment of Costs			
(E) Operating Costs	Each member town's share for each fiscal year shall be determined by computing the ratio which that member town's pupil enrollment in theschool on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment in the.....school from all the member towns on the same date....	Apportionment of annual operating costs - based on a 4-year rolling [enrollment] average of a community as a percentage of the total school enrollment for that 4-year period.	
		No change in apportionment to current member communities for continuing annual debt service related to capital costs previously incurred.	

Summation of Draft Revisions to the Minuteman District Regional Agreement

September 2013 - Proposed by the Minuteman Regional Agreement Amendment Subcommittee

Summary of Change	Current Terms	Proposed Changes	Comments
(D) Capital Costs	Each member town's share for each fiscal year shall be determined by computing the ratio which that member town's pupil enrollment in theschool on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment in the...school from all the member towns on the same date.... except that if there is an enrollment of less than 5 pupils than such member town shall be deemed to have an enrollment of five pupils in the regional district school.	Newly incurred capital costs would be calculated: a. 50% would be based on 4-year rolling average enrollment among member communities, maintaining the current 5-student minimum for purposes of this calculation b. 1% to each member town regardless of enrollment c. Remaining balance factor is: each individual community's "foundation enrollment" and "combined effort yield" as determined by DESE (ie intended to consider community's relative financial ability)	
NEW SECTION VIII - Admission of new Communities Towns	May be admitted to the District by an amendment of this Agreement adopted under and in accordance...[100% TM approvals] and upon acceptance by the [community] seeking admission...and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment. [Amendment #2, 2/20/79 (c)] District accepted the admission of Bolton, Dover, Lancaster, and Needham.	Adds the following condition for new member communities: Uses the number of "out-of-district" students from that community in calculation of fouryear average enrollment where applicable. Allow option for discounted apportionment of capital costs to a new member community such that it would be paying 100% of its regularly calculated amount no later than year 4 of membership, with details TBD by the SC and effectively subject to TM approval by all then current member communities, as admission constitute an amendment to the regional agreement.	Subject to DESE Approval

Minuteman Regional Agreement Amendment Subcommittee

The following is a summary of features contained in the draft regional agreement as of the Subcommittee's meeting on 9/10/13. Please note that no changes to the existing agreement, including those summarized below, are permitted without approval by the legislative body (affirmative town meeting vote) of all 16 towns that are currently members of the district.

1. Adds **provisions for a city's membership** in the regional district
2. Changes **appointment of School Committee members to be by vote of Selectmen** in a town, unless local bylaw provides for appointment by the Moderator, **or by the Mayor** in the case of a city
3. Introduces **weighted voting** by School Committee members based on a four-year rolling average of a community's enrollment as a percentage of the total enrollment from member communities over the same four-year period.
 - a. Quorum would remain a majority of School Committee members
 - b. Approval of the annual budget would require 66.7% of the weighted vote AND two-thirds vote of all School Committee members, with resulting assessments to be appropriated by the legislative body of each member community (note assessment would include share of annual debt service/capital costs)
 - c. Authorization of new debt would require 75% of the weighted vote AND 75% vote of all School Committee members—will be deemed approved unless the legislative bodies of more than 20% of the member communities vote to reject the authorization within 60 days of notification.
 - d. Any subsequently proposed amendments to the Regional Agreement would be referred to each of the member communities upon a 2/3 weighted vote of the MM School Committee and would require acceptance by the legislative bodies of 100% of the member communities.
 - e. Other School Committee votes would require approval by more than 50% of the weighted votes among members present and voting.
4. Adds **right for a member community to withdraw** from the district upon a 2/3 vote of its legislative body subject to 5-year notice (obligation for students already enrolled in the school when such vote is taken) AND approval by the Commissioner of Education AND with continuing responsibilities for its share of previously approved debt as well as pension and unfunded OPEB costs, with OPEB amounts to be paid only if and when the same are charged to then current members. (ie a member community that votes to disapprove authorization for new debt AND provides timely notice to the Regional School Committee of its intent to withdraw, would not be assessed a share of the resulting new debt.):
5. **Apportionment of annual operating costs would be based on four-year rolling average enrollments** among member communities, in place of the current single-year model.
6. Proposes no change in apportionment to current member communities for continuing annual debt service related to capital costs previously incurred.
7. **Introduces formula for apportionment of newly incurred capital costs whereby:**
 - a. **50% would be based on four-year rolling average enrollment** among member communities, maintaining the current 5-student minimum for purposes of this calculation
 - b. 1% to each member community regardless of enrollment
 - c. **Balance would take into account each individual member community's "foundation enrollment" and "combined effort yield"** as each has been most recently determined by DESE (ie intended to consider community's relative financial ability)

Minuteman School Committee
Discussion of Oct. 1, 2013

8. Establishes the following conditions for new member communities:
- a. Adding a member constitutes amendment to the agreement and thus requires approval by all existing member communities and the Commissioner of Education.
 - b. Uses the number of "out-of-district" students from that community in calculation of four-year average enrollment where applicable
 - c. **Allows option for discounted apportionment of capital costs to a new member community** such that it would be paying 100% of its regularly calculated amount no later than year four of membership, with details to be determined by MMSC and effectively subject to approval by the legislative body of all then current member communities, as admitting a new community to the district would constitute an amendment of the regional agreement.

Intergovernmental Agreements

The RAAS has also discussed the new option of an Intergovernmental Agreement, by which a "facility fee" could be charged to the sending district of students attending Minuteman from non-member communities. As discussed by the Subcommittee, proceeds of any "facility fees" thus collected would be applied directly to reduce the share of capital costs apportioned to member communities in the subsequent year. Note that in recent years some 40% of total enrollment at MM has been from nonmember communities and that, absent this recently proposed option of an intergovernmental agreement, the District has been prohibited from charging any share of capital costs to non-member communities. This is new ground and some of the questions raised could only be resolved at the State level.

Summary prepared by Carrie Flood 9/10/13

Changes to 9/11/13 draft of the proposed new Regional Agreement that were voted by the RAAS on September 30, 2013:

1. In order to allow for a more realistic length of time for the filling of vacancies on the Regional School Committee, the phrase “within thirty (30) days” that appears in Section I, subsection (E) will be changed to “within sixty (60) days”.

2. In order to anticipate that the terminology and/or calculation formulas used by DESE may be changed in the future, the following will be added to Section IV, subsection (D),2,c (which pertains to the apportionment of capital costs that are incurred after the effective date of the proposed new Regional Agreement):

“In the event that changes occur at the state level in either the terminology or the calculation formulas that lie behind the terms used in this paragraph, the Committee will use a calculation approach which replicates the apportionment outcomes that would result from this paragraph if the terms of this paragraph were applied as of the effective date of this Regional Agreement.”

3. In order to clarify and simplify the responsibilities of a member community after withdrawal from the District, the following changes will be made:

a. The introductory sentence of Section IX, subsection (B), which is titled “Continuing Obligations After Withdrawal,” will be changed to read:

“A departing member shall have no right or claim to the assets of the District, and a departing member shall continue to be responsible, after withdrawal, for the following:”

b. Section IX, subsection (B),2 will be deleted.

Capital Assessment Model
Recommended by Regional Agreement Amendment Subcommittee - September 10, 2013
Summary - Cost Impact by Community

4 Year Rolling Average - 5 Student Minimum:

Current Enrollment	4 Yr. Rolling Average Enrollment (5 std. min.)	<i>Variables:</i>			<i>Model #2B</i>			
		Model #	Annual Debt under Current Method	Per Pupil Cost Current Method	New Capital Cost	50% Enrollment 34% Combined Effort 1% Capital Base Contribution 4 yr. rolling ave. (5 min.)		
		% Enrollment % Combined Effort % Cap. Base Contribution Min. # of Students/Town				Amount Chg.	PPC	% chg.
20	26.5	Acton	155,128	7,756	156,637	1,510	5,911	1.0%
125	131.0	Arlington	969,549	7,756	771,105	(198,445)	5,886	-20.5%
31	38.5	Belmont	240,448	7,756	251,902	11,453	6,543	4.8%
9	9.3	Bolton	69,808	7,756	76,267	6,459	8,245	9.3%
5	11.0	Boxborough	38,782	7,756	86,165	47,383	7,833	122.2%
9	7.0	Carlisle	69,808	7,756	71,016	1,209	10,145	1.7%
7	18.8	Concord	54,295	7,756	155,541	101,246	8,296	186.5%
5	5.0	Dover (2)	38,782	7,756	69,053	30,271	13,811	78.1%
22	24.8	Lancaster	170,641	7,756	147,069	(23,572)	5,942	-13.8%
53	66.3	Lexington	411,089	7,756	405,887	(5,202)	6,127	-1.3%
5	5.0	Lincoln (4)	38,782	7,756	68,326	29,544	13,665	76.2%
27	26.0	Needham	209,423	7,756	184,351	(25,071)	7,090	-12.0%
25	25.8	Stow	193,910	7,756	159,245	(34,665)	6,184	-17.9%
15	13.0	Sudbury	116,346	7,756	99,360	(16,986)	7,643	-14.6%
8.5	11.5	Wayland	65,929	7,756	102,956	37,027	8,953	56.2%
5	5.0	Weston (4)	38,782	7,756	76,621	37,839	15,324	97.6%
371.5	424.3	Totals	2,881,500	7,756	2,881,500	0	6,792	

**Capital Assessment Model - Recommendation RAAS 9.10.13
Model 2B - Using Ch. 70 Combined Effort Basis and 1% Capital Base Contribution**

50% ENROLLMENT - 34% CHAPTER 70 COMBINED EFFORT - 1% EACH MEMBER CAPITAL BASE CONTRIBUTION															
				Enrollment Basis				Chapter 70 - Combined Effort Basis			Capital Base Contribution Basis		TOTAL		
	TOTAL - FY14 Enrollment for Current Method Debt/Capital Assessment	FY14 Current Method Debt/Capital Assessment Share	Current Method	TOTAL - FY14 Enrollment Debt/Capital Assessment	FY14 Debt/Capital Assessment Share	Enrollment - 4 Year Rolling Average	Per Pupil Cost	Combined Effort Capital Assessment Share	Chapter 70 - Combined Effort	Per Pupil Cost	Capital Base Contribution	Per Pupil Cost	New Capital Assessment	Difference (New Method - Current Method)	
Acton	20	5.38%	\$155,128	26.5	6.25%	\$89,994	\$3,396	3.86%	\$37,829	\$1,427	\$28,815	\$1,087	\$156,637	\$1,510	
Arlington	125	33.85%	\$969,549	131	30.88%	\$444,875	\$3,396	30.36%	\$297,414	\$2,270	\$28,815	\$220	\$771,105	(\$198,445)	
Belmont	31	8.34%	\$240,448	38.5	9.07%	\$130,748	\$3,396	9.43%	\$92,341	\$2,398	\$28,815	\$748	\$251,902	\$11,453	
Bolton	9	2.42%	\$69,808	9.25	2.18%	\$31,413	\$3,396	1.64%	\$16,039	\$1,734	\$28,815	\$3,115	\$76,267	\$6,459	
Boxborough	5	1.35%	\$38,782	11	2.59%	\$37,358	\$3,396	2.04%	\$19,994	\$1,818	\$28,815	\$2,820	\$86,165	\$47,383	
Carlisle	9	2.42%	\$69,808	7	1.65%	\$23,772	\$3,396	1.88%	\$18,429	\$2,633	\$28,815	\$4,118	\$71,016	\$1,209	
Concord	7	1.88%	\$54,295	18.75	4.42%	\$63,875	\$3,396	6.44%	\$63,051	\$3,363	\$28,815	\$1,537	\$155,541	\$101,248	
Dover	5	1.35%	\$38,782	5	1.18%	\$16,980	\$3,396	2.37%	\$23,258	\$4,652	\$28,815	\$5,763	\$69,053	\$30,271	
Lancaster	22	5.92%	\$170,841	24.75	5.83%	\$84,051	\$3,396	3.49%	\$34,203	\$1,382	\$28,815	\$1,184	\$147,069	(\$23,572)	
Lexington	53	14.27%	\$411,089	66.25	15.62%	\$224,985	\$3,396	15.52%	\$152,087	\$2,298	\$28,815	\$435	\$405,887	(\$5,202)	
Lincoln	5	1.35%	\$38,782	5	1.18%	\$16,980	\$3,396	2.30%	\$22,531	\$4,506	\$28,815	\$5,763	\$68,326	\$29,544	
Needham	27	7.27%	\$209,423	28	6.13%	\$88,298	\$3,396	6.86%	\$67,240	\$2,586	\$28,815	\$1,108	\$184,351	(\$25,071)	
Stow	25	6.73%	\$193,910	25.75	6.07%	\$87,447	\$3,396	4.39%	\$42,983	\$1,669	\$28,815	\$1,119	\$159,245	(\$34,665)	
Sudbury	15	4.04%	\$116,346	13	3.08%	\$44,148	\$3,396	2.69%	\$26,397	\$2,031	\$28,815	\$2,217	\$99,360	(\$16,986)	
Wayland	8.5	2.29%	\$65,929	11.5	2.71%	\$39,054	\$3,396	3.58%	\$35,087	\$3,051	\$28,815	\$2,506	\$102,956	\$37,027	
Weston	5	1.35%	\$38,782	5	1.18%	\$16,980	\$3,396	3.15%	\$30,826	\$6,165	\$28,815	\$5,783	\$76,621	\$37,839	
Total	371.5	100.00%	\$2,881,500	424.3	100.00%	\$1,440,750	50%		\$979,710	34%	\$461,040	16%	\$2,881,500	\$0	

*Current Method based on 10/1/2012 actual enrollment data (with 5 minimum)

**Enrollment = 4 year Rolling Average

Project based on a 30 year pay back, \$80 mil, 40% reimbursement with a 3.5% interest rate, includes Feasibility Study

ESCO Project outstanding Debt Service not included in this analysis.

Capital Allocation				
Debt Service - Yr. 1		Enrollment	Combined Effort	Capital Base Con.
		50.0%	34.0%	16.0%
Bldg. project	\$2,610,000			
Feasibility Study	\$271,500			
Debt Service Yr. 1	\$2,881,500	\$1,440,750	\$979,710	\$461,040

Per Community

1.00% (col. N)

Calculation Factor - Capital Base Contribution

Enrollment - Based on 4 year Rolling Average						Min Of 5
	Enrollment Count as of October 2012	Enrollment Count as of October 2011	Enrollment Count as of October 2010	Enrollment Count as of October 2009	Enrollment Based on 4 Year Rolling	Enrollment Based on 4 Year Rolling
Acton	21	30	32	23	26.5	26.5
Arlington	138	139	115	132	131.0	131.0
Belmont	34	41	41	38	38.5	38.5
Bolton	10	10	10	7	9.3	9.3
Boxborough	6	8	16	14	11.0	11.0
Carlisle	9	7	5	7	7.0	7.0
Concord	9	18	22	26	18.8	18.8
Dover	2	2	1	1	1.5	5.0
Lancaster	22	22	25	30	24.8	24.8
Lexington	58	60	78	69	66.3	66.3
Lincoln	4	4	2	3	3.3	5.0
Needham	27	34	26	17	26.0	26.0
Stow	26	23	29	25	25.8	25.8
Sudbury	17	11	14	10	13.0	13.0
Wayland	7	10	12	17	11.5	11.5
Weston	4	3	3	2	3.0	5.0
Total	394	422	431	421	417.0	424.3

Calculation Factor - Ch. 70 Combined Effort Capital Allocation						
	4 year Rolling Average	Total Foundation Enrollment	Community Foundation Enrollment	Total Combined Effort Yield	TOTAL - Combined Effort Yield @ Minuteman	Combined Effort Capital Assessment Share
Acton	26.5	4,806	0.55%	32,838,034	181,067	3.86%
Arlington	131.0	5,158	2.54%	56,052,070	1,423,579	30.36%
Belmont	38.5	3,967	0.97%	45,542,278	441,991	9.43%
Bolton	9.3	993	0.93%	8,241,384	76,770	1.64%
Boxborough	11.0	931	1.18%	8,099,941	95,703	2.04%
Carlisle	7.0	967	0.72%	12,185,749	88,211	1.88%
Concord	18.8	2,964	0.63%	47,707,536	301,794	6.44%
Dover	5.0	1,185	0.42%	26,384,016	111,325	2.37%
Lancaster	24.8	996	2.48%	6,588,253	163,714	3.49%
Lexington	66.3	6,657	1.00%	73,148,346	727,967	15.52%
Lincoln	5.0	880	0.57%	18,980,910	107,846	2.30%
Needham	26.0	5,307	0.49%	65,693,956	321,847	6.86%
Stow	25.8	1,273	2.02%	10,171,122	205,740	4.39%
Sudbury	13.0	4,300	0.30%	41,792,046	126,348	2.69%
Wayland	11.5	2,863	0.43%	38,890,610	167,947	3.58%
Weston	5.0	2,356	0.21%	69,525,202	147,549	3.15%
Total	424.3	45,403	15.46%	561,841,453	4,689,398	100.00%

SENATE No. 228

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 228) of Kenneth J. Donnelly, Michael J. Rodrigues, David T. Vieira, Denise C. Garlick and other members of the General Court for legislation relative to regional school district capital project funding. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to regional school district capital project funding.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Clause (1) under the definition for “Total facilities grant” included in
2 section 2 of chapter 70B of the General Laws , as appearing in the 2010 Official Edition, is
3 hereby amended by inserting after the word “approved.”, in line 102, the following sentence: -
4 An additional 10 percentage reimbursement rate shall be added to a total facilities grant for
5 academic regional school districts, and an additional 20 percent reimbursement rate shall be
6 added to a total facilities grant for a regional vocational technical school district.

Letter to the Editor: Acton-Boxborough Beacon – 10/4/13

We would like to take a moment to introduce ourselves - Nancy Banks of Acton and Cheryl Mahoney of Boxborough. We are your representatives on the Minuteman District School Committee and we are reaching out to you, our friends and neighbors, to urge you to support Senate Bill 228, an act relative to regional school district capital project funding that was described in September 19th Beacon, page 9A. Acton and Boxborough and many of our neighboring communities maintain some form of regional school districts. This Bill would increase the reimbursement money that the State provides for school building projects in regional and vocational school districts. As you may be aware Minuteman Vocational & Technical High School has a pending MSBA building project so this legislation is of particular interest to us. However, Bill 228 is also of significant importance to the Acton – Boxborough community; in general, as we are have a fully incorporated regional school district that will be launched in June of next year. Bill 228 would increase the Mass. School Building reimbursement amounts by 10% for regional school districts, such as A-B and 20% for regional vocational facilities like Minuteman, affecting our Town budgets for years to come.

This additional funding would enable Minuteman to construct a state-of-the-art facility that would enhance the high quality education programs Minuteman District already provides to the Acton and Boxborough communities. Minuteman also provides outreach classes at the R.J. Grey Junior High School, Post-Graduate and Adult certification programs and also supports local projects in our communities.

Your support of Bill 228 will be an investment in our community. However, time is of the essence. The Joint Committee on Education has scheduled a hearing on Bill 228 for Thursday, October 24th and we need to have your voices heard. Please reach out to our legislators as soon as possible:

State Senator Jamie Eldridge James.Eldridge@masenate.gov
State House, Room 413-A
Boston, MA 02133
Phone 617-722-1120

Representative Jennifer E. Benson Jennifer.Benson@mahouse.gov
State House, Room 236
Boston, MA 02133
617-722-2430

Representative Cory Atkins, Cory.Atkins@mahouse.gov
State House, Room 195
Boston, MA 02133
617-722-2015

Thank you for your support and help.

*Minuteman School Committee members:
Nancy Banks, Acton
Cheryl Mahoney, Boxborough*

Date _____

The Honorable Representative / Senator _____
State House, Room _____
Boston, MA 02133

Dear Representative / Senator _____

As a constituent and local leader, I urge you to support Senate Bill 228, an act relative to regional school district capital project funding. This Bill provides for an increase in reimbursement money for school building projects in regional and vocational school districts. This funding would provide vocational schools with the ability to construct state-of-the-art facilities that would further the important work they already do improving the community while educating local students.

Vocational schools create students who are valuable members of the community while still in school. According to the Department of Elementary and Secondary Education vocational students have a 10% higher graduation rate than students in comprehensive schools.ⁱ Vocational students with special needs have a 20% higher graduation rate than their counterparts in comprehensive schools.ⁱⁱ Vocational schools also minimize attrition with a 1.5% dropout rate compared to 3.8% for Massachusetts overall.ⁱⁱⁱ By ensuring that more students graduate, vocational schools enrich their communities.

That enrichment manifests itself in the projects done by vocational schools for their communities. According to the Pioneer Institute, vocational education relies on partnerships with local leaders to create learning opportunities for students.^{iv} This can be seen in co-operative partnerships that allow students to learn skills on the job while providing a service to the community.^v These services can include the work of plumbing, carpentry, electrical, and HVAC students on off-site building projects, volunteer hours at nursing homes by health occupations students, or day-care services by early education students.^{vi} On-site the schools invite community members to see the educational process at work while performing auto work, cosmetology services, graphic design, or cooking and serving meals.^{vii} Additionally, all of these services are provided at cost to the community. Through these services, vocational schools provide a tangible benefit to their communities beyond educating students.

By preparing students for futures in college and the workforce vocational schools make them valuable members of the community for years to come. The academic skills required for career success equal those required for college success and those skills are learned at vocational schools. Vocational schools provide a technical background that enriches the academic pursuits of students as they pursue post-secondary education.^{viii} The Massachusetts Business Alliance for Education reports that students learn important skills such as timeliness, preparation, and discipline at vocational schools.^{ix} These skills ensure their ability to enhance the community in the future.

For all the investments vocational schools have made in our communities, I believe we should invest in them as well. As a community leader, I support Senate Bill 228 because it provides funding for these schools that would allow them to more effectively instruct students while enhancing their services to the community. Due to their status as important members of Massachusetts' communities I ask that you support Senate Bill 228. Thank you.

Sincerely,

Name _____
Town _____

ⁱ Fraser, Alison, (October, 2008), "Vocational-technical education in Massachusetts," https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CEEQFjAA&url=http%3A%2F%2Fwww.careertech.org%2Ffile_download%2F613d1cca-5901-4382-a378-ff84b7a39a50&ei=8GxJUtWKlsmI4APq84GYAw&usq=AFOjCNEQ2-DEHdwdCwjWSxnJNPXUjBWSkg&sig2=Kwmya5NXqSw0jTCxMRLPig&bvm=bv.53217764.d.dmg, p. 6.

ⁱⁱ *Ibid.* at 9

ⁱⁱⁱ *Ibid.* at 7.

^{iv} *Ibid.* at 10.

^v Massachusetts Business Alliance for Education, (October 2006), *Employer Perspectives on Work Readiness Skills*, p. 12.

^{vi} Fraser at 11.

^{vii} *Ibid.* at 10.

^{viii} Stone III, J.R., Alfeld, C., Pearson, D., Lewis, M.V., and Jensen, S., (2006), "Building academic skills in context: Testing the value of enhanced math learning in CTE," National Research Center for Career and Technical Education, www.nccte.org/publications/infosynthesis/r&dreport/MathLearningFinalStudy.pdf.

^{ix} Massachusetts Business Alliance For Education at 12.



DRAFT LETTER

September 18, 2013

Mitchell D. Chester
Commissioner of Elementary and Secondary Education
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Commissioner Chester:

On behalf of the members of the Minuteman Regional Vocational and Technical School School Committee, we are writing to express our concerns about, and disagreement with, the recent decision by the Department of Elementary and Secondary Education (DESE) to lower the FY 2014 non-resident tuition rates for non-member towns.

We understand that non-resident tuition rates for FY 2014 will be capped at \$18,309, or 142% of the foundation budget rate, down from \$19,046, or 150% of the foundation budget rate in FY 2013. We further understand that the reduction in the FY 2014 non-resident tuition rate is part of a three-year plan to ultimately reduce non-resident tuition rates to 125% of the foundation budget rate. For the reasons outlined below, we strongly disagree with the DESE's decision on this matter and urge you to reconsider and reverse the decision for FY 2015.

Minuteman has a long and rich tradition of including students from non-member communities in our school. In fact, for FY 2013, 292 (or 45%) of the 653 students enrolled in our high school came from non-member towns. Given the high percentage of non-member students at Minuteman, the non-resident tuition rate is a critical issue for the District. Moreover, Minuteman is currently in the pipeline with the Massachusetts School Building Authority (MSBA). The impact of non-member enrollment on the strategic decision regarding school size is a critical question for both the Minuteman School Committee and our 16 member towns.

Minuteman has extensively studied the issue of non-resident tuition rates. Earlier in FY 2013 the Minuteman School Committee formed a task force to study the financial impact of accepting out-of-district students at Minuteman. The task force concluded that, although the FY 2013 non-resident tuition levels were set about \$3,000 higher than the variable (or marginal) costs, those tuition rates were about \$4,000 below the average total per-student operating cost. The task force further concluded that at the then-current non-resident tuition rates, Minuteman does have an

economic incentive to accept non-member students because doing so contributes somewhat to the fixed costs that the member towns would otherwise be solely responsible for. That said, because the current non-resident tuition rates are set below the average total cost per student, member towns are, in effect, subsidizing the costs of educating non-member students.

Because out-of-district tuition rates are set below the average total per-student operating costs, non-member communities enjoy an economic benefit by not being members of the regional district, a benefit that non-member communities are keenly aware of. When Minuteman has tried to encourage non-member communities to join the district, we have often been met with the response: "Why should our town join the Minuteman district when doing so would increase the costs of sending our town's students to the school?"

More importantly, as non-resident tuition rates are lowered to the levels being contemplated by DESE, the tuition rates are creeping closer to the point at which non-resident tuition rates no longer even cover the marginal costs of accepting non-member students and Minuteman will be economically better off by not accepting any non-resident students at all.

The disincentive that the current non-resident tuition rates create for non-member communities to join the Minuteman district is exacerbated by the current inability of Minuteman to assess non-member towns for the capital portion of the costs associated with educating Minuteman students. This issue is particularly relevant as Minuteman grapples with the strategic decision of how to size a new or renovated school. If Minuteman is precluded from assessing non-member towns for the capital costs associated with that portion of the building designed to serve non-member students, there will be no economic incentive to build a school sized to serve all the students seeking a high quality vocational technical education.

Having DESE lower the non-resident tuition rates increases the likelihood that Minuteman will be only able to build a smaller facility. The resulting small school will reduce the number of Chapter 74 programs, and close the door to admitting non-member communities seeking to provide vocational and technical educational opportunities to their students.

In sum, the Minuteman School Committee strongly disagrees with the DESE's decision to lower non-resident tuition rates. That decision increases the windfall that non-member towns enjoy by electing not to become part of the regional district, creating a disincentive to regionalization. It also increases the risk that Minuteman could eventually decide not to accept any non-member students. In fact, rather than decreasing the non-resident tuition rates to a smaller percentage of the State's foundation rate, Minuteman firmly believes that a strong case can be made for DESE

Letter to Commissioner Chester

September 18, 2013

Page 3

basing tuition rates on the actual operating costs (including capital costs) incurred by regional vocational schools in educating all enrolled students, member and non-member alike. Only at that point will non-member towns be paying their fair share of the educational benefits their students enjoy.

We welcome the chance to discuss any of the foregoing with you and strongly urge you to reconsider your recent decision.

Sincerely,

Alice DeLuca, Chair
Minuteman School Committee

Edward A. Bouquillon, PhD
Superintendent-Director

CC:

Jeff Wulfson, Deputy Commissioner, DESE

Pati Gregson, Associate Commissioner, DESE

Tom Scott, Executive Director, MASS

Dave Ferreira, Executive Director, MAVA

Member State Legislators

Member Boards of Selectmen



BOARD OF SELECTMEN
Meeting Minutes
August 26, 2013

Approved: _____

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

ALSO PRESENT: Selina Shaw, Town Administrator

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

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

ANNOUNCEMENTS

Chair Amoroso read the announcements.

APPOINTMENTS

• AB Regional SC Chair, Maria Neyland was present to update the Selectmen on the regionalization transition and to discuss the establishment of the Acton-Boxborough Regionalization Leadership Oversight Committee. It was reported that DESE issued its final approval for the new District and the Regionalization Study Committee has been dissolved. As we move forward the ABRSC wants to ensure that they work in accordance with what had been communicated as to the operation of this new district. School assessments will comprise 2/3 of the Town's budget so ABRSC wants to provide Acton and Boxborough officials with the ability to be informed and to provide input on ABSD fiscal matters. To that end an ABRSC (non-voting) advisory group with the working title "Acton-Boxborough Regionalization Leadership Oversight Committee" (ABRLOC) is being formed. The make-up of this group will be the ABRSC Chair, one ABRSC member from Acton and from Boxborough, and then a Selectman and a FinCom member from each town. She identified the respective board members that, so far, have agreed to serve: herself as ABRSC Chair; Joan Adachi, Acton Boss; Bob Evans, Acton FinCom; Jim Ham, Boxborough FinCom; and either Brigid Bieber or Mary Brolin as the Boxborough School Committee member. She asked that the Selectmen name a representative to serve on the ABRLOC. Chair Amoroso agreed to serve as the Selectmen's primary member and Member Gorman offered to serve as an alternate. It was suggested that Acton may also want to identify alternate members. There was discussion as to how the ABRLOC members will interact with their respective boards/committees, their proposed meeting schedule and the possible time commitment. Neyland reiterated that the goal is to ensure transparency as our communities move forward in this process. Member Suleiman moved to appoint Vince Amoroso as primary and Jim Gorman as alternate to the newly established Acton-Boxborough Regionalization Leadership Oversight Committee. Seconded by Member Stemple. **Approved. 5-0.**

Though not on the agenda, there was also discussion on the status of negotiating an IMA between the AB Region and the Boxborough Selectmen. The intention is that this Selectmen team will hold a couple of meetings in September to identify Boxborough's concerns/issues; then discussions with the AB District representative(s) will take place in October/November. The goal is to have an IMA by Thanksgiving which will then be presented to the ABRSC and the Selectmen for review/approval.

The Selectmen took Agenda Items # 7d and 7a, out of order.

NEW BUSINESS

• The Selectmen discussed the resignation of Town Accountant, Mike Guzzo and candidate search process. Mike Guzzo was present and provided his input on short term and long term concerns, he was asked to prepare a memorandum on this. He offered to come back during the transition process. The Selectmen thanked Guzzo for his service to the town. Member Suleiman moved to accept and place on file the resignation of Town Accountant Michael Guzzo, effective 20th September. Seconded by Member Stemple. **Approved 5-0.**

TA Shaw reviewed the search process that she has initiated; the make-up of the search team and the proposed timeline for this process. During discussion ABRSC Chair Neyland offered to contact the BSC about having Blanchard staff member participate on this search team. There was also discussion on how regionalization might affect this position. Member Suleiman moved to support TA's proposed plan for moving forward with search process to fill the vacancy of Town Accountant. Seconded by Member Stemple. **Approved 5-0.**

- Member Suleiman introduced the request for athletic field permit fee waiver submitted by AccesSport, an adaptive youth sport program. RecCom Co-chair, Kevin Lehner was present for this discussion. This is a non-profit, independent organization not associated with ABYS or Boxborough RecCom. AccesSport is simply requesting a waiver of the field permit fees. Historically, it has been the RecCom's practice to approve fee waiver requests for this type of program. The dates requested have been provided to ABYS. There was also discussion on the fee waiver request criteria, process and procedures. It was determined that there will be a discussion concerning the field permitting process in the near future. Member Suleiman moved to waive the athletic field permit fee for AccesSport America for the use of Liberty Field for their adaptive soccer games. Seconded by Member Stemple. **Approved 5-0.**

MINUTES

- Member Gorman moved to accept the minutes for the regular session of July 29, 2013, as revised and executive session of July 29, 2013, as written. Seconded by Member Stemple. **Approved 3-0-2. (Fox and Suleiman abstained).**

SELECTMEN REPORTS

- Member Fox reported that though there was no quorum at the last Stow Road Concept Development Comm meeting; there was a status review on the RFQ process. They will be discussing, an offer from the Mass. Housing Partnership to advise the Town on this process, at their next meeting. This process continues to evolve.
- Member Suleiman reported that the Board of Health has voted to dissolve the Water Resources Committee. However, water resource protection and possible infrastructure build-out remain important issues for the Town. He outlined some of the outreach efforts and the research and exploration that have occurred to date. TA Shaw also provided some background on these efforts. This will be tracked as a future Selectmen discussion item.

He also reported that the Personnel Board has met concerning the preliminary salary survey results. They have scheduled several meetings in September/October to work on their proposal for the Selectmen.

- Member Gorman noted that he had no meetings to report on; however, the Museum is in dire need of painting. There was discussion on the status of Museum maintenance projects and the Museum's capital plan. BICAO Lindberg will be asked to come in to discuss the status of various capital items.

NEW BUSINESS (Continued)

- Chair Amoroso opened discussion on Technology Issues within the Town. He outlined the Tech related events and projects over the past year, including the VoIP installation; BITcom's viability and relevancy; the departure of the IT Coordinator; and transitioning of the School's IT support responsibilities over to the AB Region. All of these items are interconnected. Moving forward do we can rely on volunteers to provide the necessary tech support or if we need the services of professionals to meet these needs? There was discussion on the tasks currently assigned to BITcom; BITcom's origins and the evolution of technology since its inception. There may still be a need for strategic advice and expert input on technological matters a restructured BITcom may be the way to go. Retaining an off-site consultant versus in-house tech personnel was discussed. Ensuring a continuity of service and providing redundancy are important. A benefits and costs analysis is needed to determine how to address the Town's interim and long-term needs. At this time trouble calls, initially, go to the part-time IT support tech; and then, if necessary, the on-call consultant is contacted. Neyland provided her input, noting that AB Regional IT has begun working with the Blanchard and this switch over will be completed by July 1, 2014. The IT functions being discussed tonight are in flux. There was discussion on creating a strategic plan. This provides us with an opportunity to explore our options. TA Shaw was asked to expand her discussions with current on-call consultant regarding available services; to research other IT service providers; to gather information on website providers and report back to the Selectmen on her findings. Also BITcom will be invited in to discuss its role in the Town.
- Discussion opened on the acceptance of the E-911 Grant. Most of these funds will be to replace outdated laptops in the cruisers. Member Fox moved to accept the Public Safety Answering Point and Regional Emergency Communication Center Support and

Incentive Grant in the amount of \$16,485 for the Boxborough Public Safety Dispatch Department. Seconded by Member Gorman. **Approved 4-0-1 (Suleiman abstained).**

CORRESPONDENCE

- There was discussion on the MassDOT Chapter 90 funding notification. Additional information will be obtained and provided.

EXECUTIVE SESSION

- At 9:30 PM, Chair Amoroso stated that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board and moved to adjourn to executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200) and to adjourn immediately thereafter. Seconded by Member Stemple. **Approved 5-0 by a roll call vote: Gorman, aye; Amoroso, aye; Stemple, aye; Suleiman, aye; and Fox, aye.**



BOARD OF SELECTMEN
Meeting Minutes
September 9, 2013

Approved: _____

PRESENT: Vincent Amoroso, Chair; Robert Stemple, Clerk; Les Fox, Member; Raid Suleiman, Member and Jim Gorman, 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 Amoroso called the meeting to order at 7:30 P.M. in the Grange Meeting Room of Town Hall.

ANNOUNCEMENTS

Chair Amoroso read the announcements.

APPOINTMENTS

- Board of Health (BoH) members, Marie Cannon and Bryan Lynch, were present to consider Pamela Follett as a candidate to fill the Board of Health vacancy, due to the resignation of Frank Roth. Marie Cannon reviewed to Follett's background, specifically noting that as a practicing physician Follett will bring medical expertise to this board. Follett spoke to her 20 years living in Boxborough and what she feels she can contribute to the BoH. Due to the vacancy created by Frank Roth's resignation, Member Fox moved to appoint Pamela Follett to the Board of Health until the next municipal election to be held on May 19, 2014. Seconded by Member Suleiman. **Approved unanimously by Roll Call Vote for the Board of Selectmen - Fox, aye; Suleiman aye; Stemple, aye; Amoroso, aye; & Gorman, aye and for the Board of Health - Cannon, aye & Lynch, aye.**
- Bill Caulder from Gutierrez Corp was present regarding a proposed application for a MassWorks grant. Town Planner, Elizabeth Hughes; BHB Chair, Al Murphy; members of the Board of Health and others were also present. Mr. Caulder and Planner Hughes spoke to this proposal. This grant would assist Gutierrez Corp. in developing the water production and disposal infrastructure necessary for their proposed 40B complex at the intersection of I-495 and Route 111. Previously, the MassWorks program's primary focus was on development in more urban settings. However, in just the last year, the State enacted new guidelines, making the Gutierrez project now eligible. Caulder described some of the other local developments that have received MassWorks funding. He offered to provide copies of the grant submissions for some of these projects. The state required these applications come through the Town. There was discussion concerning the Town's and Gutierrez's respective responsibilities as to: development, grant program compliance and fiduciary obligations if this grant is awarded. Caulder stated that Gutierrez would be solely responsible financially and is committed to funding what the grant award does not cover. There was discussion regarding the proposed water systems flow capacity and possible excess production. With a September 13th filing deadline the Selectmen were concerned about brief period being provided for discussion. Caulder apologized for the lateness of this request. This is an initial screening application, the first step in the process. Essentially, this is a "letter of intent." There was discussion on developing a cooperative agreement if this grant is awarded. If awarded, the Town can still decline the grant. The state will not be release funds until all approvals are in place. There was discussion on the new application's formatting and the e-filing requirement. Member Suleiman moved to authorize Vincent M. Amoroso, Chair of the Boxborough Board of Selectmen to submit the MassWorks Infrastructure grant for "Residence at Beaver Brook Infrastructure Project" and to accept state funding for the project, should the application be approved; further to authorize Elizabeth Hughes, Town Planner to electronically submit the application. Seconded by Member Stemple. **Approved 5-0.**
- Though not on the agenda, the Selectmen asked Planner Hughes to provide background on her September 6th memorandum "MassDoT Possible Excess Property." This land adjoins I-495 and the State retained it for possible future roadway build-out. This parcel is still undeveloped and the Town is receiving no tax revenues on it. Planning Board would be seeking that the Selectmen support for a request to have the State deem this excess property. Planner Hughes outlined the process that the State would go through to release this parcel. This memorandum was provided to provide the Selectmen with the basic information for future discussions.

- Doug Halley was present to discuss the regional transportation initiative *CrossTown Connect*. Planner Hughes remained for this discussion. The participating communities have been very cooperative in this effort. Halley thanked TA Shaw and Planner Hughes for their work on this. This work was possible due to several grants. Halley spoke to a Powerpoint presentation. This is the fourth presentation made to the participating communities; asking that these communities authorize the execution of an intermunicipal agreement (IMA) to establish a transportation management association (TMA). Previous study phases identified the needs and resources in these communities. Two specific concerns identified were point to point transportation and commuter shuttle services. Dispatch/scheduling services were identified as an important component in addressing these transportation needs. This working group's current task is to create a collaborative entity to manage transportation (dispatch) resources for these communities. Member communities will retain ownership of their vehicles and the technology to be provided allowing the TMA to track and manage services. Halley discussed branding the new service; explaining CrossTown Connect naming and the accompanying tag-line. The TMA will centralize dispatch/scheduling services – a cost saving for these communities; they will be able to provide 8 hours of scheduling services 5 days a week; and with multiple vehicles operating they will have the ability to increase ride availability. There was discussion on the start-up funding, the available revenues and the breakdown of Boxborough's funding obligations. The TMA still needs to identify additional public partners so the TMA remains viable. Other communities are now interested in participating and several businesses are also interested in becoming private partners. The working group has submitted its initial report to the state. The TMA shall enhance the public transportation services currently being provided (i.e. MBTA, MART, etc...) it does not replace them. A change in IMA legislation will also need to be pursued. Services were launched from ClockTower Place today. There was discussion on possible expanded service scenarios once this program is established. Pursuant to MGL C.40,§4A, Member Fox moved to authorize execution of an intermunicipal agreement (IMA) with the Towns of Acton, Littleton, Concord, Maynard, Stow, and Westford for the provision of transportation management services and establishment of a transportation management association (TMA), subject to approval as to form by Town Counsel. Seconded by Member Stemple. **Approved 5-0.**

MINUTES

- Member Fox moved to accept the minutes for the Executive sessions of August 23, 2013, [BoS Contract Negotiating Team re: Police]; August 26, 2013, and September 3, 2013, [BoS Contract Negotiating Team re: Police] as written. Seconded by Member Stemple. **Approved 5-0.**

SELECTMEN REPORTS

- Member Fox reported that two police vehicles will have been replaced this month – one totaled in an accident and other per the Dept.'s capital plan acquisition schedule. Chief Ryder will be providing a fleet status update.

He also reported that the new phone system is on line, and we are in the process of cleaning up loose ends. He outlined the services that the vendor will be providing over the coming year. Chief Ryder was commended for stepping in to take the lead on this project.

Member Fox also reported that the Stow Rd. Concept Development Comm. is in discussion with MassHousing Partnership (MHP) about the Stow Road project. MHP will be providing further information as to what they can provide.

- Member Suleiman reported that the Energy Committee has had discussions with AB District Energy Advisor, Kate Crosby on the efforts that resulted in Acton schools realizing an overall 20-30% reduction in energy costs. Blanchard's Bus. Mgr. Jeannotte and several teachers attended these discussions.
- Member Stemple reported that the Steele Farm Advisory Comm. will be meeting this week.
- Member Gorman advised that he had no meetings to report on, however, he has been contacted about traffic safety in the area of Hill Road – excessive speeds and failure to use care are of real concern. There was discussion about possible measures to increase safety. It was suggested that Member Gorman meet with Chief Ryder & DPW Dir. Garmon to discuss these concerns; and then advise the Board at an upcoming meeting.
- Chair Amoroso reported that over the summer he and Member Fox had worked to address maintenance concerns at the Library. Thanks to the efforts of DPW Dir. Garmon and maintenance worker, Juan Barrios, these issues seem to have been resolved.

He reported that the first meeting to discuss IMA related to the school is scheduled for September 27th at 6:30 AM.

He also reported on the data provided to him by the DPW, as to the issuing of second dump stickers to households. This will be helpful when the Board discusses setting the rates for FY 15.

- Chair Amoroso asked that TA Shaw to update the Board of various capital projects and other pending matters.
 - ◊ TA Shaw reported that new windows are scheduled to be installed in the older section of Town Hall by the end of this week. This will then be followed by the painting of exterior of the older section. The winning bid for the window project came in \$10,000 below the estimate, so the EnCom is working on obtaining a cost estimate for energy-efficient window shades for Grange Meeting Room.
 - ◊ Generators project went out to bid last week. This site visit is this week and bids are due next week. The completion date had to be pushed back to February 2014, because the generator location had to be changed.
 - ◊ She reported on her efforts to fill the Town Accountant position. The job has been posted and applications due by midnight tonight, however the interview schedule may be moved back. Outgoing Accountant, Mike Guzzo, has met with her and provided her with a status of fiscal matters and pending business. He has offered to come in to work on the budget as a stop gap. Measures have been put in place until a new Accountant is hired.
 - ◊ She reported that Accountant Guzzo and Treasurer Dennehy met with the A-B Region's Business Manager today and will be providing input to her.
 - ◊ She also reported on various IT matters. She has received a lot of feedback from listserv query regarding municipal websites and will be looking into "Virtual Town Hall." She has also received input on IT consultant services. Evan Fernandes will continue to cover "immediate" IT needs for the Town for the time being.
 - ◊ TA Shaw also reported work continues on drafting an IMA with Westford's Eco Development Committee.

OLD BUSINESS

- The Selectmen discussed needed provisions, projected costs, assigned tasks, and set-up for the Appreciation Event.

CORRESPONDENCE

- Chair Amoroso reviewed the list of materials received.

EXECUTIVE SESSION

- At 9:49 PM, Chair Amoroso moved Move to adjourn to executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (Massachusetts Coalition of Police, Local 200) and to adjourn immediately thereafter, stating to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Member Fox. **Approved 4-0-1 by Roll Call Vote: Fox, aye; Suleiman abstained; Stemple, aye; Amoroso, aye; and Gorman, aye.**



BOARD OF SELECTMEN
Meeting Minutes
September 16, 2013
Boxborough Town Hall
Grange Meeting Room

Approved: _____

PRESENT: Vincent Amoroso, Chair; Robert Stemple, Clerk; Les Fox, Member and Jim Gorman, Member

ABSENT: Raid Suleiman

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

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

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

ANNOUNCEMENTS

Chair Amoroso asked for a moment of silence in recognition tragic attack at the Washington Navy Yard and then read the announcements.

BUILD-OUT ANALYSIS STAKEHOLDERS MEETING

- MAPC Planning Research Manager, Tim Reardon, and Town Planner, Elizabeth Hughes were present to discuss the process, present preliminary findings and to invite feedback regarding a Build-out Analysis of Boxborough being formulated by the MAPC. Members of the Planning Board, Zoning Board of Appeals, Conservation Commission, Energy Commission and others were also present and provided input. Reardon spoke to a Powerpoint presentation which illustrated their preliminary findings. He noted that the goal is to present more than just the standard analysis. MAPC wants to work with the Town's stakeholders to tailor of this analysis specifically to our community. Some of the factors that were brought during discussion were: the aspects of private well & septic and the recent school regionalization. The presentation illustrated the elements that factored into this analysis, such as, current bylaws; the most recent housing developments; and various demographic trends/projections. It was clarified that many of the patterns presented are occurring regionally; even, nationally and are not exclusive to Boxborough. This analysis only factors in single family homes not multi-dwelling units. These preliminary findings indicate that Boxborough may realize a build-out capacity of 475 single family homes. These are analytical determinations but the more difficult dynamic to project is demand. Overall demand seems to be a shifting from suburban free-standing homes to more condensed multi-dwelling units with easy access to enmities. There was discussion on the job market; regions that are experiencing commercial growth and the enmities that attract workers. There was also discussion concerning other studies that have been conducted in the past. These findings are preliminary and tonight's discussion in an initial step in this process. The intention is to hold several public workshops in the coming months to explain the data and obtain feedback. Reardon thanked Planner Hughes for her work on this project.

MINUTES

- Member Fox moved and it was seconded to accept the minutes for the Executive session, September 9, 2013, as written.
Approved 4-0.

SELECTMEN REPORTS

- Member Gorman reported that the Well being Committee will be discussing funding for Acton's social worker to work with Boxborough on some social service concern areas and Elliot Mental Health Services.
- Chair Amoroso reported that AB Regionalization Leadership Oversight Committee held its first meeting. Their focus will be to communicate with the District's administration on the overall financial impact to our communities as we move forward in this process.
- Member Stemple reported that he had been unable to attend the recent Steele Farm Advisory Comm. meeting.
- Member Fox had noted that the phone system announcement provided information on the general status of the VoIP project so he had nothing further to report. TA Shaw will be following up with Chief Ryder on the status of the project.

OLD BUSINESS

- Scheduling conflicts have arisen for several Selectmen so the goals workshop, currently scheduled for October 19th, needed to be rescheduled. Member Stemple moved to re-schedule the goals workshop to Saturday, October 26, 2013. Seconded by Member Gorman. **Approved 4-0.**

NEW BUSINESS

- The Selectmen took up a request from Judi Resnick to hold Vizsla Fun Day for her dog club at Steele Farm on October 20th. Resnick came before the Selectmen, last year, to request permission to hold this event. She was asked to simply submit a written request this year. Member Stemple moved to authorize the use of Steele Farm for a Vizsla Fun Day on Sunday, October 20 from 11 AM – 4 PM. Seconded by Member Gorman. **Approved 4-0.** It was noted that other "dog" groups also appear to be using Steele Farm, but these groups have not sought approval. TA Shaw will work to try to identify these groups and then contact them regarding submitting requests to use the property.

CORRESPONDENCE

- Chair Amoroso reviewed the correspondence lists. There was a brief discussion on a response to a public records request.

NEW BUSINESS (Continued)

- Though not on agenda, TA Shaw requested the Board take up the appointment of an Acting Town Accountant for the interim period after Mike Guzzo leaves this Friday. Colleen Whitcomb has agreed to fill-in until a new Town Accountant can be hired. TA Shaw described the Whitcomb's current responsibilities at Town Hall; that she had taken over for Guzzo during his illness last year and those tasks that she would be responsible for as Acting Town Accountant. TA Shaw also provided an update on the hiring process and the proposed timeline. Member Fox moved to appoint Colleen Whitcomb as Acting Town Accountant from September 21, 2013, until further determination of the board. Seconded by Member Stemple. **Approved 4-0.**

CONCERNS OF THE BOARD

- There was further discussion among the Selectmen on the MAPC Build-out Analysis presentation and the important issues/concerns that may affect this analysis.

ADJOURN

- At 9:15 PM it was moved and seconded to adjourn. **Approved 4-0.**

7a

September 25, 2013

Dear Stow Road Concept Development Committee Members,

It is with deep regret that I must resign my position on the SRCDC. I have enjoyed the opportunity of working with this group of volunteers and feel that progress has been made. Future plans are now within reach.

Medical issues have made it impossible for me to be a contributing and active member. Hopefully you shall find an individual with energy and enthusiasm to fill my place.

Good luck in your quest for the best possible plan for Stow Road.

Sincerely,



Susan L. Fredrickson

From: Heather Fleming [mailto: [REDACTED]]

Sent: Monday, September 23, 2013 8:00 AM

To: Al Murphy

Cc: Diane E. Friedman; Irene Boiarski; Jim Faulkner; Kurt Hayes; Les Fox; Lorraine Carvalho; Michael Fetterman; Ralph E. DeMent; Robert D. Ludovico; Susan Fredrickson; Channing Wagg; Cheryl Mahoney; Elizabeth Hughes; Jeff Handler; Joan Meyer; Karim Raad; Maureen Strapko; Ron Vogel; Selina Shaw

Subject: Re: Agenda for this Wednesday's (September 25, 2013) SRCDC Meeting

Dear Al, and fellow committee members,

I fear I will have to resign my spot on the srcdc. I'm finding it too hard to make time to attend the monthly meetings, and I feel badly for not attending often enough to really participate fully.

I do apologize, but I have to accept the reality of the demands on my time that my family and work require right now. I am simply spread too thin until I can get through some medical issues with the baby and start feeling more than a couple of hours each night.

Very best wishes to all of you, both for the srcdc specifically, and also personally, as individuals. I feel fortunate to have been able to help while I was able, and particularly to finally meet some fellow townspeople, and make new friends.

All the best,
Heather

Sent from my iPhone

On Sep 22, 2013, at 8:38 PM, "Al Murphy" < [REDACTED] > wrote:

Dear All,

The agenda for the SRCDC meeting this Wednesday is attached. Please note that the meeting will start a **bit earlier than usual, at 7:00 pm**. This earlier time is more convenient for Susan Connelly.

Will all SRCDC members please let me know if you can or cannot attend this meeting?

Al, [REDACTED]
<Agenda SRCDC 2013 09 25.pdf>

7c

BUDGET & WARRANT ARTICLE TIMELINE

FY 2015

FOR DISCUSSION 10/7/13

October 7	<p>BoS discusses budgetary guidelines:</p> <ul style="list-style-type: none"> ▪ Prepare a zero-based budget. Budget managers (i.e. dept heads/committee chairs) should prepare their budgets from the bottom up, starting from zero. (The prior year's budget should NOT be used as the base). Define the level of budget necessary for the operation of the department/board and identify the key underlying assumptions. Be prepared to provide a rationale for your budgetary decisions identifying how the funding requested relates to the level of service proposed. Salaries will be tied to contractual obligations, or for those employees under the Personnel Plan, to Schedule B.
October 11	<p>Staff Meeting</p> <ul style="list-style-type: none"> ▪ Relate budget message. ▪ Review budget process and timeline.
October 25	Accountant distributes budget packages (hard and soft copies) to all departments and committees.
October 25 – November 22	Budget managers prepare budgets with assistance provided by TA and Accountant if requested. Mechanical issues, as well as questions regarding growth, operations, etc. and clarifications on budget guidelines, should be directed to TA.
November 22	Deadline for returning budget packages to Accountant (hard and soft copies). Any submitted without summary document will be returned to preparer. Budget managers shall also submit intent and scope of proposed capital warrant articles for Annual Town Meeting (hard copy to accountant; soft copy to TA).
November 22 – Dec 6	Accountant, with assistance from admin support staff (or senior tax work-off participant), assembles budget books for TA, BoS & FinCom.
December 6	BoS and FinCom receive budget books.
December 9 – 13	BoS liaisons, along with respective FinCom liaisons, meet individually with primary department heads (Police, Fire, Dispatch, DPW, and TA) to begin first review of budgets, ensuring consistency with budget guidelines and working with department heads to make reductions or other changes as necessary. Dept heads revise budgets accordingly.
December 16	<p>Cursory review of budgets (& warrant articles) by BoS. Selectmen note “red flag issues” and determine which board/departments they would like to invite in for further discussion. BoS liaison and TA work with those budget managers to revise budgets as necessary and to schedule appointment with full BoS in January and February as needed...</p> <p>FinCom starts review of budgets, receiving additional input/clarification as necessary from TA and budget preparers. If needed, FinCom will prepare additional analyses and run scenarios.</p> <p>[N.B. BoS will determine appropriate service levels]</p>
January 13, 7 p.m. start	BoS meeting. BoS and FinCom meet with (2) primary department heads on alternating basis (or together) to review budgets.

January 27, 7 p.m. start	BoS meeting. BoS and FinCom meet with remaining (2) primary department heads on alternating basis (or together) to review budgets.
February 10	BoS meeting. Board meets with boards/committees as necessary to review budgets.
February 24	BoS meeting. BoS closes warrant to any new articles. [BoS liaison to the committee/department will work with sponsor of article and will be responsible for writing the recommendation on behalf of the BoS, as well as presenting at ATM. If liaison is away, Chair will assign responsibility to another member].
March 10	BoS meeting. Joint Public Hearing (BoS & Personnel Board) on any proposed Personnel Plan changes (may try to move this up, depending upon other proposed changes to Personnel Plan). Public hearing on any other proposed general bylaws.
March 13 (Thurs.)	Departments/Committees submit final language for warrant articles in electronic format to TA.
March 17	BoS meeting. BoS finalizes language for warrant articles.
March 20 (Thurs.)	Committees submit recommendations in electronic format to TA. (Recommendations should apply only to the scope and responsibility of the board).
March 24	BoS meeting. Final deadline for written recommendations. Meet with FinCom and determine funding sources for articles. FinCom deadline for the FinCom Report
March 31	BoS meeting. Absolute final votes (BoS/FinCom) on budget & warrant articles. BoS signs warrant.
April 25 (Fri.)	Warrant to be posted by Constable and mailed to town's residents.

NB: "Committee," "Board," and "Commission" are used synonymously.

Budget manager and dept head/committee used synonymously as well...

Still to be added to timeline: deadlines re: Capital Plan

PROCESS

Communication is key to a successful budget process. Budget managers must communicate to the Board of Selectmen and Finance Committee through their liaison and likewise, the BoS and FinCom must ensure that budget managers are fully apprised of any and all proposed changes to their submitted budgets. To this end, we are implementing some additional steps in the process.

- In order to maintain control of the master budget, only the Accountant will update the electronic master file.
- **After the initial submission of budgets to the Accountant by November 22, any and all proposed revisions will be handled as detailed below.**
 1. Revisions must be submitted to Accountant by **10 a.m. on the Thursday** in order to be included in that week's revisions. Revisions submitted after that time will be included in the following week's revisions.
 2. Each time that a budget manager proposes revisions to the department/board budget, the budget manager will complete two sets of documents to detail the proposed revisions:
 - a) **Budget worksheet.** Budget manager will ensure that all numbers tie out to any subsidiary salary worksheets.
 - b) **Budget revision form.** The revision document will be in the form of a spreadsheet, which will be provided in the budget package by the Town Accountant. The spreadsheet for each department will be used to keep a running total and explanation of **all** changes submitted since the initial budget. The spreadsheet will have columns for date, expense line item, amount of revision, explanation, FinCom response and BoS response. Additionally, the form will list the total departmental budget, per the original submission.
 - i. The starting point for the first revision will be the original submitted department budget. The budget manager will list proposed revisions line by line, listing amounts and the explanation for each proposed revision. The budget manager will then sum the total of the revisions and the original submitted budget to arrive at a "Sub-Total Dept. Budget with revisions."
 - ii. The starting point for subsequent revisions will be the last "Sub-Total Dept. Budget with revisions."
 - iii. Budget manager shall submit a revision form via email to: BoS liaison and Chair, FinCom liaison and Chair and the Town Accountant. Budget manager will submit budget worksheet only to the Town Accountant.
 3. Town Accountant will ensure that proposed revisions are properly reflected on budget worksheet and that budget worksheet is in balance with subsidiary salary worksheets.
 4. As soon as revised budget is voted respectively by FinCom and BoS, the liaisons will record the action taken on the budget revision form and send by email to the department manager, FinCom and BoS Chairs, FinCom and BoS liaisons and the Town Accountant.
- Accountant will update **electronic** budget file and provide **electronically** to Town Clerk, for placement on the town's website **no more than once a week, on Fridays**. There will be two versions: 1) for internal use with password protected access and 2) a public display version which excludes salary worksheets.
- Accountant will also provide an **electronic** summary document showing a listing of the revised budgets and an explanation of the changes from the previous version.
- Accountant will include revision date on the budget and updated detail line items.
- Accountant will distribute electronic copies (paper copies will be provided by request) of individual revised department/committee budgets only to the affected department heads and committees.

**BoS Proposed Meeting Schedule January - May 2014
for discussion purposes**

Date	Business
January	
6th	Meeting
13th, 7 PM	Meeting [vote to call ATM & review budgets with (2) primary dept heads]
20th	No meeting - Martin Luther King's birthday
27th, 7PM	Meeting [vote to call ATM & review budgets with (2) primary dept heads]
February	
3rd	No meeting
10th	Meeting [review budgets with boards & committees as necessary]
17th	No meeting - Presidents' Day
24th	Meeting [vote to close warrant for ATM]
March	
3rd	No meeting
10th	Meeting [public hearing on any gen'l bylaw changes]
17th	Meeting [finalize language for warrant articles]
24th	Meeting [final deadline for written recommendations.. Along with FinCom, determine funding]
31st	Meeting [final votes (BoS/FinCom) on warrant articles and budgets & signs warrant]
April	
7th	No meeting
14th	Meeting
21st	No meeting - Patriots' Day
28th	Meeting [review motions]
May	
5th	No meeting
12th	Annual Town Meeting starts (continuing, possibly on Tuesday and Thursday, 5/13 & 5/15. BoS meetings will be posted for the duration of ATM.
19th	No meeting Town Election (ATM continuing this week if necessary, possibly on Wednesday and Thursday, 5/21 & 5/22)
21st (Wednesday)	BoS meets if ATM still ongoing, otherwise June 2nd [reorganization]
26th	No meeting - Memorial Day

8a



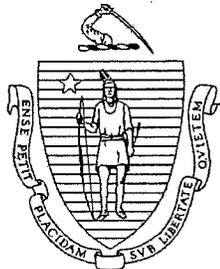
Internal Communications and Outgoing Communications
October 7, 2013

1. Planning Board's Application Review Request regarding the BCT's application for approval of the Emanuel Woods Definitive Subdivision Plan. [Application & copy of plans are in the For Review Slot - *Comments requested by 10/14/13*]*#*
2. Copy of Notification from AAG, Nicole Caprioli, Mass. Attorney General's office, dated September 16, 2013, to Town Counsel, John Giorgio, Kopelman & Paige of a joint agreement to extend the 90-day period for the Attorney General's review of town by-laws regarding Article #29 ATM 2013 (FinCom Bylaw). Accompanying copy of letter to Town Clerk Markiewicz, also dated September 16, 2013 reporting the status of the Attorney General's determination as to ATM 2013 Articles # 26, 27 & 28 (Zoning Bylaws) and Articles #29, 30 & 31 (General) .*
3. Letter from TA Shaw, dated September 30, 2013, to Waterline Industries Corp., V.P. Michael Girard, advising him that Waterline has been "responsible and eligible bidder" on the Generator installation project.
4. Copy of a letter from Town Counsel, Joseph Fair, of Kopelman & Paige, dated September 30, 2013, to Bruce Macdonald, regarding Mr. Macdonald's Public Records Request.
5. September 2013 Monthly Construction Activity Report from the Building Department, dated October 1, 2013.*
6. Notice from the MMA regarding registering for their 2014 Annual Meeting and Trade Show. *#*

Indicates that the item had been previously distributed.

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

8a(2)



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

September 16, 2013

John Giorgio, Esq.
Kopelman & Paige
101 Arch Street, 12th Floor
Boston, MA 02110

RE: Extension of 90-day review period of Article 29
Boxborough Annual Town Meeting of May 13, 2013 - Case # 6828

Dear Attorney Giorgio:

Pursuant to the requirements of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, the Attorney General and the Town Council are authorized to extend the 90-day period provided for the Attorney General's review of town by-laws for not more than an additional 90 days. This letter serves to satisfy the requirements of G.L. c. 40, § 32, as amended. In light of our need for time to further discuss the by-law's consistency with state law, we hereby jointly agree to extend the Attorney General's 90-day review period of Article 29 for 30 days (until October 16, 2013).

Please sign this letter to reflect your agreement and email it back to us or authorize this Office to sign it on your behalf. We will then file the letter with the Town Clerk via electronic mail, with a copy to you. Thank you for your accommodation in this matter.

Very truly yours,

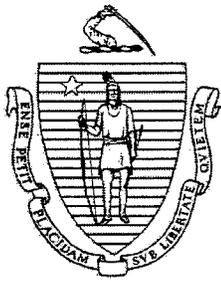
MARTHA COAKLEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418
nicole.caprioli@state.ma.us

John Giorgio / NC
Town Counsel

9/16/13
Date



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
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September 16, 2013

Elizabeth Markiewicz, Town Clerk
Town of Boxborough
29 Middle Road
Boxborough, MA 01719

RE: Boxborough Annual Town Meeting of May 13, 2013 - Case # 6828
Warrant Articles # 26, 27 and 28 (Zoning)
Warrant Articles # 29, 30, 31 (General)

Dear Ms. Markeiwicz:

Articles 26, 27, 28, 30 and 31 – We approve the amendments to the Boxborough by-laws adopted under these Articles at the May 13, 2013 Annual Town Meeting. Our comments on Articles 26, 30 and 31 are provided below.

Article 29 - The Attorney General's deadline for action on Article 29 is extended for 30 days under the authority conferred by G.L. c. 40, § 32 as amended by Chapter 299 of the Acts of 2000. The agreement with Town Counsel for an additional 30 day extension is attached hereto. The amendments adopted under Article 29 will be acted upon by the Attorney General on or before **October 16, 2013**

Article 26 – Article 26 amends the Town's Zoning Bylaw to add a new Section 7900, Temporary Moratorium on Medical Marijuana Treatment Centers. The new Section 7900 imposes a temporary moratorium through June 30, 2014 on the use of land or structures for medical marijuana treatment centers.¹ Section 7901 establishes the purpose of the temporary moratorium as follows:

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession

¹ The by-law's definition of Medical Marijuana Treatment Center mirrors the definition in Chapter 369 of the Acts of 2012, "An Act for the Humanitarian Medical Use of Marijuana." The Department of Public Health (DPH) regulations (105 CMR 725.000) promulgated pursuant to Chapter 369 clarify that a medical marijuana treatment center will now "be known as a registered marijuana dispensary (RMD)" (725.004). We use the term "registered marijuana dispensary" throughout this decision.

and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Boxborough and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Further, Section 7903 includes the following text regarding the Town's planning process:

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

We approve the temporary moratorium because it is consistent with the Town's authority to "impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies." Sturges v. Chilmark, 380 Mass. 246, 252-253 (1980). Such a temporary moratorium is clearly within the Town's zoning power when the stated intent is to manage a new use, such as a registered marijuana dispensary and related uses, and there is a stated need for "study, reflection and decision on a subject matter of [some] complexity..." W.R. Grace v. Cambridge City Council, 56 Mass. App. Ct. 559, 569 (2002) (City's temporary moratorium on building permits in two districts was within city's authority to zone for public purposes). The time limit Boxborough has selected for its temporary moratorium (through June 30, 2014) appears to be reasonable in these circumstances, where the final version of the DPH regulations was issued on May 8, 2013, and those regulations are expected to provide guidance to the Town. The moratorium is definite in time period and scope (to the use of land and/or structures for registered marijuana dispensaries), and thus does not present the problem of a rate-of-development by-law of unlimited duration which the Zuckerman court determined was ordinarily unconstitutional. Zuckerman v. Hadley, 442 Mass. 511, 512 (2004) ("[A]bsent

exceptional circumstances not present here, restrictions of unlimited duration on a municipality's rate of development are in derogation of the general welfare and thus are unconstitutional.")

Article 30 - The amendments adopted under Article 30 amend the Town's (unnumbered) Dog Control by-law.

1. Section C, "Responsibility and Enforcement."

Section C (2) provides in relevant part as follows (with emphasis added):

Responsibility for enforcing the bylaw and the provisions of the General Laws concerning dogs in Chapter 140 is vested with the *Animal Control Officer - Dogs and Cats*, any police officer of the Town of Boxborough, in an emergency, or any other person so appointed by the Board of Selectmen. In *addition to any powers or authority granted under Chapter 140 of the General Laws*, in order to carry out this responsibility effectively they are empowered to:...

(2) Catch and impound dogs, *order dogs muzzled or restrained, dispose of dogs in accordance with the applicable provisions of Chapter 140 of the General Laws*, issue citations for violations of the bylaw, or take such other actions as shall be necessary to enforce the bylaw and provisions of the General Laws, *including filing a complaint with the selectmen pursuant to M.G.L. Chapter 140, Section 157.*

The Town may wish to consult with Town Counsel to ensure that the Town's by-law is applied in a manner consistent with G.L. c. 140, § 157. Specifically, the Hearing Authority has the authority to muzzle or restrain a dog or dispose of a dog, but that authority may not extend independently to the Animal Control Officer, a police officer of the Town or to another person appointed by the Board of Selectmen. We suggest that the Town consult with Town Counsel regarding the scope of authority granted under Section C (2) to persons other than the Hearing Authority, to ensure that the by-law is applied in a manner consistent with G.L. c 140, § 136A - 174E.

Article 31 - The amendments adopted under Article 31 amend the Town's (unnumbered) Dog Licensing By-law and add the same provision to Sections 3, 4 and 5 as follows:

Any penalties collected pursuant to this section shall be deposited in the Dog License Fees Revolving Fund and may be paid to the Animal Control Officer - Dogs and Cats as compensation.

The Town must ensure that the Dog License Fees Revolving Fund is set up and operated in accordance with G.L. c. 44, § 53E ½. In part, G.L. c. 44, § 53E ½, requires a revolving fund to be:

...by vote of the annual town meeting in a town, upon recommendation of the

board of selectmen...Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year...

We suggest that the Town consult further with Town Counsel regarding the proper accounting of the Dog License Revolving Fund.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division

Director, Municipal Law Unit
Ten Mechanic Street, Suite 301

Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel John Giorgio



8a(5)

*

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

To: Board of Selectmen ✓
Town Planner
Town Assessor
Finance Committee
School Committee
From: Building Department
Date: October 1, 2013
RE: Building Department Monthly Construction Activity Report

The Building Department has released the September 2013 Construction Activity Report. A copy is attached.

ma

Building Department Monthly Construction Activity CY 2013

	January	February	March	April	May	June	July	August	Sept.	October	November	December	Y-T-D Total
Residential:													
Single Family - new					1	2		1	3				7
Additions/Alterations	6	2	2	4		6	2	4	3				29
Repair		1		1	2								4
Foundation Only													0
Pools/Spa			2		1								3
Windows		1		4		2	1		1				9
Roof				3	2	2	4	1	5				17
Deck	1	1		2	2	4	1		1				12
Void													0
Accessory Apartment													0
Business:													0
New													0
Additions/Alterations			1	2	2		3						8
Other:													0
Construct. trailers													0
Tents					1	1			1				3
Cell Tower Antenna								1					1
Demolition					1								1
Woodstove	4							1					5
Signs					1								1
Shed/Barn				1	1	2	1		2				7
Mechanical													0
Change of Use													0
Totals:													0
Number of Permits	11	5	5	17	14	19	13	7	16				107
Construction Cost	228,200	31,150	356,791	230,370	548,354	638,572	368,680	386,700	984,936				3773753
Total Fees	1,437	219	3,980	3,738	5,794	6,679	3,772	3,937	9,758				39313.5

New

Houses

211 Mass Ave Unit A
211 Mass Ave Unit B
211 Mass Ave Unit C

Building Dept Misc
Monthly Const Activity Rpt

Permit Listing Report

by District

Date Range: Issued between 09/01/2013 And 09/30/2013

Printed On: Mon Sep 30, 2013

SQL Statement: ([Type of Permit]="Building")

District	Address (Work Location)	District	Zoning	Owner	Work Category	Est. Cost	Proposed Use And Detail		
Permit Type	Permit No	Online Permit No	Permit Status	Date Issued	Contractor (Phone #)	Work Description	Fees Paid	Check #	
Building	29 MIDDLE RD BP-2014-0021		A/R SIGNED OFF	BOXBOROUGH, TOWN OF Sep-03-2013	AAA Royal Construction (800) 225-4082	Windows Windows	\$23,000.00	\$0.00	000
Building	6 FIFERS LN BP-2014-0022		OPEN	AVERY, JOHN R & CATHY A Sep-09-2013	AVERY, JOHN R & CATHY A	TENT/TEMP. TRAILER Temporary Tent	\$50.00	1178	
Building	189 TAMARACK LN BP-2014-0023		OPEN	PULLERITS, JOHN & WEISENBERGER, JANET A Sep-10-2013	Curtis Martin (978) 342-1344	Deck Deck	\$37,000.00	\$370.00	4681
Building	867 LIBERTY SQ RD BP-2014-0024		OPEN	TAPPAN, DANIEL C TAPPAN, PATRICIA K Sep-16-2013	Premiere Roofing and Remodeling	ROOF Strip and reroof	\$29,550.00		
Building	321 JOSEPH RD BP-2014-0025		OPEN	FORSHAY, JOHN G & KIMBERLY P Sep-16-2013	FORSHAY, JOHN G & KIMBERLY P	SHED/BARN Shed	\$50.00	4150	
Building	34 MASS AV BP-2014-0026		OPEN	OLYMPUS REALTY INC Sep-18-2013	U. S. Roofing	ROOF Reroof	\$37,700.00	\$377.00	8618
Building	211 MASS AV BP-2014-0027		A/R OPEN	J A BOXBORO REALTY LLC Sep-18-2013	Mark Enneguess General (978) 844-0202	NEW ATTACHED SINGLE FAMILY Attached New Single Family Home	\$232,000.00		

Permit Listing Report

by District

District	Address (Work Location)	District	Zoning	Owner	Work Category	Est. Cost	Proposed Use And Detail	
Permit Type	Permit No	Online Permit No	Permit Status	Date Issued	Contractor (Phone #)	Work Description	Fees Paid	Check #
	211 MASS AV		A/R	J A BOXBORO REALTY LLC	NEW ATTACHED SINGLE FAMILY	\$242,820.00		
Building	BP-2014-0028		OPEN	Sep-18-2013	Mark Enneguess General (978) 844-0202	Attached New Single Family Home (Model 2 center)		
	211 MASS AV		A/R	J A BOXBORO REALTY LLC	NEW ATTACHED SINGLE FAMILY	\$246,330.00		
Building	BP-2014-0029		OPEN	Sep-18-2013	Mark Enneguess General (978) 844-0202	Attached New Single Family Home (model 3 left side)		
	44 ROBINSON RD			STOVER, JORDAN H & DILWORTH, M ARIANNE	SHED/BARN			
Building	BP-2014-0030		OPEN	Sep-18-2013	Arthur Utz	shed		
	79 OLD ORCHARD LA		A/R	KLIMOVITSKY, YURI	Bathroom Remodel	\$26,965.00		
Building	BP-2014-0031		OPEN	Sep-18-2013	Antonio Hipolito (978) 549-7500	Bathroom remodel	\$270.00	1672
	429 HILL RD			ROSAMOND, JOHN D & VIRGINIA J	Kitchen Remodel	\$46,831.00		
Building	BP-2014-0032		OPEN	Sep-18-2013	CHRIS COUGHLIN	Kitchen Remodel		
	196 LIBERTY SQ RD		A/R	HOCTOR, WILLIAM E	ROOF	\$12,500.00		
Building	BP-2014-0033		OPEN	Sep-19-2013	Arone Exteriors (978) 835-9483	Strip and reroof	\$125.00	4126
	187 HILL RD			WETHERBEE FARMS REALTY COMPANY FOX, LESLIE R & GLADYS R, TRS	ROOF	\$9,450.00		
Building	BP-2014-0034		OPEN	Sep-19-2013	Randy Robinson	Reroof	\$94.50	5013
	321 JOSEPH RD			FORSHAY, JOHN G & KIMBERLY P	ROOF	\$8,790.00		
Building	BP-2014-0035		OPEN	Sep-30-2013	EXPRESS ROOFING	Strip and reroof	\$90.00	1742

Permit Listing Report

by District

District	Address (Work Location)		District	Zoning	Owner	Work Category	Est. Cost	Proposed Use And Detail		
Permit Type	Permit No	Online Permit No	Permit Status	Date Issued	Contractor (Phone #)	Work Description	Fees Paid	Check #		
Building	1075 BURROUGHS RD BP-2014-0036		OPEN	Sep-30-2013	Michael Bartley Okerman Construction (508) 562-1168	Finish Basement Finish basement	\$32,000.00			
District () TOTALS:							ESTIMATED COST:	\$984,936.00	NUMBER OF PERMITS:	16
							FEE INVOICED:	\$9,757.50	FEE PAID:	\$1,426.50
								BALANCE:	\$8,331.00	
GRAND TOTALS:							ESTIMATED COST:	\$984,936.00	NUMBER OF PERMITS:	16
							FEE INVOICED:	\$9,757.50	FEE PAID:	\$1,426.50
								BALANCE:	\$8,331.00	

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Minutes, Notices and Updates
October 7, 2013

Minutes

1. Minutes of the Personnel Board meetings of August 22, 2013 and September 19, 2013.
2. Minutes of the Finance Committee meetings of August 27, 2013 and September 23, 2013.

Notices

1. Notices of Finance Committee meetings:
 - a. Held September 16, 2013 – Revised
 - b. Held September 23, 2013
 - c. Held September 30, 2013
 - d. To be held October 7, 2013
2. Notice of a Council on Aging meeting held September 19, 2013.
3. Notice of a Historical Commission meeting held September 25, 2013.
4. Notice of a Stow Road Concept Development Committee meeting held September 25, 2013.
5. Notice of a Sargent Memorial Library Trustees meeting held October 1, 2013.
6. Notice of Personnel Board meetings:
 - a. Held October 2, 2013
 - b. To be held October 10, 2013
7. Notice of a Public Celebrations Committee meeting held October 2, 2013.
8. Notice of a Boxborough Leadership Forum held October 2, 2013.
9. Notice of a Recreation Commission meeting to be held October 8, 2013.
10. Notice of a Steele Farm Advisory Committee meeting to be held October 10, 2013.
11. Notice of the Open Space & Rec Plan Update Public Workshops to be October 29, 2013 @ 6:30 PM and November 2, 2013 @ 9:30 AM.
12. Notice of an Airport Study Committee meeting to be held November 6, 2013.
13. Job Posting – Information Systems Coordinator.

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General Correspondence
October 7, 2013

1. September 2013 issue of the Freedom's Way Heritage National Heritage Area's newsletter.
2. Fall 2013 Newsletter for the Communities for Restorative Justice "*The Talking Piece.*"