



BOARD OF SELECTMEN
Meeting Minutes
April 13, 2015

APPROVED: June 1, 2015

PRESENT: Vincent Amoroso, Chair; Robert Stemple, Chair Pro Tem; Les Fox, Member; Jim Gorman, Member and Susan Bak, Member

ALSO PRESENT: Selina Shaw, Town Administrator

EXECUTIVE SESSION

- At 6:40 PM, Chair Amoroso moved to convene in executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (all CBU's) and to reconvene in open session at 7:30 PM in the Grange meeting room to continue the regular business on the agenda. Seconded by Member Stemple. **Approved 4-0** by a roll call vote: Stemple, aye; Fox, aye; Bak, aye; and Amoroso, aye (Member Gorman not present for vote). It was noted that open meeting may have a detrimental effect on the bargaining position of the Board.

Chair Amoroso re-convened the meeting at 7:35 P.M. in the Grange Meeting Room of the Town Hall.

ALSO PRESENT: Cheryl Mahoney, Department Assistant

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

ANNOUNCEMENTS

Chair Amoroso read the announcements.

APPOINTMENTS

- David Nordstrom, of the Conway School, and members of the Steele Farm Advisory Comm. (SFAC) & Boxborough Historical Society (BHSI) were present to discuss the Steele Farm Management Plan. The preliminary scope of services has been worked out; the student team is being finalized; and public meetings are being organized. These students are passionate about sustainable design. The project should be concluded by late June/early July. The Selectmen questioned how the buildings and their current condition factor into this study. Students are going to look at the site in context with the surrounding areas including the structures, however analyzing the structural concerns may be beyond the students' expertise, but they could comment on grade and drainage issues. The team will be meeting with the SFAC to explore stewardship strategies. The team could detail how to manage the agricultural maintenance; though not necessarily any business perspective, such as selling Christmas trees or agricultural usage leasing. There are many concerns going forward. The buildings are going to take a significant capital investment. Steele Farm can provide multiple and diverse usage, however to formulate this management plan is necessary and public input is essential.
- Minute Man Air Field owner, Don McPherson, and MMAF Commissioners, Greg Sheets & Bob Glorioso were present to provide the Selectmen with their annual update. They spoke to the information provided in their Power Point presentation. They also have provided this update to the Stow Selectmen. Minute Man Air Field is a public use facility open year-round 24/7. They serve Chelmsford to Hopkinton and beyond. They discussed the State's recent Economic Impact Study, which was handed out, and an update on their runway re-paving/improvements. McPherson invited the Selectmen to their ribbon-cutting ceremony in July. They spoke to the amenities provided air field clientele; businesses operating from the facility and the community outreach they participate in – including Wings & Wheels, LightHawks and Public Safety appreciation events. The Selectmen inquired about aerial drones and the FAA's regulations concerning their operation. Current regulations provide that drones can fly no higher than 400' and not within 5 miles of any airport, including Minute Man.
- Energy Committee members, Francie Nolde and Richard Garrison were present to discuss the proposed joint (Boxborough and Littleton) solar initiative. They have been working on this for many months. Recently they were approached by their Littleton

counterparts about combining efforts and create a joint solar initiative with Littleton. It is hoped that this new development will encourage LEDD to add to the proposed rebates or net metering incentives. These incentives will only be offered to for LEDD customers through this program. Littleton's Town Administrator is presenting this same proposal to their Selectmen tonight. There was discussion as how this joint program could affect Boxborough residents. Though Boxborough is a smaller town, this would allow to program to realize a higher service tier; offering increased savings to participating property owners in both towns. Nolde advised that a solar forum is scheduled for this Thursday at the Sargent Library. Contingent upon a vote of the Littleton Board of Selectmen "to support the Littleton Sustainability Committee's participation in a joint initiative with Boxborough's Energy Committee for a tiered discount solar installation program", Chair Amoroso moved to support the Boxborough Energy Committee's participation in a joint solar initiative with Littleton's Sustainability Committee and to authorize the Boxborough Town Administrator to issue the Solar Initiative RFP for the joint program. Seconded by Member Stemple. **Approved 5-0.** TA Shaw advised that she just received a text message that the Littleton Selectmen have approved this.

- Recreation Commission Chair, Kevin Lehner, and Ken Morse, of AtBats were present to request a reduced field permit fee for the AtBats summer program. Morse advised that they have been running a summer camp for several years on Boxborough fields. In order to be able to provide this program at a reasonable price to local youth for the past four years he has sought a reduction in the Boxborough field usage fees, by compensating the Town with 12% of the program's gross revenues. He would like to continue this for this summer. RecCom Chair Lehner advised that RecCom supports the same criteria as in previous years, and will be formally voting to approve Tuesday night. Further to the recommendation of the Recreation Commission, Member Bak moved to approve Ken Morse's request to use Liberty Field to operate the AtBats Half Day Baseball & Softball Camp for a reduced fee of 12% of gross revenue. Seconded by Member Fox. **Approved 5-0.** It was noted that all playing fields are currently closed until DPW Director determines they are fit for use.
- Police Chief, Warren Ryder was present to discuss the use of Law Enforcement Trust Fund. Town Accountant Barrett and members of the Finance Committee were present for this discussion. Chair Amoroso opened discussion by noting that the Town Accountant Barrett had concerns about a requested disbursement from this fund and brought them to the Chair's attention. Chair placed this matter on tonight's agenda so it can be thoroughly discussed. Rather than incurring the expense of Town Counsel weighing on this issue, he as an attorney, reviewed the matter; prepared supporting materials and has issued an opinion. He provided a synopsis of the statute and case law that governs these funds, which are realized from assets seized from enforcement actions; of the use of these funds and how these funds are to be managed and spent. It was clarified that these funds are not Town revenue but are funds held in trust to be used for purposes stated in said trust and the governing statute. Chief Ryder provided information on the subject expense. A retired Boxborough police officer had passed away in Florida. This officer wanted to be buried in his uniform. The Chief and a sergeant went down to attend this service and acted as honor guard. Chief Ryder also provided a eulogy. They were gone from Wednesday through Saturday and the Sgt. took comp. time in order to attend. The Chief insured there was coverage so the Sgt. could attend. This was all communicated to the Police Department's liaison before the trip took place and expenses occurred. The Chief is looking to use this fund to reimburse him and the Sergeant just for airfare. Other expenses were incurred but he is not seeking reimbursement for them. Chair Amoroso expanded on the opinion he had provided [based on SJC court ruling *Marchand v. Hechenbleiker*] which addresses the proper fund reimbursement/disbursement process. There was input from the other Selectmen. Appearing at memorial events demonstrates a support for their fellow officers and it is a "team building" experience. The Chief provided a wide range of examples as to how his department uses this fund, not just attending these memorial events but others such as the leasing of the Police motorcycle, undercover operational costs – purchasing drugs & compensating informants, along with the Dept.'s public relations efforts – giving ice cream certificates to children that wear bike helmets, etc... There was discussion regarding the definition of "law enforcement" purposes. This is a question of degrees not of kind (out-of-state v. local attendance). The Finance Committee was also invited to provide their input. There is a concern that approving this disbursement sets an unfavorable precedent. There has to be a balance between being respectful while not incurring excess expenses in an effort to do so. Attending these events is an expression of respect, however how does the department make a determination as to whether such an event merits attendance. There was also discussion as to how the 2nd officer was chosen to attend this funeral. The Chief has discretion on the use of these funds; however shouldn't these funds be used to benefit the Town. FinCom member Steve Ballard advised that he is also an attorney, and he came to an opinion different than the one provided by Chair Amoroso. He opined that statute should take precedent over case law and observed that the Town Accountant concerns were triggered by criteria outlined in the statute and that these circumstances differ from *Marchand*. Discussion was closed and FinCom was thanked for providing input on this matter even though it is not under their purview. Chair Amoroso briefly reviewed the discussion and noted that a warrant for this disbursement will now be prepared and the Selectmen will determine whether to authorize this disbursement by the signing of said warrant.
- No one asked to speak under the Citizens concerns.

MINUTES

- Member Gorman moved to accept the minutes for the Executive sessions of March 16, 2015, March 24, 2015 and April 6, 2015, as written. Seconded by Member Stemple. **Approved 5-0.**

SELECTMEN REPORTS

- Member Gorman reported that the bids have been received for the paving project and a winning bid will now be chosen. We also received the FY 16 Ch. 90 fund notice today. This information will be provided at Town Meeting to support the article on supplemental funding for paving.
- Chair Amoroso reported on Minuteman School District matters. Last week Wayland's Town Meeting did not consider the proposed amendments, so it seems that these amendments will not be ratified. As previously discussed he has presented additional amendments to the Minuteman Supt. and Dr. Bouquillon has advised that these are being incorporated into a new proposal by District Counsel. This could be accomplished by our Town Meeting, but it is a long shot.
- Member Stemple reported that the Finance Committee voted warrant articles at the last meeting he attended.
- Member Fox reported that the Minuteman School District held a forum last week to discuss the proposed building project and four construction scenarios. These forums are a MSBA requirement and are being held in all Minuteman communities. The new construction scenario seems to be the best option.
- Member Bak reported that the Personnel Board met and discussed the proposed Police Lt. position last week and will meet again on this next week. This would be an "exempt" position. The Personnel Bd. is also working on collating and compiling the input received from the Town Dept. outreach that occurred earlier this year.

NEW BUSINESS

- Member Stemple moved to approve the parade permits for the Memorial Day and Fifer's Day parades, to be held on Monday, May 25, 2015 and Saturday, June 20 2015, respectively, and to waive any applicable fees. Seconded by Member Fox. **Approved 5-0.**
- Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$5,578 from the Reserve Fund to account #001-215-5305-0000 (Dispatch Software – Records Management) to provide for software that will enable Dispatch to interface with the fire alarm radio. Seconded by Member Gorman. **Approved 5-0.**
- The Town Clerk has requested that Alan Rohwer be appointed as Temporary Constable for the upcoming election. Further to the request of the Town Clerk, Chair Amoroso moved to appoint Alan Rohwer as a Temporary Constable, for a term effective immediately and ending on June 30, 2015. Seconded by Member Fox. **Approved 5-0.**
- The Selectmen reviewed the proposed meeting schedule for period June 2015 – January 2016. Chair Amoroso moved to adopt the proposed schedule as written. Seconded by Member Fox. **Approved 5-0.**

CONCERNS OF THE BOARD

- Member Bak noted that she been contacted by constituents about a proposed pole at the top of Hill/Middle Roads. They have concerns that the public safety radio project specifications seem to have changed from what was voted on last year and that under the proposed changes to the Zoning Bylaws cellular companies could use this pole/tower. Member Fox clarified that this amendment is specifically for public safety communication purposes only. This bylaw would also require any applicant to undergo the special permit process which includes a public hearing. There was a brief discussion of the proposed project and the reason the site at the top of Hill and Middle Road was chosen. Chief White and Ryder are aware of these concerns. They will be holding a public forum on April 21st to update residents on this project, and to clear up much of the mis-information that seems to be out there. These are two separate and distinct matters—the public safety radio project and the proposed Zoning bylaw amendment.
- TA Shaw advised that an update from the Public Safety Space Needs Advisory Group will be at the next Selectmen's meeting.

ADJOURN

- At 9:45 PM, Member Stemple moved to adjourn. Seconded by Member Gorman. **Approved 5-0.**

SELECTMEN'S ANNOUNCEMENTS

APRIL 13, 2015

The necessary contact information is available on the Town's website.

- **Selectmen Agenda packets are available** from links on the Town's website, from the calendar or the Selectmen's webpage.

- **Save the Date....**
Boxborough's Annual Town Meeting will begin on **Monday, May 11th**. Town Meeting information, including the Annual/Special Town Meeting Warrant; Preliminary FY 16 budget, and the proposed revisions to the Personnel Plan are now available on the Town's website. This information will be updated periodically as we move closer to Town Meeting.

- Tuesday, April 21st is the last day for voters to register in order to be eligible **to vote at this year's Annual Town Meeting and the Town Election**. The town clerk's office will be open from 9:00am to 4:00pm on that day. After 4pm, voter registration will continue until 8:00pm at the Boxborough Police Station, 520 Massachusetts Ave. Please go to the Town Clerk's webpage or call her for more information.

- The Town Moderator will be holding the **Town's annual Pre-Town Meeting Forum**, in conjunction with the Boxborough Leadership Forum meeting, at 7:00 PM on Wednesday, April 29th at the Sargent Memorial Library. The intention this Forum is to review the warrant and the proposed presentations for the 2015 Boxborough Town Meeting which starts May 11th. This review will focus on potential procedural issues, time, and visual support requirements. Those intending to present at the Town Meeting are urged to come to this meeting. For questions call Moderator, John Fallon at 978-264-0069.

- The **Master Plan Update Committee is looking for your input**. Please share your thoughts on the local quality of life, including goods, services, and amenities accessible in town. Your input is valuable and will inform economic development planning in the Town of Boxborough for the next decade to come by completing a brief on-line survey which can be accessed from a link provided on the Master Plan Update Committee's webpage or under News & Announcements.

- The Board of Health (BoH) that the Central Mass Mosquito Control Project will be conducting its **spring larvacide aerial application in April**. This one-day event typically coincides with the school April vacation week (3rd week 4/20-4/24). A notice will be posted in the Beacon, however the specific date may be adjusted due to conditions at that time. The application is performed by helicopter; applying Bti larvacide to wetlands throughout town including areas near Blanchard School, nearby municipal buildings, and playing fields. Bti is an inorganic, naturally occurring bacteria which targets mosquito larvae. This application is a preventative measure intended to reduce the mosquito population; thus reducing potential exposure to disease carrying mosquitoes. Residents are encouraged to check the CMMCP's website: www.cmmcp.org to access their spraying schedule and for helpful tips on ways of reducing potential mosquito exposure on their property. You can also contact them by phone at 508-393-3055.

 - In an effort to improve service to residents, the Selectmen would like to announce that **starting June 1st residents will have the option of applying** & paying for their FY 16 the Transfer Station Stickers and Bulk Permit Disposal Vouchers on-line. More details will be provided in the coming weeks.

 - **Community Gardening Plots are available for the 2015 growing season.**
 - Community Garden at Flerra Meadows plot applications are now being accepted. Applications and a copy of the Flerra Meadows Community Garden Rules & Regulations are available in the Planning Office in Town Hall and on the Agricultural Comm. webpage. Please contact Town Planner Adam Duchesneau if you have any questions.

 - The Middle Road Community Garden at the intersection of Middle Road and Depot Road will also open soon. Contact Owen Neville at 978-263-3285 or middleroadgarden@gmail.com for more information and to reserve a plot.
- More information on both Community Garden sites is available on the Agricultural Commission's webpage and under News & Announcements.

Save the Date.....

- The Boxborough Energy Committee will be launching their **Boxborough Solar Initiative**, with a forum on April 16, 2015. More Information is available on the Energy Committee's webpage and under News & Announcements.

- On Tuesday, April 21st at 7:00 PM The Police Chief, Fire Chief, and Town Planner will be conducting a public meeting concerning the **proposed Public Safety Wireless Communications System** to be installed at the Boxborough Museum property, 575 Middle Road.

- The **Boxborough Historical Society will be meeting** on Sunday, April 26th at 7:00 PM in the Morse/Hilberg Room at Boxborough Town Hall. Duncan Brown and Mary Larson will be presenting "The Wetherbees: A Family in Boxborough's History" Come learn the story of a family that has been part of Boxborough for longer than the Town has existed. Admission is free and all are welcome.

- The Boxborough Fire Department has a new system for issuing permits for **Opening Burning Season** which runs until May 1st. Seasonal permits will no longer be issued. Instead, on the day you would like to burn, residents should go to the Fire Department's Burn Permit webpage. There it will be posted whether burning is allowed that day. If allowed, resident would then apply under Daily Permit Registration. The Department's Open Burning Rules & Regulations are also posted. Residents call the Fire Dept. for more information or to activate a permit.

- If you have your FY 15 sticker and you are looking to **disposal of bulk items** at the Transfer Station you will need to purchase a voucher at Town Hall. Checks or exact amount in cash, please. These fees range from \$5.00 to \$50.00 depending on the item. You might consider donating your items to the local not-for-profit organization, Household Goods (HGRM) www.hgrm.org. They are happy to accept clean, functional items in good working condition. Please refer to the Transfer Station webpage or call the DPW for more information.

- We invite you to explore the Town's website www.boxborough-ma.gov. Information such as the **Transportation options** available for those living or working in Boxborough has been posted on our Homepage under Resources. You can also go to the **Community Services Coordinator** webpage learn more about how she is able to assist residents in identifying resources available from various support services and agencies and to help them to navigate the process.

- The **Veterans' Services Officer** Donald Morse, is holding office hours on Wednesday mornings at the Town Hall. For more information and to access links to Veterans Resources please go to the Veterans Services webpage. Contact Department Assistant, Denise Monteiro at 978-264-1726 to arrange for an appointment outside of his Wednesday morning office hours.

- **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 Board of Selectmen continues to look for volunteers willing to serve on the various **Town boards and committees**, many of which have openings: ZBA (1 alternate member), Housing Board (1), Design Review Board (1 at-large member), Public Celebrations & Ceremonies Comm. (3), Recreation Comm. (2), the Steele Farm Advisory Committee (2), and the Conservation Comm. has one vacancy for an unexpired term which runs 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.

- 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.

- Contact information is available on the town's website: <http://www.boxborough-ma.gov> or you may call Town Hall at 978-264-1700 if you have any questions.
- The Selectmen can be contacted directly at: selectmen@boxborough-ma.gov.
- If you wish to find out more about **volunteer opportunities** on Town boards or committees contact Town Administrator Selina Shaw at: sshaw@boxborough-ma.gov
- Board of Selectmen **meetings are broadcast on both Comcast's Channel 9 and Verizon's Channel 39**. Residents can also tune-in and view the public meetings playback schedule, to find out when a particular meeting is scheduled for broadcast.
- Please contact the Town Clerk, Liz Markiewicz 978-264-1727 if you have any questions on registering to vote or your **voting status**.
- For more information on **Transfer Station Applications, and Bulk Item Disposal Vouchers** please go to the DPW's or Transfer Station's webpage or contact the DPW at 978-264-1790.
- For more information on the **Community Preservation Act** surcharge please go to the Community Preservation Committee's webpage or contact Town Assessor, Ruth Anderson directly by phone at 978-264-1720, or by email: randerson@boxborough-ma.gov .
- To make an appointment with Veterans' Services Officer (VSO) Donald Morse, outside of his Wednesday morning office hours please contact Department Assistant, Denise Monteiro at 978-264-1726 or dmonteiro@boxborough-ma.gov
- For more information Community Services please go to the Community Service Coordinator's webpage or contact Lauren Abraham directly by phone at 978-264-1730, or by email: labraham@boxborough-ma.gov .
- For more information on the proposed **Amendments to the Town's Zoning Bylaws** or to on signing up for a gardening plot at the **Community Garden at Flerra Meadows** Contact Town Planner Adam Duchesneau at 978-264-1723 or ADuchesneau@Boxborough-MA.gov



BOARD OF SELECTMEN
Meeting Agenda
April 13, 2015
Boxborough Town Hall
Grange Meeting Room

1. CALL TO ORDER (TOWN ADMINISTRATOR'S OFFICE), 6:30 PM

2. EXECUTIVE SESSION

Move to convene in executive session in the Town Administrator's office to discuss strategy with respect to collective bargaining (all CBU's) and to reconvene in open session at 7:30 PM in the Grange meeting room to continue the regular business on the agenda

**ROLL CALL
VOTE:**

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

RE-CONVENE IN GRANGE MEETING ROOM, 7:30 PM

3. ANNOUNCEMENTS

4. APPOINTMENTS

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

a) David Nordstrom, Conway School, and members of the Steele Farm Advisory Committee re: Steele Farm Management Plan, 7:35 PM

b) Don McPherson, Minute Man Air Field, re: annual airport update, 8:00 PM

c) Energy Committee members, Francie Nolde and Richard Garrison re: proposed joint (Boxborough and Littleton) solar initiative, 8:20 PM

Contingent upon vote of the Littleton Board of Selectmen "to support the Littleton Sustainability Committee's participation in a joint initiative with Boxborough's Energy Committee for a tiered discount solar installation program", move to support the Boxborough Energy Committee's participation in a joint solar initiative with Littleton's Sustainability Committee and to authorize the Boxborough Town Administrator to issue the Solar Initiative RFP for the joint program

VOTE:

d) Kevin Lehner, Recreation Commission Chair and Ken Morse, AtBats, re: request for reduced field permit fee for summer program, 8:45 PM

Further to the recommendation of the Recreation Commission, move to approve Ken Morse's request to use Liberty Field to operate the AtBats Half Day Baseball & Softball Camp for a reduced fee of 12% of gross revenue

VOTE:

e) Warren Ryder, Police Chief, re: use of Law Enforcement Trust Fund, 9:00 PM

f) Citizens concerns

5. MINUTES

a) Executive session, March 16, 2015

b) Executive session, March 24, 2015

**ACCEPT & POF
ACCEPT & POF**

6. SELECTMEN REPORTS

7. OLD BUSINESS

8. NEW BUSINESS

a) Memorial Day and Fifer’s Day parades – permit request
Move to approve the parade permits for the Memorial Day and Fifer's Day parades, to be held on Monday, May 25, 2015 and Saturday, June 20 2015, respectively, and to waive any applicable fees **VOTE:**

b) Reserve Fund Transfer Request - Dispatch Software/Records Management
Move to forward to the Finance Committee for approval the request to transfer \$5,578 from the Reserve Fund to account #001-215-5305-0000 (Dispatch Software – Records Management) to provide for software that will enable Dispatch to interface with the fire alarm radio **VOTE:**

c) Appointment of Temporary Constable – Alan Rohwer (April 13 – June 30, 2015)
Further to the request of the Town Clerk, move to appoint Alan Rohwer as a Temporary Constable, for a term effective immediately and ending on June 30, 2015 **VOTE:**

d) Proposed meeting schedule for period June 2015 – January 2016
Move to adopt the proposed schedule as written... as revised **VOTE:**

9. CORRESPONDENCE

ACCEPT & POF

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

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. ADJOURN



**Your 24 Hour
All Weather
Public Use Airport**

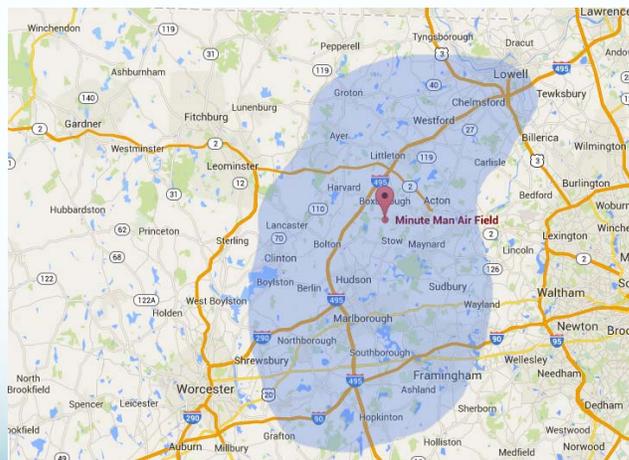
Boosting the **ECONOMY**,

Serving the **COMMUNITY**,

Nurturing the **ENVIRONMENT** SINCE 1969!

www.minutemanairfield.com

Communities we Serve



On the Ground

From the Air

Boosting the **ECONOMY**,

General Aviation airports provide significant economic impact statewide.



Massachusetts Statewide Airport Economic Impact Study Update - 2014

Minute Man's Impact ranks 9th among General Aviation airports in the state:

- Direct On-Airport Employment - 40
- Total Direct & Indirect Employment - 141
- Total Payroll - \$4.5 million
- Total Output - \$12.3 million



Serving the **COMMUNITY,**

- Providing Free Air Access for the Public Service Operations



- Raised over \$12,000 for Rotary Clubs of Acton-Boxborough, Nashoba Valley, & Maynard. Will run again this summer...
- 'Emergency Services Appreciation Day' in November
- EAA Chapter 196 flew 96 'Young Eagles' in 2014
- Friends of Minute Man Air Field and Nancy's Cafe hosted our annual 'Kick Off party' in January themed 'Volunteer Flying Opportunities'

Nurturing the **ENVIRONMENT,**

- Managing over 225 Acres of Valuable Open Space



- Leased to 6 Family Farms
- Grassland Restoration Planned as part of runway repair
- Mass Audubon Cooperative Bluebird restoration program

Operational Safety is Priority #1!

Thanks to the support of State Senator Jamie Eldridge, State Representatives Jen Benson and Kate Hogan, MDOT-Aeronautics Division, our 9 member Airport Commission and our Airport Community at large, we are pleased to report the progress of our multi-year Safety Repair Project.

- Phase 1 – Repave Northern 2/3 of Runway
Completed June 2014
- Phase 2 - Repave Southern 1/3 of Runway
Permitted – Scheduled for April-May 2015
- Phase 3 - Replace Culverts and Repave Taxiway
Planned - 2016



You are cordially Invited to our 46th Anniversary Reception

and

Runway Repair Ribbon Cutting

Thursday, July 9th
from 5 to 7pm



No Title Needed!!!



AtBats Training Center, LLC

4 d
233 Summer Road
Boxborough, MA 01719
978-266-1766
www.atbats.com

April 9, 2015

Re: 2015 Field Fee Change Request

Town of Boxborough
Board of Selectmen

Since 2012 AtBats Training Center has been running summer baseball camps at Boxborough Fields under a percentage of gross revenue basis (12%) rather than the fixed field fees. The arrangement has successfully allowed us to run camps that otherwise would have been cancelled because the field fees plus other expenses would have resulted in a net loss. The town has benefited by receiving field fees for non-cancelled camps and the attendees, many of whom are Acton-Boxborough youth, have benefited from the athletic programs that we have been able to run under this arrangement. I am therefore requesting the Town of Boxborough graciously allow us to continue this percentage based arrangement for our 2015 baseball camps to be held at Liberty and Flerra Fields. Please see the attached 2015 Boxborough Baseball Camps Flyer. Thank you for your consideration.

Sincerely,

Kenneth C. Morse

Owner, AtBats Training Center, LLC



Boxborough Recreation and AtBats Training Center

2015 BOXBOROUGH SUMMER BASEBALL CAMPS

AtBats popular summer camps combine skills training and recreation. Player to staff ratio of 5:1.

Weather-proof! Rain day sessions can be moved to AtBats nearby indoor facility.

Register directly with AtBats by mail or call 978-266-1766.

Full-Day Baseball Camps, ages 8-12

4 days, 9am-3pm at Liberty Fields. \$245

AtBats baseball camps combine skills training and fun! Players work on hitting, throwing, fielding, pitching and game know-how through drills, games and scrimmages. Our full-day camps are 4 days, 9am-3pm, with plenty of water breaks and shade and **no weather cancellations** with our nearby indoor baseball facility available!

June 29, 30, July 1 & 2 (Monday-Thurs) 9am-3pm	\$245
July 6, 7, 8 & 9 (Monday-Thurs) 9am-3pm	\$245
August 25, 26, 27, 28(Tuesday-Friday) 9am-3pm	\$245

Half-Day Baseball Camps, ages 6-10

Monday-Friday, 12:30-3 at Flerra Field. \$145

AtBats half-day camps are for new and experienced players ages 6-10. Camps cover fundamental skills of hitting, throwing, fielding and game "know-how" with fun games and scrimmages! Player to staff ratio of 5:1.

Children attending the 9-noon Boxborough Recreation camps at Flerra Field may bring a lunch and stay between camps and will be supervised by AtBats staff.

July 6-10, 12:30-3, Flerra Field, Boxborough	\$145
July 13-17, 12:30-3, Flerra Field, Boxborough	\$145
July 20-24, 12:30-3, Flerra Field, Boxborough	\$145

Register by phone (978-266-1766), FAX (978-266-1764) or mail registration form and check to AtBats.

Child's name: _____ Date of birth: _____ Grade completed June 2014: _____

Street address: _____ City: _____ State: _____ Zip: _____

Home phone#: _____ E-mail address for notifications: _____

Parent/Guardian: _____ Work# _____ Cell#: _____

Medical Contact Information: (Physician name, telephone #; relevant medical information, i.e.; allergies, special needs)

I hereby certify that my child is in good health and has my permission to participate in this program. I authorize whatever medical care may be necessary in the event of an emergency. It is my understanding that insurance is not provided by AtBats Training Center, the Town of Boxborough, the Recreation Commission, its staff or volunteers for this program. I realize that this sport involves the potential for injury, and I acknowledge that even with the use of protective equipment and observance of the rules, injuries may still occur. I hold harmless, AtBats Training Center, including any individual, group, organization or corporation that directly or indirectly organized, sponsored, contributed, licensed or volunteered their efforts to this event, from all liabilities, damages, claims or demands whatsoever on account of any injury or accident involving the student arising out of participation in this training program. I give AtBats permission to record my child's participation in this training program for instructional and promotional use.

Parent or guardian signature required: _____ Date: _____

AtBats Training Center, 233 Summer Road, Boxborough, MA 01719
Phone 978-266-1766 Fax 978-266-1764 www.atbats.com

Boxborough Field Use Permit Policy **Effective January 1, 2012**

All Boxborough residents, businesses and organizations may enjoy the non-exclusive use of the town's recreation fields free of charge, and without a permit, during posted hours unless a permit has been issued pursuant to the *Boxborough Field Use Permit Policy*.

Scheduling of Fields

Town-owned fields (Flerra, Liberty, Fifer's) will be scheduled with the following priority:

1. Town festivities, e.g. Fifers Day
2. Organized youth sports organizations affiliated with Boxborough, e.g. ABYS, ABYB, etc., at the bi-annual (January/June) Field Scheduling Meeting
3. Boxborough Residents/Organizations/Businesses seeking exclusive use of the fields
4. Other Acton-Boxborough Youth Sports Groups (not covered in 2. above)
5. Private Youth and Adult Sports Groups
6. Other

Application Process

1. Regardless of the season, any organized group or individual requesting exclusive use of the fields must apply for a field permit in the Boxborough Town Hall.
2. Requester must provide a designated contact person for all communications.
3. Businesses and organizations must provide a copy of insurance, naming the town as an additional insured, which the town will maintain on file for each season.
4. The town will provide indemnification and hold harmless agreement forms to permit applicants. Groups and individuals shall be responsible for submitting completed forms for each of their participants to the town.
5. Each Acton-Boxborough Youth Sports Organization must submit a written copy of their field needs to Town Hall two weeks prior to the scheduled bi-annual seasonal meeting. Please inquire with the Town of Boxborough Recreation Commission for more details on date and time of the bi-annual meeting.
6. All permits must be approved by the Town Administrator or her designee, who will forward copies to the Recreation Commission and other departments as needed: DPW, police, fire, etc.
7. The Town will grant permits on a first come, first served basis, in accordance with the priorities established above. Once a permit has been granted, the field will not be re-assigned regardless of the priorities above, e.g., if a permit has been granted to an adult league, a Boxborough resident seeking exclusive use of the field will not bump the already permitted user.
8. Field permit shall not be in force until all information has been provided, fees paid (if applicable), the permit is signed, and the applicant has acknowledged receipt of the Boxborough Field Use Permit Policy by authorized signature below.

Waiver/Reduction of Fees

Requests for waiver or reduction of fees shall be submitted in writing to the Town Administrator along with the Field Permit Application.

The Town may waive/reduce fees for the following permitted uses, including but not limited to:

1. Festivities organized or sponsored by the Town of Boxborough
2. Programs initiated and sponsored by the Boxborough Recreation Commission
3. Acton-Boxborough Youth Sports Groups' practices and games

Fees will be **NOT** be waived for clinics and camps conducted by any groups which charge an additional registration fee to its participants. These groups must request field space and pay the appropriate permit fee even within the allotted time of the town youth sports groups.

Subletting of fields

Subletting is defined as:

1. Granting access to town fields by a permit holder under their permitted time to another individual or organization to conduct camps, clinics and tournaments with an outside agency. Permit holder shall refer outside agency to Town for issuance of a permit.
2. Granting access to town fields by a permit holder under their permitted time to any individual, sporting organization, camps and businesses, with or without compensation. Permit holder shall refer entity to Town for issuance of a permit.

Subletting of field permit is strictly prohibited. Use of fields is authorized only for the permit holder. Violators will be subject to permit revocation.

Cancellation Policy

1. The Town of Boxborough reserves the right to cancel any permit, whenever in its discretion, such cancellation is advisable. If the permit is cancelled, the permit holder has the right to reschedule on a mutually agreed upon date or entitled to a full refund.
2. If the permit holder cancels a field reservation, the town will issue a 100% refund if a reservation is cancelled more than 60 days prior to the event; 50% if cancelled 30 or more days prior to the event; no refund will be issued with less than 30 days notice of the event.

Field Closure and Inclement Weather Field Use

1. When a field has been ordered to be closed, for whatever reason, the field shall NOT be used under any circumstances until it has been determined by the DPW, if on weekdays, or by group users, in consultation with Recreation Commission designee on the weekend, that the field may re-open. Users shall make such determination responsibly and pursuant to paragraph 4 of this section.
2. On weekdays, the DPW or the Recreation Commission designee will communicate field closings to the permitted organizations. On weekends and after hours, the group users will make the determination and handle all communication. Communication may be made by phone but must be followed up by e-mail.

3. Each organization shall be responsible for communicating field closings to the referees, umpires, parents, participants and coaches in a timely fashion to avoid unnecessary inconvenience or improper use of closed fields.
4. Regardless of whether the field is officially closed or not, a practice or a game must not commence or continue on a field if:
 - a. The field has standing water on it (i.e. puddles).
 - b. Base paths on softball and baseball fields have any standing water.
 - c. The field is saturated with water. Saturation is when you step on the field and water seeps up into your footprint, like a sponge.
 - d. Lightning is present. There is no exception to this rule.
 - e. By playing on the field, the players would be damaging the field beyond normal wear and tear (e.g. tearing up the turf, creating muddy areas, etc.).
5. Once a game or practice begins, the referee, umpire or coach shall be responsible for a decision to suspend a game due to the above-mentioned or other conditions.
6. If the Town of Boxborough closes the field, the permit holder will be entitled to change field locations if an alternate field is available, reschedule the date or request a full refund for that day.

Removal of Trash

Carry in-carry out! It is the permit holder’s responsibility to assure that fields are policed after use and no trash is left behind.

The permit is being issued for the exclusive use of the field only. Conditions of play such as lines and equipment are not part of the permitting process.

Failure to abide by the policy may result in suspension of the field permit or loss of field use privileges. By signing below, Organization Coordinator and his/her group agrees to abide by the *Boxborough Field Use Permit Policy*.

 Representative’s Name and Organization

 Representative’s Signature & Date



TOWN OF BOXBOROUGH

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 264-1700 • Fax: (978) 264-3127

www.boxborough-ma.gov

Field Permit Application

Effective Date: January 1, 2012

COMPLETE SECTIONS I AND II ONLY. File application at the Boxborough Town Hall at least two weeks prior to the date desired, earlier if possible. Adult and Youth Organizations must provide a current Certificate of Liability Insurance and sign the Boxborough Field Use Permit Policy (available online or at the Boxborough Town Hall) before a Permit will be granted. Incomplete applications will not be accepted. Please allow up to two weeks for your application to be processed. Upon approval of application, a permit will be issued.

SECTION I

Application Date: _____ Email Address: _____

Name of Organization: _____

Contact Person: _____ Phone: Home () _____

Address: _____ Work () _____

Town/City: _____ State: _____ Zip Code: _____

Organization: Resident Non-Resident Number of Participants: _____

Describe Activity: _____

SECTION II

Facility/Field Requested: **Please be sure to check facility and circle preferred configuration for soccer**
Configuration of fields at each location to be determined by Town

_____ Flerra Soccer	_____ Liberty Soccer	_____ Fifer's Soccer
11 v 11 6 v 6	11 v 11 6 v 6	11 v 11 6 v 6
8 v 8 4 v 4	8 v 8 4 v 4	8 v 8 4 v 4

_____ Flerra Baseball	_____ Liberty Baseball	_____ Other
-----------------------	------------------------	-------------

DATE(s) REQUESTED:

1st Choice _____ Time Requested: Start Time _____ End Time: _____

2nd Choice _____ Time Requested: Start Time _____ End Time: _____

Will Food/Beverages be Served? _____ If Yes, be specific: _____

Will Alcohol be Served? * _____ Has a permit been obtained by the Board of Selectmen? _____

* A separate application for the liquor license must be obtained through the Town Administrator's Office.

Fire – Permit required for all cook-outs, and must be obtained through the Fire Department.

Has a permit been obtained by the Fire Department? _____

Please notify the Boxborough Recreation contact for cancellations so that we may plan accordingly.

The lessee or user of the facility/field shall hold the Town of Boxborough and all its agents harmless from any and all actions resulting from the leasing or utilization of the premises. The Town of Boxborough reserves the right to cancel any permission, whenever, in it discretion, such cancellation seems advisable.

(Representative's Signature)

(Date)

PERMIT FOR USE OF RECREATION FACILITIES

() THIS APPLICATION IS APPROVED FOR USE OF FACILITIES AS SCHEDULED

() THIS APPLICATION IS DENIED FOR THE FOLLOWING REASONS:

Permit issue by _____ Date _____
Town Administrator

Special Instructions: _____

Copy to:

_____ Grounds (Tom Garmon) _____ Police _____ Fire
_____ Town Administrator _____ Authorized Rep. _____ RecComm

Office use only: Application received on: ____/____/____ **BY:** _____

Permit Fee: \$ _____ **Check #** _____

Application approved / denied on ____/____/____

Applicant contacted on ____/____/____ **by:** Phone Email Mail

Second contact on: ____/____/____ **by:** Phone Email Mail

Application Withdrawn ____/____/____

Selina Shaw

4e

From: Chief Warren B. Ryder <Wryder@Boxborough-MA.Gov>
Sent: Monday, April 06, 2015 6:04 PM
To: jbarrett@boxborough-ma.gov; sshaw@boxborough-ma.gov; Les Fox;
pmcintyre@boxborough-ma.gov
Subject: FW: LE Trust - Travel for funeral
Attachments: case re use of Law Enforcement Trust money.pdf

Jennifer et al.,

I have been made aware that my reimbursement request for myself and a Sergeant's travel is being delayed for further inquiry. This travel was to deliver a burial uniform and attend Officer Robert Nugent's (Ret.) Funeral, to provide a eulogy and act Pallbearers at the funeral-home and grave-site. It should be noted that we both assumed additional out of pocket expenses for rental car, lodging and meals that were not submitted for payment.

Expenditures from the trust fund may be made "without further appropriation." This means that no action is required by the town meeting or local council in order to make a lawful expenditure of state forfeiture monies. The drug forfeiture statute gives the police chief the exclusive authority to determine for what law enforcement purposes expenditures from the trust fund may be made.

Agents of the "Town" have no discretion in approving or denying such requests unless those requests are fraudulent, unlawful, or excessive or are to be used to meet the operating needs of the department. Expenditures for out-of-state travel to attend such event are not a statutorily prohibited use of such funds.

If my reimbursement is not in process for payment I respectfully request notice and rationale of the delay.

Sincerely,
Warren B. Ryder
Chief of Police

Boxborough Police Department
520 Massachusetts Avenue
Boxborough, MA 01719
978-264-1751 Admin Line
978-268-5123 Admin Fax

Town of Boxborough: A Rural, Engaged Community for All

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

From: John K. Vigliotti
Sent: Thursday, April 02, 2015 3:13 PM
To: WRyder@Boxborough-MA.Gov
Subject: RE: LE Trust - Travel for funeral

Chief,

Pursuant to our telephone conversation earlier today, attached please find the case we discussed regarding use of the funds in the Law Enforcement Trust.

Should you have any questions or need further assistance, as discussed, please feel free to contact me.

Sincerely,

John K. Vigliotti
Reardon, Joyce & Akerson, P.C.
4 Lancaster Terrace
Worcester, MA 01609
508.754.7285
fax: 508.754.7220

Date: April 2, 2015



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Selina Shaw

From: Vince Amoroso <amorosovm@gmail.com>
Sent: Tuesday, April 07, 2015 8:46 PM
To: Jennifer Barrett
Cc: Selina Shaw; Les Fox
Subject: Re: Law Enforcement Trust Fund

Jennifer,

I read all the materials, including the opinion in *Marchand v. Hechenbleikner*.

The decision holds that the statute is intentionally broad, and that use of the funds is not limited to the enumerated purposes. Instead, it is expressly meant to include "such other law enforcement purposes as the chief of police" deems appropriate. The only limitations on this discretion are the following:

- 1) The funds may not be used to meet the operating needs of the department, and
- 2) The expenditure must comply with c. 94C, S. 47 (d), in that it may not be "fraudulent, unlawful, or excessive".

The first question is whether the expenditure is intended to meet the operating needs of the department. The only way it could arguably be viewed as such would be if it were considered analogous to attendance at a training or educational seminar, which are treated as part of the operating budget by the September 23, 1993 letter from **MA DOR** to Mr. Ulla and the September 21, 1994 letter of the **MA DOR** to Mr. Kurlander. However, please note that the *Marchand* decision is dated March 8, 1995, which is after those **MA DOR** letters were written. Accordingly, the court's opinion that "**the use of the Trust Fund to facilitate attendance at a training and educational seminar does not constitute a use of the funds as a source of revenue to meet the operating needs of the department**" must be read as overruling any contrary opinions expressed in those earlier **MA DOR** communications. Moreover, I do not believe that traveling to attend the funeral of a former comrade can reasonably be considered to be analogous to attendance at a training or educational seminar. I conclude that the trip is not something that is a usual expense and so would not be part of the operating budget. Therefore, the first limitation does not apply.

The second question is whether the expenditure is fraudulent, unlawful, or excessive. The purpose, which was to honor a former officer, is not fraudulent, but is something that could reasonably be seen as something that would improve morale on the police force, and thereby benefit the Town. Nor is it unlawful: indeed, it is longstanding custom for officers to pay their respects to their comrades. Finally, while it would arguably have been possible to send a single officer to the service, it does not clearly seem excessive to send two.

The last question is whether payment of the funds should go through the normal warrant process. The **MA DOR** letters of January 1990 and, in particular, September 21, 1994 explicitly say that it should: "**In Massachusetts such funds are treated as a grant under G.L. Ch. 44, S.53A and approval from the board of selectmen will be required to use the funds for a permitted law enforcement use.**" The decision

in **Marchand** does not contradict this, but expressly holds that the Police Chief "will be required to submit requests for funds from the Law Enforcement Trust Fund to the Town Manager."

In conclusion, the statute and case law give the Police Chief wide discretion in determining how to use these funds. However, they also establish checks and balances in that the funds are to be held by whomever is generally custodian of Town funds, and approval by a majority of the Board of Selectmen is required to disburse them. That allows for adequate oversight to ensure that the funds are used within the limitations of the statute. If any member of the Board of Selectmen determines that the expenditure does not comply with the statute, he or she may refrain from signing the warrant.

Please prepare a warrant for the Board of Selectmen to sign in order to disburse the funds and inform Chief Ryder that we will follow this procedure in the future.

Thank you for bringing this to our attention so that we can properly discharge our oversight obligations.

-Vince

Vincent M. Amoroso, Esq.

On Tue, Apr 7, 2015 at 4:13 PM, Jennifer Barrett <jbarrett@boxborough-ma.gov> wrote:

Hi Vince,

I am working on figuring out if Warren's request for reimbursement using Law Enforcement Trust funds is appropriate. I have attached all that has been gathered on the topic so far and am wondering if I might prevail upon you to think about this and help me. I have responded to Warren's email asking for his patience while I gather info on whether the use is appropriate. Ultimately, it could be a decision of the selectmen to sign the warrant for payment, or not. Les has been in the mix since the beginning when Warren informed him of his intention to use the funds under his discretion. Any help you feel you can give, is appreciated. Thanks,

-Jennifer

978-264-1716

Boxborough: A Rural, Engaged Community for All

When writing or responding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential. If you have received this communication in error, please notify me immediately by replying to this message. Thank you.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

Property Tax Bureau
Informational Guideline Release (IGR) No. 90-209
January 1990

LAW ENFORCEMENT TRUST FUND

Chapter 162 of the Acts of 1989
(Amending G.L. Ch. 94C §47)

SUMMARY:

This amendment to General Laws, Chapter 94C, Section 47, the Controlled Substances Act provides that law enforcement trust funds may be expended for the purposes specified in the statute without the necessity of any further appropriation by a municipality's appropriating body.

The law enforcement trust fund established by G.L. Ch. 94C §47, is composed of a portion of the proceeds from property seized from illegal drug related activities. The fund may specifically be used "to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants or for such other law enforcement purposes as, the chief of police ... deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department".

Prior to the amendment, a municipality was required to make a further appropriation before a police chief could expend any of the funds. The amendment changes the procedure to allow the police chief to expend from the funds without further appropriation.

GUIDELINES:

1. The Law Enforcement Trust Fund is to be established as a separate account under the custody of, the treasurer. All proceeds received under this statute should be credited to the fund rather than to local estimated receipts.
2. Interest does not remain with the fund, but goes into the general fund of the city or town.
3. The fund may be expended by the chief of police without prior appropriation.
4. The fund can be used to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds for federal grants or for any other law enforcement purpose recommended by the chief of police. However, the fund cannot be considered a revenue source to meet the needs of the police department.
5. Payment of the funds must go through the normal warrant process as must other municipal expenditures.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (informational Guideline Releases detailing legal and administrative procedures) and the BULLETIN (announcements and useful information) for local officials and others interested in municipal finance.

P.O. Box 9655, Boston, MA 02114-9655 (617) 626-2300

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XV REGULATION OF TRADE

CHAPTER 94C CONTROLLED SUBSTANCES ACT

Section 47 Forfeiture of property

Section 47. (a) The following property shall be subject to forfeiture to the commonwealth and all property rights therein shall be in the commonwealth:

- (1) All controlled substances which have been manufactured, delivered, distributed, dispensed or acquired in violation of this chapter.
- (2) All materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, dispensing, distributing, importing, or exporting any controlled substance in violation of this chapter.
- (3) All conveyances, including aircraft, vehicles or vessels used, or intended for use, to transport, conceal, or otherwise facilitate the manufacture, dispensing, distribution of or possession with intent to manufacture, dispense or distribute, a controlled substance in violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty.
- (4) All books, records, and research, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this chapter.
- (5) All moneys, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, including real estate and any other thing of value, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of any provision of section thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J, or forty.
- (6) All drug paraphernalia.
- (7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements thereto, which is used in any manner or part, to commit or to facilitate the commission of a violation of any provision of section thirty-two,

thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G, thirty-two I, thirty-two J or forty.

(8) All property which is used, or intended for use, as a container for property described in subparagraph (1) or (2).

(9) No forfeiture under this section shall extinguish a perfected security interest held by a creditor in a conveyance or in any real property at the time of the filing of the forfeiture action.

(b) Property subject to forfeiture under subparagraphs (1), (2), (4), (5), (6), (7) and (8) of subsection (a) shall, upon motion of the attorney general or district attorney, be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. Property subject to forfeiture under subparagraph (1) of subsection (a) shall be destroyed, regardless of the final disposition of such related criminal proceeding, if any, unless the court for good cause shown orders otherwise.

(c) The court shall order forfeiture of all conveyances subject to the provisions of subparagraph (3) and of all real property subject to the provisions of subparagraph (7) of subsection (a) of this section, except as follows:

(1) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited unless it shall appear that the owner or other person in charge of such conveyance was a consenting party of privy to a violation of this chapter.

(2) No conveyance shall be forfeited by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of the commonwealth, or of any state.

(3) No conveyance or real property shall be subject to forfeiture unless the owner thereof knew or should have known that such conveyance or real property was used in and for the business of unlawfully manufacturing, dispensing, or distributing controlled substances. Proof that the conveyance or real property was used to facilitate the unlawful dispensing, manufacturing, or distribution of, or possession with intent unlawfully to manufacture, dispense or distribute, controlled substances on three or more different dates shall be prima facie evidence that the conveyance or real property was used in and for the business of unlawfully manufacturing, dispensing, or distributing controlled substances.

(4) No conveyance or real property used to facilitate the unlawful manufacturing, dispensing, or distribution of, or the possession with intent unlawfully to manufacture, dispense, or

distribute marihuana or a substance, not itself a controlled substance, containing any marihuana shall be forfeited if the net weight of the substance so manufactured, dispensed, or distributed or possessed with intent to manufacture, dispense or distribute, is less than ten pounds in the aggregate.

(d) A district attorney or the attorney general may petition the superior court in the name of the commonwealth in the nature of a proceeding in rem to order forfeiture of a conveyance, real property, moneys or other things of value subject to forfeiture under the provisions of subparagraphs (3), (5), and (7) of subsection (a). Such petition shall be filed in the court having jurisdiction over said conveyance, real property, monies or other things of value or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. In all such suits where the property is claimed by any person, other than the commonwealth, the commonwealth shall have the burden of proving to the court the existence of probable cause to institute the action, and any such claimant shall then have the burden of proving that the property is not forfeitable pursuant to subparagraph (3), (5), or (7) of said subsection (a). The owner of said conveyance or real property, or other person claiming thereunder shall have the burden of proof as to all exceptions set forth in subsections (c) and (i). The court shall order the commonwealth to give notice by certified or registered mail to the owner of said conveyance, real property, moneys or other things of value and to such other persons as appear to have an interest therein, and the court shall promptly, but not less than two weeks after notice, hold a hearing on the petition. Upon the motion of the owner of said conveyance, real property, moneys or other things of value, the court may continue the hearing on the petition pending the outcome of any criminal trial related to the violation of this chapter. At such hearing the court shall hear evidence and make conclusions of law, and shall thereupon issue a final order, from which the parties shall have a right of appeal. In all such suits where a final order results in a forfeiture, said final order shall provide for disposition of said conveyance, real property, moneys or any other thing of value by the commonwealth or any subdivision thereof in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, or sale at public auction or by competitive bidding. The proceeds of any such sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising, and notice, and the balance thereof shall be distributed as further provided in this section.

The final order of the court shall provide that said moneys and the proceeds of any such sale shall be distributed equally between the prosecuting district attorney or attorney general and the city, town or state police department involved in the seizure. If more than one department was substantially involved in the seizure, the court having jurisdiction over the forfeiture proceeding shall distribute the fifty percent equitably among these departments.

There shall be established within the office of the state treasurer separate special law enforcement trust funds for each district attorney and for the attorney general. All such monies and proceeds received by any prosecuting district attorney or attorney general shall be deposited in such a trust fund and shall then be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or such other law enforcement purposes as the district attorney or attorney general deems appropriate. The district attorney or attorney general may expend up to ten percent of the monies and proceeds for drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs which further law enforcement purposes. Any program seeking to be an eligible recipient of said funds shall file an annual audit report with the local district attorney and attorney general. Such report shall include, but not be limited to, a listing of the assets, liabilities, itemized expenditures, and board of directors of such program. Within ninety days of the close of the fiscal year, each district attorney and the attorney general shall file an annual report with the house and senate committees on ways and means on the use of the monies in the trust fund for the purposes of drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs.

All such moneys and proceeds received by any police department shall be deposited in a special law enforcement trust fund and shall be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or to accomplish such other law enforcement purposes as the chief of police of such city or town, or the colonel of state police deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department.

(e) Any officer, department, or agency having custody of any property subject to forfeiture under this chapter or having disposed of said property shall keep and maintain full and complete records showing from whom it received said property, under what authority it held or received or disposed of said property, to whom it delivered said property, the date and manner of destruction or disposition of said property, and the exact kinds, quantities and forms of said property. Said records shall be open to inspection by all federal and state officers charged with enforcement of federal and state drug control laws. Persons making final disposition or destruction of said property under court order shall report, under oath, to the court the exact circumstances of said disposition or destruction.

(f) (1) During the pendency of the proceedings the court may issue at the request of the commonwealth *ex parte* any preliminary order or process as is necessary to seize or secure the property for which forfeiture is sought and to provide for its custody, including but not limited to an order that the commonwealth remove the property if possible, and safeguard it in a secure location in a reasonable fashion; that monies be deposited in an interest-bearing

escrow account; and, that a substitute custodian be appointed to manage such property or a business enterprise. Property taken or detained under this section shall not be repleviable, but once seized shall be deemed to be lawfully in the custody of the commonwealth pending forfeiture, subject only to the orders and decrees of the court having jurisdiction thereof. Process for seizure of said property shall issue only upon a showing of probable cause, and the application therefor and the issuance, execution, and return thereof shall be subject to the provisions of chapter two hundred and seventy-six, so far as applicable.

(2) There shall be created within the division of capital asset management and maintenance an office of seized property management to which a district attorney or the attorney general may refer any real property, and any furnishings, equipment and related personal property located therein, for which seizure is sought. The office of seized property management shall be authorized to preserve and manage such property in a reasonable fashion and to dispose of such property upon a judgment ordering forfeiture issued pursuant to the provisions of subsection (d), and to enter into contracts to preserve, manage and dispose of such property. The office of seized property management may receive initial funding from the special law enforcement trust funds of the attorney general and each district attorney established pursuant to subsection (d) and shall subsequently be funded by a portion of the proceeds of each sale of such managed property to the extent provided as payment of reasonable expenses in subsection (d).

(g) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths may be seized by any police officer and summarily forfeited to the commonwealth.

(h) The failure, upon demand by a police officer of the person in occupancy or in control of land or premises upon which the species of plants are growing to produce an appropriate registration, or proof that he is a holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) The owner of any real property which is the principal domicile of the immediate family of the owner and which is subject to forfeiture under this section may file a petition for homestead exemption with the court having jurisdiction over such forfeiture. The court may, in its discretion, allow the petition exempting from forfeiture an amount allowed under section one of chapter one hundred and eighty-eight. The value of the balance of said principal domicile, if any, shall be forfeited as provided in this section. Such homestead exemption may be acquired on only one principal domicile for the benefit of the immediate family of the owner.

(j) A forfeiture proceeding affecting the title to real property or the use and occupation thereof or the buildings thereon shall not have any effect except against the parties thereto and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the name of the town where the affected real property lies, and a description of such real property sufficiently accurate for identification is recorded in the registry of deeds for the county or district where the real property lies. At any time after a judgment on the merits, or after the discontinuance, dismissal or other final disposition is recorded by the court having jurisdiction over such matter, the clerk of such court shall issue a certificate of the fact of such judgment, discontinuance, dismissal or other final disposition, and such certificate shall be recorded in the registry in which the original memorandum recorded pursuant to this section was filed.

3 Mass.L.Rptr. 400
Superior Court of Massachusetts.

1 As he is the Chief of Police of the Town of Reading.

Edward W. MARCHAND¹

v.

Peter I. HECHENBLEIKNER² and another³.

2 As he is the Town Manager of the Town of Reading.

3 Elizabeth Klepeis, as she is the Town Treasurer of the
Town of Reading.

No. CA916504. | March 8, 1995.

**Memorandum of Decision and Order on
Cross-Motions for Summary Judgment**

McEVOY, Judge.

*1 This case arises from a dispute between the Chief of Police ("Chief" or "plaintiff") and the Town Manager and Town Treasurer (collectively "Town Manager" or "defendants") of the Town of Reading ("Reading") regarding expenditures from the Law Enforcement Trust Fund ("Trust Fund") established pursuant to G.L.c. 94C, § 47(d). The Chief filed a complaint for declaratory and injunctive relief due to the Town Manager's disapproval of certain requested expenditures. The limited issue presented by cross-motions for summary judgment is whether or not the Chief has absolute discretion with respect to expenditures from the Trust Fund and can circumvent the normal procedures for obtaining funds. The parties agree that this issue can be resolved by the motions for summary judgment. After hearing counsel for the parties and based on the parties' written submissions, plaintiff's motion for summary judgment is ALLOWED in part and DENIED in part and defendants' motion for summary judgment is ALLOWED in part and DENIED in part.

BACKGROUND

Pursuant to G.L.c. 94C, § 47(d), a law enforcement trust fund was established in Reading. The town treasurer is the custodian of the funds. Pursuant to municipal finance laws,

specifically, c. 41, § 52, some entity is required to oversee the expenditures of funds. The Reading Home Rule Charter delegates that authority to the Town Manager. General Laws, c. 94C, § 47(d) states that moneys and proceeds received by any police department from the forfeiture of items specified in § 47 shall be deposited in a special law enforcement trust fund and shall be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or to accomplish such other law enforcement purposes as the chief of police of such city or town ... deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department.

In Reading, the Chief makes requests for funds from the Trust Fund to the Town Manager. The Town Manager then approves or disapproves of such requests.

At issue here is the Chief's request for funds to attend the 24th Annual Regional Criminal Investigation School sponsored by the Narcotics Enforcement Officers Association in Rhode Island. The Town Manager disapproved the request because he believed that expenditures for out-of-state travel such as this would violate the statutory limitation regarding use of funds as a source of revenue to meet the operating needs of the department. Subsequent to this disapproval by the Town Manager, the Chief filed this complaint for declaratory and injunctive relief.

DISCUSSION

A. Summary Judgment Standard

Summary judgment shall be granted where there are no genuine issues as to any material fact and where the moving party is entitled to judgment as a matter of law. *Kourouvacilis v. General Motors Corp.*, 410 Mass. 706, 716 (1991); *Cassesso v. Commissioner of Correction*, 390 Mass. 419, 422 (1983); Mass.R.Civ.P. 56(c). The moving party bears the burden of affirmatively demonstrating the absence of a triable issue "and [further,] that the moving party is entitled to judgment as matter of law." *Pederson v. Time, Inc.*, 404 Mass. 14, 16-17 (1989). Where both parties have moved for summary judgment and "in essence there is no real dispute as to the salient facts or if only a question of law is involved," summary judgment shall be granted to the party entitled to judgment as a matter of law. *Cassesso, supra*.

B. Out-of-State Travel and Operating Needs of Police Department

*2 The Chief argues that he has the absolute right to determine for what purpose expenditures are made within the limits of the statute and the law. The Town Manager claims that historically, out-of-state travel by members of any department was listed as a line item in the annual budget. Therefore, out-of-state travel was part of the normal operating needs of the police department. In 1990, in a time of financial crisis, all out-of-state travel was eliminated as line items from the budget. Thus, the Town Manager argues that it would be improper to allow the police department to use the Trust Fund for out-of-state travel because that would amount to use for operating needs.

It is necessary to determine if out-of-state travel is a statutorily prohibited use of the funds. The Legislature did not specifically define "operating needs" in the statute. Black's Law Dictionary defines "operating expenses" as "those expenses required to keep the business running; expenses incurred in the ordinary activities of an entity." Black's Law Dictionary 984 (5th ed.1979). Attendance at a training seminar is not required to maintain a police department nor does it constitute an ordinary activity. Moreover, § 47(d) specifies some items and activities for which the money could and should be used. Training seminars fall within the meaning of those listed items as an activity which would "provide additional technical ... expertise." Therefore, notwithstanding the elimination of out-of-state travel as a budget line item, the use of the Trust Fund to facilitate attendance at a training and educational seminar does not constitute a use of the funds as a source of revenue to meet the operating needs of the department.

C. G.L.c. 94C, 547(d) and the Municipal Finance Laws

It is clear from both the language of the statute and from an opinion of the Attorney General regarding the interrelationship between this statute and municipal finance laws, that the chief of police is the person who makes the decisions regarding for what purposes the Trust Fund money will be spent. The statute clearly states that the money should be spent as the chief of police "deems appropriate." Attorney General, Francis X. Bellotti, opined that "it is evident that the Legislature intended that the police chiefs decide how the law enforcement trust funds should be spent." Rep. A.G.

Pub. Doc. No. 12 65, 67 (1986). Thus, it is clear that the police chief of any city or town has been granted the right to determine how to spend the trust fund money. However, Attorney General Bellotti also stated that c. 94C, § 47(d) had to be read in conjunction with municipal finance laws. Section 47(d) clearly states that the money is not subject to any further appropriation. However, the Legislature failed to include in that section by whom the money should be held. Bellotti stated that by reading the statute in conjunction with the municipal finance laws, it is clear that whomever is generally custodian of such money should also be custodian of these funds. Therefore, while the police chief has discretion with respect to how the money is spent, the money is to be held by the entity designated by the municipal finance laws and any local rules of the particular city or town.

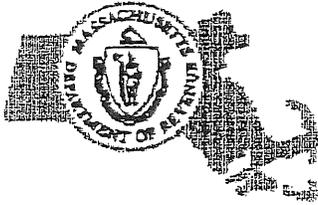
*3 Therefore, while it is proper for the Town Treasurer in Reading to be custodian of the funds and for the Town Manager to oversee such funds, it is not proper for the Town Manager to disallow a request from the Chief for those funds unless such request is "fraudulent, unlawful, or excessive." G.L.c. 41, § 52. Clearly, expenditures for out-of-state travel for educational purposes are not unlawful, fraudulent or excessive.

ORDER

Based on the foregoing, plaintiff's motion for summary judgment is ALLOWED in part and DENIED in part and defendants' motion for summary judgment is ALLOWED in part and DENIED in part. It is ORDERED that the Chief of Police of the Town of Reading will be required to submit requests for funds from the Law Enforcement Trust Fund to the Town Manager. It is further ORDERED that the Town Manager has no discretion in approving such requests unless those requests are fraudulent, unlawful, or excessive or are to be used to meet the operating needs of the department. Expenditures for out-of-state travel to training and educational seminars are not a statutorily prohibited use of such funds.

Parallel Citations

1995 WL 808935 (Mass.Super.)



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

P.O. Box 9655
Boston, MA 02114

(617) 727-2300
(FAX) (617) 727-6432

MITCHELL ADAMS
Commissioner

LESLIE A. KIRWAN
Deputy Commissioner

September 21, 1994

Gene H. Kulander
Chief of Police
750 Main Street
Falmouth, MA 02540-3297

Re: Federal Drug Funds & Law Enforcement Trust Fund
Our File No. 94-741

Dear Chief Kulander:

You have asked several questions concerning the use of federal drug forfeiture funds and law enforcement trust funds received from the Commonwealth. You first ask whether interest earned on federal drug funds remain in the law enforcement trust fund or goes to the Falmouth general fund. You also ask whether the town is bound by the terms of the federal guidelines on uses of the federal funds.

Federal drug forfeiture funds distributed to cities and towns in the commonwealth are governed by the terms of the federal distribution grant. You have provided me with a copy of the Deputy Attorney General's Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (May, 1994), henceforth referred to as the Guide. This comprehensive document sets forth the procedures and standards for distribution of funds from federal forfeitures to state and local law enforcement agencies and guidelines for expending such funds.

Under the predecessor to the Guide, commonly referred to as DAG-71, interest income from the funds remained with the fund. In addition, under G.L. Ch. 44, S. 53A, the funds were treated as grant funds which could be expended for the purposes set forth in the DAG-71 guidelines without further appropriation. The funds could be used for purposes different from those of law enforcement trust funds and should be accounted for separately.

The new Guide specifically provides in Section X.A.4.a. that: "Interest on forfeited cash or proceeds is subject to the same use restrictions as shared cash or

Gene H. Kurlander
Page 2

proceeds." This statement basically provides that interest income remains with the federal funds. That differs from the law enforcement trust fund interest which we have concluded goes to the town general fund. Appendix C, Paragraph 1 of the Guide provides that a separate revenue account must be maintained and that no other funds shall be included in such account. That includes state law enforcement trust funds which have their own accounting and spending procedures under state law. G.L. Ch. 94C, S. 47.

One final issue is left for resolution concerning the use of the federal funds and the persons required to authorize payment. The Guide does not define Law Enforcement Agency and leaves open the question of authority to spend the funds. However, under Section X.A.2.e. the federal funds may not be used for any purpose that would constitute an improper use of law enforcement funds under state law and local regulation. Also, Appendix C, Paragraph 8 makes it clear that in some jurisdictions approval for expenditures must be obtained from a governing body such as a town council or city manager. In Massachusetts such funds are treated as a grant under G.L. Ch. 44, S. 53A and approval from the board of selectmen will be required to use the funds for a permitted law enforcement use.

Your last question concerns the use of law enforcement trust funds received from the state under G.L. Ch. 94C, S. 47 for police training. You question whether such a use would be considered an "operating need" of the department which is a prohibited use of law enforcement trust funds. We have already responded to such an inquiry from the town accountant indicating that police training is an operating need of the department and not a proper use for law enforcement trust funds. We further have declined to reconsider that opinion upon request of an attorney who had rendered an opinion with a different conclusion.

The town accountant is not bound by our opinion but may rely on the opinion of town counsel, for example, if he is persuaded that such opinion is more persuasive, especially in the context of the particular circumstances and needs of the town. Our opinion was rendered in more general terms that ordinary police training and even out of state police training is usually considered an operating expense of the town.

We believe the express authorization to use law enforcement trust fund "to provide additional technical equipment or expertise" refers to highly specialized instruction which would not ordinarily be included in an operating budget, such as training in the use of a special computer system purchased with law enforcement trust funds. If the out of state travel expense involved such specialized training, we believe that law enforcement trust funds could be used for such a purpose.

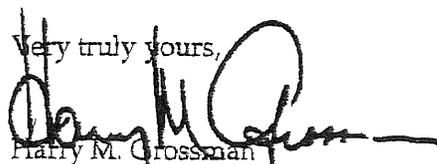
However, the mere fact that the town has declined to fund an out of state travel item in the budget makes it no less of an operating need of the department. As pointed out in the federal Guide, which has a similar prohibition for using federal forfeiture funds for the town's usual law enforcement expenses, a town cannot omit an item from the law enforcement budget to save another town budget item, with the intent to use

Gene H. Kurlander

Page 3

federal forfeiture money to cover an unbudgeted law enforcement purpose, thus essentially using the federal money for another town purpose. See the Guide, Section X.B. Note that the federal Guide would appear to permit the use of federal money for ordinary law enforcement training purposes, provided funds were not previously budgeted for such use and cut with the intent of using federal money for that purpose. See the Guide, Section X.A.1.b. & Section X.B.

We hope this addresses your concerns. If you have any further questions, please do not hesitate to contact us again.

Very truly yours,

Harry M. Grossman
Chief, Property Tax Bureau



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES
P.O. Box 9655
Boston 02114-9655

MITCHELL ADAMS
Commissioner

(617) 727-2300
FAX (617) 727-6432

LESLIE A. KIRWAN
Deputy Commissioner

September 20, 1993

Paul P. Ulla
Town Accountant
Town Hall
Falmouth, MA 02540

Re: Law Enforcement Trust Fund - Out-of-State Travel
Our File No. 93-676

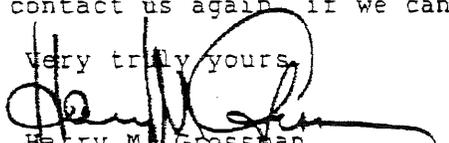
Dear Mr. Ulla:

This is in reply to your letter concerning the scope of permitted expenditures by the police chief from the law enforcement trust fund authorized by G.L. Ch.94C §47. We understand from your letter and a telephone conversation with you that Falmouth's police chief wishes to use the fund to pay for out-of-state travel and training for some of his officers. He apparently relies upon language in §47 to the effect that the fund may be spent for several specified purposes "... or to accomplish such other law enforcement purposes as the chief of police of such city or town may deem appropriate." Spending for out-of-state travel and training are evidently outside the scope of the police department appropriation.

That language in §47 about the extent of the police chief's discretion over the fund is immediately followed by restrictive language "...but such funds shall not be considered a source of revenue to meet the operating need of the department." If the statute gave the police chief the unfettered discretion he finds in it, the last clause of the paragraph would be meaningless. It is difficult to see how training for police officers could be regarded as something other than an operating expense. The refusal of the town meeting to fund such out-of-state training in the department's operating budget does not alter the conclusion that the training is an operating purpose. If additional money in the department's operating appropriation to hire extra patrolmen had been sought and refused by the town meeting, it is still clear that the salaries of such officers would constitute an operating purpose that could not be funded from the law enforcement trust fund.

Please do not hesitate to contact us again if we can be of further assistance.

Very truly yours,



Harry M. Grossman
Chief, Property Tax Bureau



STEPHEN W. KIDDER
COMMISSIONER
EDWARD J. COLLINS, JR.
DEPUTY COMMISSIONER

The Commonwealth of Massachusetts
Department of Revenue
Division of Local Services
200 Portland Street
Boston 02114-1715
(617) 727-2300

August 29, 1990

Sandra J. Raymond, Chairman
Board of Selectmen
Town Hall
West Newbury, MA

Re: Law Enforcement Trust Fund
Our File No. 90-742

Dear Ms. Raymond:

You have asked whether the Department of Revenue has developed any guidelines or criteria for expenditures of money from the law enforcement trust fund under G.L. Ch. 94C, S. 47. The Division of Local Services in the Department has issued two Informational Guideline Releases which basically have paraphrased the broad discretionary language of the statute. See I.G.R. 90-207 and I.G.R. 87-204. No further guidelines have been issued. We have rendered at least one opinion that the use of the funds as cash for confidential investigations would be a permissible use of the funds.

The statute as most recently amended by Chapter 162 of the Acts of 1989 and Chapter 653, Section 79 of the Acts of 1989 appears to allow the chief of police to expend the funds without the necessity of further appropriation for special projects or additional equipment; however, the funds may not be used as a revenue source to meet the normal departmental operations.

The expenditure currently proposed is for a \$20,000 four wheel drive unmarked vehicle for use in drug investigations. Such a purchase would not usually come within a normal operating budget of a small town police department and would be more of a capital expense. Thus, the expenditure appears to come within the discretion of the police chief to expend the funds for that purpose. I point out that any trade-in must be approved by town meeting or be made pursuant to town by-law since no town officer has the authority to dispose of personal property otherwise. See G.L. Ch. 40, S. 21(11).

If I can be of further assistance, please do not hesitate to contact me again.

Very truly yours,

Handwritten signature of Harry M. ...
Harry M. ...
Chief
Property Tax Bureau

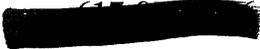
Selina,

The attached materials relate to the law enforcement fund matter and were forwarded to me by Steve Ballard this afternoon. Please see that copies are made and included with each BoS member's packet for tonight.

Thanks,

-Vince

Vincent M. Amoroso, Esq.
351 Liberty Square Road
Boxborough, MA 01719
h-978-263-7522



----- Forwarded message -----

From: **Vince Amoroso** <amorosovm@gmail.com>

Date: Mon, Apr 13, 2015 at 4:03 PM

Subject: Steve Ballard's attachment was not attached to my last forward

To: Board of Selectmen - General <selectmen@town.boxborough.ma.us>

It's attached below.

Vincent M. Amoroso, Esq.
351 Liberty Square Road
Boxborough, MA 01719
h-978-263-7522



Wow - that was excellent! Hope you'll be available to speak to your analysis tomorrow evening. Thanks again!

SB

On 4/12/2015, Steven Ballard wrote:

Below you will find my thoughts. Also attached is a copy of the Attorney General's decision with my highlights - I hope you will see how these highlighted passages further support my basic analysis below. (If I had more time, I would incorporate those highlighted provisions into this email.)

I disagree with Vince's analysis of the materials. As we have said, Marchand, that unreported Superior Court decision on a summary judgment motion does not have precedential value, which means it is not legally binding. It has at most *persuasive* value, where there is no appellate decision (with precedential value) that controls and no other clear, legally binding interpretation of the statutes at issue, particularly M.G.L. ch. 94C, Section 47.

But even if we should view Marchand as the most persuasive opinion available, I believe Vince's analysis and presentation of the holding of Marchand and the other materials (opinions by the Attorney General, and the DOR) to be somewhat inaccurate and misleading as well, and if the materials are all read and understood in their entirety, they should make clear to us that the real issue in our particular case is not the issue dealt with in the past cases referenced in the materials, but something different - that is, our issue here is what constitutes "such other law enforcement purposes" within the meaning of ch. 94C, Section 47. Marchand does *not* hold specifically that the statute gives the Chief wide discretion to decide how to use the trust funds.

The Marchand case, and the Attorney General opinion underlying it, instead correctly reflect a more precise reading of the statute, which should lead us to conclude as follows: the Chief is given the discretion to determine an *appropriate* use of the funds for any of the three specifically enumerated law enforcement purposes in the statute *or* "such other law enforcement purposes" that he "deems appropriate" so long as the expense for any of these types of "law enforcement purposes" would not be in the nature of an ordinary operating expense, a normal operating budget line-item. Marchand found that the specific use of funds at issue in that case (training) was expressly authorized by the clear terms of the statute *both* because it was not an operating expense, *and* because it was explicitly authorized as the second of three specifically enumerated types of law enforcement expense in the statute. That was the case's holding, *not specifically* that the chief's use of funds in that case was kosher because the statute was broad and the Chief had wide discretion. So Vince's suggestion that it's simply the case that the Chief has very broad discretion in using these trust funds because the statute gives him such broad discretion, is not true. It's that his particular use was explicitly authorized by the statute.

Vince's argument does correctly point out that our two officers' trip to Florida would not constitute an operating expense, but instead of stating that Warren properly exercised his discretion to determine that the trip expense was for a "law enforcement purpose" - that is, that it was for one of the three types specifically enumerated in the statute or for some "other law enforcement purpose" that would not be an ordinary operating expense - Vince skirts the real issue. In doing so, he really both misrepresents and overstates the actual holding of the case, as he overstates the breadth of the statute, ignores the truly restrictive language of the statute, and ignores the significance of the fact that this trust fund is treated as a *specific appropriation already made* (thus no "further appropriation" would be required, as the statute itself states, and as is recognized and explained in the analysis from the Attorney General's decision cited in Marchand; the fact that the appropriation is *deemed already to have been made* explains both why the chief has this grant of discretion, and also why such discretion is necessarily limited to determining appropriate use of the funds for the *specific purposes* of the statute. It is precisely because the purposes are so limited by statute, that it is justifiable that the police chief have this kind of ministerial discretion over a fund that is in the custody of the town, as elucidated in the Attorney General's 1986 opinion (see my highlights in the attached copy of that opinion). Vince overstates the bounds of the Chief's discretion by stating the Chief has *wide discretion* to use the funds so long as they are not: 1) for an operating expense, and 2) not "fraudulent, unlawful or excessive." That interpretation is not based on a fair and complete reading of the statutes, or of the cited materials he appears to think support his position.

In fact, a comprehensive and proper reading of all the materials, including those sources upon which Vince et al. most strongly rely, would reveal that "law enforcement purposes" in generally would include both the operating expenses in the ordinary operating budget, and also other "law enforcement purposes" outside that ordinary operating budget for which these trust funds can be used, at the discretion of the chief, but subject to the accountant's and board of selectmen's flagging any attempted use by the chief of these funds if "fraudulent, unlawful or excessive" and also subject to the board of selectmen's oversight to determine whether the Chief should have "deem[ed] appropriate" such a use of these statutorily created and governed funds.

The Chief does *not* have the discretion to use those specifically earmarked funds for *any* purpose, but only for the types of "law enforcement purposes" that are authorized in Section 47, and which are not the type that are paid as normal operating expense of the police department. The three specifically authorized, statutory examples of such law enforcement purposes are not the exclusive purposes, as there is a fourth catchall provision, but they have to be considered to be illustrative, by any commonly accepted method of statutory construction. Here is a chart of all four "law enforcement purposes" for use of the funds in this particular trust, together with the mutually exclusive "law enforcement purposes" that are covered by the operating budget, and for which the trust funds can and should not be used.

The first type can only be funded through the operating budget and not the trust fund. The other types of law enforcement purposes (Types 1-4), as described by ch. 94C, Section 47, are the only purposes for which the Chief is authorized to exercise his discretion to allocate funds from the trust fund - such discretion requires him to "deem appropriate" such uses as described by the statute.

<p>FROM OPERATING BUDGET</p>	<p>FROM TRUST FUND G.L. c. 94C, Section 47 Four types of (non-operating budget) law enforcement purposes delineated</p>	<p><u>OUTSIDE BOTH OPERATING BUDGET AND TRUST FUND</u></p>
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<p><u>Ordinary Law Enforcement Expenses</u></p> <p><u>MARCHAND CASE:</u> Town said training expense in that case belonged in this category and thus would not appropriately be paid out of the trust fund. Court disagreed.</p>	<p><u>Purpose #1:</u> "to defray costs of protracted investigations"</p>	<p><u>Purpose #2:</u> "to provide additional technical equipment of expertise"</p> <p><u>MARCHAND CASE:</u> Police chief said the training expense in that case belonged in this authorized category. The court agreed.</p>	<p><u>Purpose #3:</u> "to provide matching funds to obtain federal grants"</p>	<p><u>Purpose #4:</u> "to accomplish such other law enforcement purposes as the chief of police...deems appropriate"</p> <p><u>OUR CASE:</u> Chief Warren and Vince apparently believe the Florida trip would belong in this category, but we disagree.</p>	<p>NON-Law Enforcement Purposes</p> <p>Use of town funds by the PD that do not serve a legitimate law enforcement purpose.</p> <p><u>OUR CASE:</u> We believe the Florida trip expense was in the nature of a personal expense, or at the least was for no authorized "law enforcement purpose."</p>
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The Chief has discretion in the first instance to use the specific trust funds for Purposes #1-4 only, as described in ch. 94C, Section 47, and as illustrated in my chart above. Marchand stated that a specific use of funds - for the police training in that case - was indeed the specific statutorily authorized Purpose #2 use, AND was not an ordinary operating expense. The police chief in that case thought it was an appropriate Type 2 use, and the opposing town officials thought it should instead be categorized as an ordinary operating expense and therefore could not be funded by the trust fund. The court agreed with the police chief. But at no time did the town, the chief, or the court ever question whether the expense at issue was for a legitimate "law enforcement purpose," as that was *not* the issue in that case.

But that is indeed *our* question. The issue here is whether the trip to Florida for our Chief and one sergeant he chose to bring along, for a funeral of a private individual who worked for the town some 17 year earlier, was for *any kind* of "law enforcement purpose" within any reasonable interpretation of that statute. Whether considered a personal expense, an inappropriately invented perk, or more charitably, a noble desire to attend the funeral of a retired officer with ties to the police department, and whether or not the use of funds for travel to this out-of-state funeral was good or bad for the police force morale back home, it is hard to see how the Chief could reasonably deem this travel expense to directly support any "such other law enforcement purposes" as provided in the relevant statute. As this was not for training or education purposes, or for investigative purposes, or for assistance in obtaining federal grants, the question then becomes whether this was something the Chief had the *discretion to deem appropriate* in the catchall statutory category "such other law enforcement purposes"

The Chief had the discretion to make the initial determination of whether his own desired use of funds was an appropriate law enforcement purpose, and then the accountant had the discretion to question it, if it appeared to be either a "fraudulent, unlawful, or excessive" use of the funds, as she did. It would be reasonable for her to question whether this wasn't really in the nature of a personal expense, outside not just a normal operating budget, but also outside any reasonable "law enforcement purpose" for which these trust funds are designated, and for that reason alone, she could well have questioned the lawfulness, and/or excessiveness, in this particular use of the trust fund. Now that the accountant has raised the issue of whether the use is inappropriate, unlawful, or excessive, it is now incumbent upon the Board of Selectmen to decide whether the Chief appropriately exercised his discretion to claim the expense of such a trip was for a true law enforcement purpose, as envisioned and authorized by the statute that earmarked these seizure funds for any of the specific "law enforcement" categories of uses delineated in the statute.

I believe common sense would suggest to most, if not all people, that this was a personal expense and not something the Chief could reasonably have "deem[ed] appropriate" under the statute. He was a personal beneficiary of what was in effect a travel perk that he appears to have felt entitled to give himself and another chosen officer without prior authorization. Despite all the effort to justify this after the fact, I see no evidence that he or his supporters

have put forward any credible argument that this trip did or will serve any true law enforcement purpose of the Boxborough Police Department. Of course, the ultimate "discretion" will fall to the Board of Selectmen. I think they should now choose to exercise the proper discretion the Chief himself failed to exercise, and thus deem this an inappropriate use of the limited-purpose trust funds.

I hope this helps. Sorry it's so long and rough, and not adequately proofread and edited.

Steve

LAW OFFICES OF STEVEN BALLARD

[REDACTED]

[REDACTED]

[REDACTED]

www.stevenballard.com

Phone [REDACTED]

----- Original Message -----

From : Susan Bak[mailto:sbak@comcast.net]

Sent : 4/11/2015 2:06:23 PM

To : burke [REDACTED]; sballard@stevenballard.com

Cc :

Subject : RE: Fwd: FW: FW: Scanned from a Xerox multifunction device

Hi Steve and Amy:

Just wanted to send you both an additional analysis from an attorney I work with in my other life (daytime job). If you look through the email thread below, he concurs with Steve, that this was not a reported case and therefore, has no precedence. I'm also attaching an analysis from the AG's office dating back to 1986 as well as the BoS agenda and packet. Pages 10 through 30 are documents which discuss the Law Enforcement trust fund (I previously sent some of these documents to Amy).

Thank you both so much for your help and support. Let me know if you'd like to discuss further. Thanks again!

Susan

From: Mike Smith [REDACTED]
Sent: Friday, April 10, 2015 2:16 PM
To: Susan Bak
Subject: Re: FW: Scanned from a Xerox multifunction device

Hi. We only found one case (an AG opinion) which pre-dated the unreported superior court judge's decision.

The statute

All such moneys and proceeds received by any police department shall be deposited in a special law enforcement trust fund and shall be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or to accomplish such other law enforcement purposes as the chief of police of such city or town, or the colonel of state police deems appropriate, but such funds shall not be considered a source of revenue to meet the operating needs of such department.
ALM GL ch. 94C, ? 47

1986 AG Opinion

Although the Legislature allows the police chief to determine the purpose for which income from the law enforcement trust fund may be spent, it has delineated very specific boundaries for such decisions. For example, the Legislature requires that the income be spent for a purpose related to law enforcement but not for use in meeting the department's operating needs. Illustrations of appropriate law enforcement expenditures are also provided in the statute. Id.

1986 Mass. AG LEXIS 1 (Mass. AG 1986)
Attorney General Bellotti's Opinion Letter, dated November 7, 1986

I think the Chief in your case skipped over the part which requires that the funds be spent for a "law enforcement purpose." However, the statute and AG opinion do suggest that the decision about the relatedness to law enforcement is up to the Chief's discretion and the "boundaries" are not necessarily subject to review and scrutiny by the town council/board. Nevertheless, I would still argue that unlike Marchand (attending CLE one state over to learn more about narcotics), traveling to Florida to attend a funeral is not related to "law enforcement" as contemplated under the statute. The "law enforcement" examples provided in the statute all seem to relate to future investigations, use of equipment and saving costs which would aid the police department going forward.

Nevertheless, the town council still has the authority to reject the use of funds if it is excessive. I would still argue it is excessive especially for two officers to attend. However, based on what little I know about town politics, that may be the minority view of the members in your case.

Good luck. Mike.

On Fri, Apr 10, 2015 at 9:24 AM, Susan Bak <Susan_Bak@tjx.com> wrote:
Wow - didn't realize it was unreported. Thanks!

Susan Bak

[REDACTED]

From: Mike Smith [mailto:msmith@bonnerkiernan.com]
Sent: Friday, April 10, 2015 9:22 AM
To: Susan Bak
Subject: Re: FW: Scanned from a Xerox multifunction device

Out of state travel (just to Rhode Island by car) for educational purposes is probably not excessive. Note that this 20 year old case is just an unreported superior court case, which has no precedential value. In this case, the legal opinion from Mr. Amoroso that sending two officers is not excessive is just his personal opinion and his way of deferring to the Chief.

This case involves two guys flying out to Florida together for a former employee's funeral. I think one is arguably excessive. I think it is excessive to pay for two flights. If you wanted to compromise, you could just offer to pay for one flight. I suspect if they ever litigated the case before a judge, that is how a judge may rule because judges, DAs, police and firemen go to every funeral and wake for everyone.

I want to see if there are any other opinions which interpret that statute and the use of the word "excessive." I will get back to you by 4pm today and let you know if I find anything.
Thanks. Mike.

--

Mike Smith

[REDACTED]


www.bonnerkiernan.com


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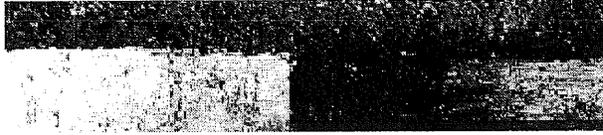
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--

Mike Smith




www.bonnerkiernan.com


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email and destroy or delete the original message without copying. Please do not publish, copy or circulate this message.

Selina Shaw

8a

From: Trena M Minudri [REDACTED]
Sent: Tuesday, March 31, 2015 9:21 PM
To: Selina S. Shaw
Cc: neville [REDACTED]; Susan Chavez; kushlot [REDACTED]
Subject: 2015 Parade Permits

Hi Selina:

The Public Celebrations and Ceremonies Committee (PCCC) requests from the Board of Selectmen permits for this year's Memorial Day and Fifer's Day parades. Also requested is the waiver of any and all fees.

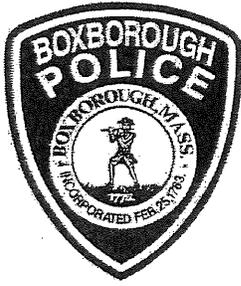
Both parades are being planned to duplicate the recent routes and times.

Memorial Day (May 25th this year) steps off at 8:30am from Hill Rd at Wetherbee Lane and pauses at North Cemetery, then proceeds down Middle Rd. to Town Hall for another reflection before continuing across Massachusetts Avenue and on to South Cemetery for the final part of the observance.

Fifer's Day (June 20th) leaves the Blanchard School parking lot on Mass. Ave. at 11:00am heading to Stow Rd., proceeds down Stow Rd, and onto Fiera Meadows.

We thank the Board for their consideration and look forward to their participation in both events.

For the PCCC,
Trena Minudri, Owen Neville, Lori Lotterman, Sue Chavez



BOXBOROUGH POLICE DEPARTMENT

520 Massachusetts Avenue, Boxborough, Massachusetts 01719

Phone: (978) 264-1750 · Fax: (978) 268-5123

Boxborough Police Department Operational Plan for Public Safety 2015 Fifer's Day Parade

Purpose:

Annual operational plan to provide for public safety for Fifer's Day parade and activities. Specific police officer duties include traffic control; pedestrian safety, crowd control and various other duties as required or assigned.

Activities/Assignments:

Parade: Seven (7) Police officers **

1. One (1) Officer* located at Parade start – Blanchard School
2. One (1) Officer located west of the Fire Department (crosswalk)
3. One (1) Officer *located at intersection of Mass Ave./Middle Rd./Stow Rd.
4. One (1) Officer located at intersection of Burroughs Rd./Stow Rd.
5. One (1) Officer located at entrance of Mass. Ave./Joyce Lance
6. One (1) Officer located at entrance of Flerra Field (Stow Rd.)
7. One (1) Officer to lead the parade

* Officers will have marked police cruiser for visibility

** On duty cruiser operators will be utilized in support roles for above officers. They will not be utilized as primary officers for special events as they may have to leave their posts and respond to routine or emergency calls for service.

Traffic Duties:

All detail officers will provide for the safety of the general public. This will include motor vehicle and pedestrian traffic control as well as crowd control and other various duties as may be assigned.

1. Officer #1 will specifically stop all traffic at the start of the parade and will follow (at the rear) of the parade until the end at Flerra Field.
2. We will provide a marked cruiser to lead the parade.
3. Officer #3 will have a marked cruiser and provide pedestrian and traffic control for citizens and parade participants at intersection of Mass Ave/Middle Rd./Stow Rd.
4. Officers # 4 & 5 will provide pedestrian and traffic control at above locations.
5. Two (2) additional bicycle patrol officers will be utilized along parade route

Additional Recommendations

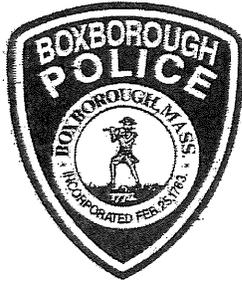
Caution/Warning signs should be placed at strategic locations along the parade route (several days ahead if possible) to advise citizens and motorists of date and time of parade. These warning signs give motorists the opportunity to take alternate routes if desired and also to warn approaching motorists that the parade is in progress and to use caution/drive safely. No parking signs should be posted by the DPW several days in advance.

Advanced notification should be sent to the parents of the band members and any other parade participants. Notification should include the specifics of the parade route and stops, traffic detours, parking restrictions and approved parking areas.

Submitted by,



Warren B. Ryder
Chief of Police



BOXBOROUGH POLICE DEPARTMENT

520 Massachusetts Avenue, Boxborough, Massachusetts 01719

Phone: (978) 264-1750 · Fax: (978) 268-5123

Boxborough Police Department Operational Plan for Public Safety 2015 Memorial Day Activities

Purpose:

Annual operational plan to provide for public safety for Memorial Day parade and activities. Specific police officer duties include traffic control; pedestrian safety, crowd control and various other duties as required or assigned.

Activities/Assignments:

Parade: Five (5) Police officers ** (7:00AM – 12:00 Noon/end of parade)

1. One (1) Officer* located at Parade start – Intersection of Hill Rd. / Wetherbee Lane
2. One (1) Officer located at intersection of Hill Rd./Middle Rd.
3. One (1) Officer *located at intersection of Mass Ave/Middle Rd./Stow Rd.
4. One (1) Officer located at intersection of Burroughs Rd./Stow Rd.
5. One (1) Officer located at entrance of South Cemetery

* Officers will have marked police cruiser for visibility

** On duty cruiser operators will be utilized in support roles for above officers. They will not be utilized as primary officers for special events as they may have to leave their posts and respond to routine or emergency calls for service.

Traffic Control/Temporary One Way Motor Vehicle Traffic:

Because of the volume of both motor vehicle and pedestrian traffic in and around the parade route (and at the starting point, Hill Road at Wetherbee Lane, in particular), motor vehicle traffic will temporarily be limited to one way only prior to the start of the parade. Creating a temporary one-way loop will provide for the efficient flow of motor vehicle traffic and also provide for the safety of individuals who will be participating in the parade.

Officers assigned to areas in and around the starting/drop off point of parade participants, will direct traffic and instruct motorists in the following manner:

1. Traffic will only be allowed in a Southerly direction on Hill Road from the intersection of Picnic Street to intersection of Middle Road.
2. Traffic will only be allowed in a Northerly direction on Picnic Road from the intersection of Middle Road to the intersection of Hill Road.

for citizens and parade participants at intersection of Mass Ave/Middle Rd./
Stow Rd.

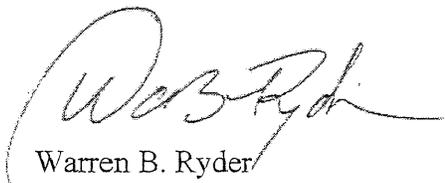
4. Officers # 4 & 5 will provide pedestrian and traffic control at above locations.
5. Two (2) additional bicycle patrol officers will be utilized along parade route.
6. Because of usual high volume of traffic and other activities on Memorial Day, Additional officers will be assigned to regular patrol shifts on both the 7AM – 3PM shift.

Additional Recommendations

Caution/Warning signs should be placed at strategic locations along the parade route (several days ahead if possible) to advise citizens and motorists of date and time of parade. These warning signs give motorists the opportunity to take alternate routes if desired and also to warn approaching motorists that the parade is in progress and to use caution/drive safely. No parking signs should be posted by the DPW several days in advance.

Advanced notification should be sent to the parents of the band members and any other parade participants. Notification should include the specifics of the parade route and stops, traffic detours, parking restrictions and approved parking areas.

Submitted by,



Warren B. Ryder
Chief of Police



Boxborough Fire Department

502 Massachusetts Avenue
Boxborough, MA 01719

Business 978-263-7546 Fax 978-263-0038

www.boxboroughfire.com

Randolph T. White
Fire Chief

April 2, 2015

Massachusetts Highway Department
District Three
403 Belmont Street
Worcester, MA 01604

To Whom It May Concern:

In preparation for the Memorial Day Parade, scheduled to be held on May 25, 2015, and the Fifer's Day Parade, scheduled for June 20, 2015, with a rain date of June 21, 2015, located in the town of Boxborough, the Boxborough Fire Department has implemented the following plans: The Boxborough Fire Department will be participating in both parades and has implemented plans to divert apparatus and personnel from the parades in the event of other impending emergencies. The Fire Department ambulance will be on scene to provide immediate medical assistance if necessary. In addition, Fire Department personnel and apparatus will be strategically located to respond to emergencies that are related to parade events. The Fire Department has also met and discussed emergency plans with Chief Warren B. Ryder of the Boxborough Police Department.

Sincerely,

Randolph T. White
Fire Chief



Reserve Fund Transfer Request

Date: April 9, 2015

It is requested by the undersigned that the sum of \$ 5,578 be transferred from the Reserve Fund to:

UMAS Acct. # 001-215-5305-0000
(Fund # - Dept. # - Object - Detail)

Description (e.g. Selectmen's expenses) Dispatch Software - Records Management

The balance in the line item as of 4/9/15 (Date) is \$ (\$2,259.). An amount of \$ 19,290. was originally budgeted/appropriated. Additional funds are now requested for the reasons explained below. (Detailed explanation should include reasons for lack of funds, breakdown of known or estimated costs to be expended prior to June 30th, and any other pertinent information). Also, please list any previous requests for transfer during the fiscal year for this line item.

This software will interface with the Fire Alarm receiver in the Communications Room. The purchase of the Remote Alarm Display serves as a remote interface to the console. Any alarms that the console receives will be passed to the Remote Alarm Display. Alarm information displayed includes: box, function, timestamp, and extended information. This request as it will improve on the delivery of public safety services. Chief Ryder and I began to explore solutions for occasional data loss between the Dispatcher and the device. The current system is limited by two lines of visible text and its proximity to their work area. This purchase will solve both issues we have been having.

This request is for extraordinary or unforeseen expense and has been voted upon and approved by the majority of board or commission members, or in the case of a department, by the department head and Town Administrator, as indicated by the signatures below. Please also indicate name of board or commission.

[Signature] (Signature) Warren B. Ryder, Police Chief (Title)
[Signature] (Signature) _____ (Title)

On the dates listed below, it was voted by the Board of Selectmen/Finance Committee to transfer the sum of \$ _____ from the Reserve Fund to UMAS Acct. # _____ to be used for the purposes and in the amounts indicated above.

<u>Board of Selectmen</u>	Date:	<u>Finance Committee</u>	Date:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Copy to:	Initial Distribution Date Sent:	Notification of Finance Committee Action Date Sent:
Finance Committee	_____	_____
Department Head	_____	_____
Board of Selectmen	_____	_____
Town Administrator	_____	_____
Town Treasurer	_____	_____
Town Accountant	_____	_____

Filter by: Segment 1: 001
Segment 2: 215

Parameters: Fiscal Year: 2015 Start Date: 7/1/2014 end: 6/30/2015

Ledger History - Variance - Expenditure Ledger

Account Number	Budget		Transfer:		Allocated	Journal Entry:		Receipt:		Payment:		Ending	% Var.
	Encumbered	This Period To Date	This Period To Date	To Date		This Period To Date	This Period To Date	This Period To Date	To Date	To Date			
001-215-5114-0000	177,768.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-140,763.68	37,004.32	79.18	
Dispatch Salary FT	0.00	0.00	0.00	0.00	177,768.00	0.00	0.00	0.00	0.00	-140,763.68			
001-215-5116-0000	26,015.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-1,229.04	24,785.96	4.72	
Dispatch Salary PT	0.00	0.00	0.00	0.00	26,015.00	0.00	0.00	0.00	0.00	-1,229.04			
001-215-5134-0000	46,519.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-47,029.56	-510.56	101.10	
Dispatch OT FT	0.00	0.00	0.00	0.00	46,519.00	0.00	0.00	0.00	0.00	-47,029.56			
001-215-5210-0000	200.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-369.43	-169.43	184.72	
Dispatch Electric	0.00	0.00	0.00	0.00	200.00	0.00	0.00	0.00	0.00	-369.43			
001-215-5243-0000	7,300.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-6,099.95	1,200.05	83.56	
Dispatch Equipment Maint Svc	0.00	0.00	0.00	0.00	7,300.00	0.00	0.00	0.00	0.00	-6,099.95			
001-215-5305-0000	19,290.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-20,850.00	-1,560.00	108.09	
Dispatch Software/Records Mgt	0.00	0.00	0.00	0.00	19,290.00	0.00	0.00	0.00	0.00	-20,850.00			
001-215-5341-0000	4,130.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-2,262.18	1,867.82	54.77	
Dispatch Telephone	0.00	0.00	0.00	0.00	4,130.00	0.00	0.00	0.00	0.00	-2,262.18			
001-215-5591-0000	1,600.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-880.47	719.53	55.03	
Dispatch Uniforms	0.00	0.00	0.00	0.00	1,600.00	0.00	0.00	0.00	0.00	-880.47			
001-215-5599-0000	2,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-1,790.95	709.05	71.64	
Dispatch Office Expense	0.00	0.00	0.00	0.00	2,500.00	0.00	0.00	0.00	0.00	-1,790.95			
001-215-5712-0000	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-801.80	198.20	80.18	
Dispatch Training	0.00	0.00	0.00	0.00	1,000.00	0.00	0.00	0.00	0.00	-801.80			
10 Account(s) totalling:	286,322.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-222,077.06	64,244.94	77.56	
	0.00	0.00	0.00	0.00	286,322.00	0.00	0.00	0.00	0.00	-222,077.06			

**FY2016 Budget Worksheet
215-Dispatch**

Account Number	Account Name	FY16		FY15 Budget	FY15 vs FY16	FY15 vs FY16	FY15 YTD	FY14 Budget	FY14 Actual
		Submitted Budget	Budget						
001-215-5114-0000	Dispatch Salary FT	182,813	177,768	5,045	2.84%	140,764	179,308	172,841	
001-215-5116-0000	Dispatch Salary PT	27,006	26,015	991	3.81%	1,229	17,029	10,375	
001-215-5134-0000	Dispatch OT FT	46,906	46,519	387	0.83%	47,030	52,700	89,228	
001-215-5210-0000	Dispatch Electric	400	200	200	100.00%	369	200	181	
001-215-5243-0000	Dispatch Equipment Maint Svc	7,300	7,300	0	0.00%	6,100	6,375	6,374	
001-215-5305-0000	Dispatch Software/Records Mgt	24,868	19,290	5,578	28.92%	20,850	21,605	19,163	
001-215-5341-0000	Dispatch Telephone	4,130	4,130	0	0.00%	2,139	4,130	2,910	
001-215-5591-0000	Dispatch Uniforms	1,600	1,600	0	0.00%	880	1,600	1,354	
001-215-5599-0000	Dispatch Office Expense	2,500	2,500	0	0.00%	1,791	2,000	2,809	
001-215-5712-0000	Dispatch Training	1,000	1,000	0	0.00%	802	1,000	1,801	
	Other Misc Expenses -History								
	Total Salary	256,725	250,302	6,423	2.57%	189,022	249,037	272,443	
	Total Other	41,798	36,020	5,778	16.04%	32,931	36,910	34,591	
	Total Dispatch	298,523	286,322	12,201	4.26%	221,953	285,947	307,034	

Notes:

Software: One-time purchase software to interface with the fire alarm radio receiver. This will allow the dispatcher to view alarms on their workstation and retrieve additional site information for the emergency responders.

Fin Com voted to remove the software from the budget for FY16 and asked the Chief to put forward in FY15 with an RFT.

Selina Shaw

SC

From: Elizabeth Markiewicz <emarkiewicz@boxborough-ma.gov>
Sent: Friday, April 03, 2015 9:44 AM
To: 'Selina Shaw'
Subject: Constable

Hi Selina,

Since Dave Birt may not be back from Florida in time for the town election, I would like to request that the Board of Selectmen to appoint Alan Rohwer as a Constable at their earliest convenience.

Thanks!

Liz

Elizabeth A. Markiewicz
Town Clerk
29 Middle Road
Boxborough, MA 01719
978-264-1727

Hours:

Mon-Thurs: 9am-2pm

Monday evenings: 7pm-9pm

effective immediately through June 30

Board of Selectmen Meeting Schedule

June 1, 2015 - January 11, 2016

(for discussion purposes 4/13/15)

Date	Business
June	
1st	Meeting (TA away 5/21- 6/10)
8th	No meeting (TA away 5/21- 6/10)
15th	Meeting - Appoint-a-thon, part 1(S. Bak away 6/10 - 6/17)
22nd	No meeting
29th	Meeting- Appoint-a-thon, part 2
July	
6th	No meeting
13th	No meeting
20th	Meeting
27th	No meeting
August	
3rd	Meeting
10th	No meeting
17th	Meeting???
24th	No meeting
31st	Meeting
September	
7th	No meeting [Labor Day]
14th	Meeting
21st	Meeting
28th	No meeting (TA away 9/25- 10/3 ICMA/Vac)
October	
5th	Meeting
12th	No meeting [Columbus Day]
19th	Meeting
26th	No meeting
November	
2nd	Meeting
9th	No meeting [STM????]
16th	Meeting - Public hearing - FY 16 Min Res Factor; Tax Rate Setting
23rd	No meeting
30th	Meeting
December	
7th	Meeting
14th	No meeting
21st	Meeting - Renewal of Licenses (alcohol, used car, common victuallers, etc.)
28th	No meeting
January	
4th	No meeting
11th	Meeting

9a



Internal Communications and Outgoing Communications
April 13, 2015

1. Letter from Martin Suuberg, Commissioner of Mass. DEP, dated April 1, 2015, to "Municipal Official" announcing the Sustainable Materials Recovery Program (SMRP) Municipal Grant Application for 2015.



Minutes, Notices and Updates
April 13, 2015

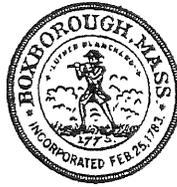
Minutes

1. Finance Committee Minutes for meetings held March 16, 2015; March 23, 2015; March 30, 2015 and April 6, 2015.

Notices

1. Notice of an AgCom meeting to be held April 14, 2015
2. Notice of a Recreation Commission meeting to be held April 14, 2015
3. Notice of a Minuteman School Committee meeting to be held April 14, 2015
4. Notice Personnel Board meetings:
 - a. To be held April 16, 2015
 - b. To be held May 5, 2015
5. Notifications from the Planning Board concerning submission of Dana Lorden to remove approximately 5 to 10 feet of existing stone wall to allow the construction of a new driveway to access a new single-family dwelling at 977 Depot Road:
 - a. Public Hearing Notice to be held – April 27, 2015
 - b. Application Review Request [Comments by 4/21/15]

4c



General Correspondence
April 16, 2015

NONE