



BOARD OF SELECTMEN
Meeting Minutes
July 20, 2015

8/17/15 Initially Approved
Further Revisions Approved: September 21, 2015

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

ALSO PRESENT: Selina Shaw, Town Administrator

EXECUTIVE SESSION

- At 6:25 PM, Chair Amoroso moved to adjourn to executive session in the Town Administrator's Office to discuss strategy with respect to collective bargaining (MassCOP Local 200 – Boxborough Police Officers) and to reconvene in open session at 7:00 PM in the Grange Meeting Room to continue the regular business on the agenda. Seconded by: Member Bak. **Approved 5-0 by Roll Call Vote: Fox "aye"; Bak "aye"; Gorman "aye"; Stemple "aye"; and Amoroso "aye."** 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 7:00 P.M. in the Morse/Hilberg Meeting Rooms 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

Police Chief Warren Ryder was present to discuss several items.

- Chief Ryder introduced proposed Special Police Officer candidate, Kevin Gordon. The Chief spoke to his memorandum regarding Gordon's appointment – his background, credentials and experience. Further to the recommendation of Police Chief Warren Ryder, Member Fox moved to appoint Kevin Gordon as a Special Police Officer for a term commencing effective July 23, 2015 and ending on June 30, 2016. Seconded by Member Gorman. **Approved 5-0.**
- The Chief remained to continue the discussion regarding overtime compensation for an exempt position, Police Lieutenant. Members of the Personnel Board were also present. Chief Ryder opened the discussion. When the Lt. position was filled it removed an officer from the rotation leaving the shift coverage short a body. This is further exacerbated by a Sergeant being out on disability since fall of 2014. We have a very small staff. This proposal is intended so that the Lt. can be compensated for periodically covering a patrol shift slot. Shift coverage is outside the Lieutenant's administrative responsibilities. Our officers/sergeants would still have 1st right of refusal for this overtime but if they turn it down and no one else voluntarily takes the open shift the Chief said that he has to work the shift, himself, or Order In an officer to provide the two officer per shift coverage. The Lt. could take the shift but he should be compensated for this time. Projected out this coverage would be no more than 4% of the Lieutenant's time; this overtime compensation can be managed within the Dept.'s existing budget and no reserve fund transfer would be needed for this. This would have a minimal fiscal impact but it would have a major impact on public safety. The Selectmen provided their input. Based on the Chief's request, the Personnel Bd. had created the Police Lieutenant as an exempt position. By definition, exempt personnel are expected to work the hours necessary to do their job, which could result in working beyond a standard work cycle; their salary reflects this. This could also set a precedent where other exempt employees could seek similar consideration for the time they put in beyond a standard work cycle. The Chief stated that the Lt. is still a patrol officer at heart and that's what his main job is along with helping the Chief administratively. The Chief read from the FLSA legal opinion referred to in the materials provided – stating that exempt positions in law enforcement can still qualify for overtime and that this compensation would be calculated as an hourly computation; not based on annual salary. The Chief cited examples. Also other exempt employees cannot be compelled to work for more than their anticipated schedule; however, in the interest of public safety the Lieutenant could be required to do so. Chief Ryder noted that the CBU has advised, in writing, that they are fine with the proposed compensation. He further advised that this is not that rare

in other communities. There was a review of discussions with Town Council and the legal opinion that was issued on this matter – this is a fact driven analysis and a case by case determination. The proposed compensation would be a small portion of that individual’s overall time. Town Counsel closes the opinion by urging caution if the Town decides to put this type of compensation in place. The Town would have to walk a thin line if implemented. There was discussion of other options that could address the Chief’s concerns and the potential required revisions to the Personnel Plan. Personnel Bd. Chair Anne Canfield referred to the Personnel Bd.’s memorandum, which was provided in the packet noting that they feel strongly that this proposal is not in the best interest of the Town. Other members of the Personnel Bd. provided additional input. There is a schedule of positions that took a significant amount of time to create.. We should not start making changes piecemeal, nor outside of the existing Personnel Plan and the existing process. There was discussion about adjusting the Lt. salary to compensate for possible patrol shift coverage. The Selectmen asked that Personnel Bd. take up the question of adjusting the salary to compensate the Lieutenant for this additional duty. The matter was tabled pending the Personnel Bd.’s input.

- Lindsay Dean, the Holiday Inn’s General Manager was present to request the Selectmen consider an application to name her as the Manager on the Holiday Inn’s alcohol license and to approve an upcoming event being held on July 25, 2015. Chief Ryder remained for these discussions. Ms. Dean introduced herself and spoke to her work experience at this site. Her promotion is the only change in staffing. All of the serving staff is TIP certified. Chief Ryder advised that, generally speaking, the Holiday Inn is a responsible business. Member Stemple moved to approve and forward to the Alcoholic Beverages Control Commission the petition of the Hotel Boxborough Lessee, LLC, dba Holiday Inn Boxborough Woods, located at 242 Adams Place, to change the manager of the Hotel’s beverage service operations from Paul DiNapoli to Lindsay Dean. Seconded by Chair Amoroso. **Approved 5-0.**
- Ms. Dean provided details on the mixed martial arts event being held on July 25th. She advised that the Holiday Inn and the promoter have been working with Fire & Police and all of the required personnel have been retained. It seems that the promoter experienced some delays in organizing this event and only formally applied in June. Chief Ryder advised that they have a good working relationship with this promoter and he is satisfied with the plans that have been put in place. Member Stemple moved to approve the Warrior Nation Extreme Fighters Alliance mixed martial arts event to be held at the Holiday Inn on July 25, 2015. Seconded by Member Gorman. **Approved 5-0.**
- Town Planner Adam Duchesneau was present to provide input from ZBA and Planning Board on a proposed Banner Policy. Building Insp. David Lindberg, members of the Energy Comm. (EnCom) and the general public were also present. The concerns raised during the previous discussions were reviewed. Planner Duchesneau spoke to the materials provided on the votes of both the Planning Bd. and Zoning Board of Appeals. Both boards voted to oppose this proposal; however these votes were not predicated on any bylaw or regulation under their purview. BI Lindberg had nothing further to add to what he previously provided back in June. Member Gorman has discussed this with DPW and the Police Dept. These installations would require two DPW workers in the bucket truck. They estimate one hour to install a banner, then one hour to remove it. He also noted that the DPW is already overtasked and this would be an additional responsibility. There is also a public safety concern. The proposal is to hang banners over Route 111/Mass. Ave., a major thoroughfare. This work would interfere with traffic, so a police detail would be required. Details are contracted in four hour increments. These elements would cost more than the proposed \$100.00 fee. TA Shaw has discussed this proposal with LELD. They are willing to install the support poles; however they will not hang the banners. The Chair opened the floor. EnCom members provided their input - we do not have a typical town center. A banner could provide a central focal point. We have so few opportunities to advertise events this is a useful option. Photos of banners hung in other towns were provided. Other audience members also provided input – we are not Acton or Littleton and don’t have the resources to support this. We already have the Minuteman sign frame just up the street. The Selectmen noted that the Town Planner and Building Insp. have advised that this proposal is in line with existing Town bylaws/regulations. So there now two distinct issues to consider: Do we want banners (esthetics/visual impact) and; how do we manage the related expenses. It was determined that more public input would be sought before a final determination is made. An announcement requesting feedback will be posted on the website and we will try to also get it into the newspaper.
- Steele Farm Advisory Committee (SFAC) Chair Ed Whitcomb, and members Jeanne Steele Kangas and Bruce Hager were present to discuss the Steele Farm Management Plan and to seek the Board’s input. There are a few issues with this material but overall SFAC is pleased with the report. It is now up to the Selectmen, SFAC and our residents to decide on how to apply this input ultimately to a Management Plan; detailing how we will manage the property in a way consistent with the Preservation/Conservation Restrictions.. The Town now has a baseline so we can begin to build the formal “Management Plan”; generate support and identify potential funding opportunities. There are a lot of good ideas, but many could not be implemented immediately. There are proposed concepts that would require a significant financial and a “hands-on” time commitment. Some of the initial proposals would have radically changed the purpose of this property. There is concern that the Conway School did not seem to address the agricultural aspect of the property; despite SFAC’s best efforts they seemed to have been more focused on environmental preservation. They did, however, listen to pushback regarding their proposal to close the main trail; revising what is before us. There was discussion on the input received at the two public forums held. There was also

discussion on the timeline and that the Town's submitted revisions still need to be incorporated into the Conway School's "final" report. Jeanne Steele Kangas advised that there was a lot public participation in the two public meetings.

- The Chair opened the floor for Citizens concerns. Carol Ann Driscoll had driven the newly paved Pine Hill Road today and wanted everyone to know what an improvement there was. The DPW did a great job. She also wanted to remind everyone that the DPW also did a tremendous job keeping the roads clear this winter.
- Though not on the agenda, Building Inspector David Lindberg advised the Selectmen the Town Hall's West Wing HVAC systems failed last week, leaving that section without air conditioning. Repairs were attempted but they failed almost immediately. All four of the Town Hall's HVAC units were installed when the addition was built and are well past their useful life. This is noted in the Capital Plan, but no actual replacement date was ever identified. Lindberg proactively obtained replacement estimates last year. This is an emergency situation that needs to be addressed and he would like to recommend and request that the Town replace the two units servicing the West Wing immediately. Tonight's Selectmen's meeting had to be relocated to the Morse/Hilberg Rooms because it was 80+ degrees in the Grange. There was a discussion of possible rebates and incentives. It was determined that the Town would wait until the two remaining East Wing units fail before they are replaced. Member Gorman moved to forward to the Finance Committee for approval the request to transfer an amount not to exceed \$17,000, to the Town Hall Building & Grounds Maintenance service account. Seconded by Member Bak. **Approved 5-0.**

The Selectmen took Agenda Item 7a, out of order.

OLD BUSINESS

- Member Bak opened the discussion on the creation of Vocational Education Advisory Committee. The candidates for appointment to this Committee and Minuteman School Comm. Rep. Cheryl Mahoney were present. The proposed charge was reviewed and revisions were made. There was discussion as to the current climate in the Minuteman District; recent events and the complex issues/concerns that this group will have to analyze in a brief window in order to have a recommendation ready for the 2016 Town Meeting. Member Bak moved to approve the charge of the Vocational Education Advisory Committee as amended and to appoint Brigid Bieber, Hugh Fortmiller, Gary Kushner and Anne McNeece to serve on the Committee for a term effective immediately through June 30, 2016. Seconded by Member Stemple. **Approved 5-0.**

MINUTES

- Member Gorman moved to accept the minutes for the Regular session, June 29, 2015, as revised. Seconded by Member Fox. **Approved 5-0.**

SELECTMEN REPORTS

- Member Stemple reported that he and TA Shaw attended the Minute Man Airfield anniversary event. While there he was able to speak to members of MassDOT regarding the proposed Mass Ave. sidewalks. With the support of Sen. Eldridge and Rep. Benson he is hoping that we can finally make this happen.
- Member Fox reported that the Town's Video On Demand is almost ready to go live.
- Member Gorman reported he had met with Chief Ryder regarding issues with the recent MassDOT Rte. 495 detours going through Town.

He reported that DPW Dir. Garmon working on the job description for the new DPW worker. He is looking to have job posting ready by the end the week. He also reported that DPW has begun the Hill Road culvert guardrail work.

He also reported that first meeting of the Public Safety Communications Comm. went well. They are meeting again this Friday at the Museum. There has been discussion about putting a mock up on the existing pole, but there are issues and the possibility of repositioning the communication pole.

Member Gorman also reported that the Space Needs Advisory Group "SNAG" is meeting on Tuesday.

OLD BUSINESS (Continued)

- The Board re-opened discussion on participating in a joint application for a Community Compact with the State. It was noted that the new materials provided does not alleviate the concerns previously raised; rather it affirms them. The wording seems to indicate that this would be an agreement between the Town and Governor Baker/Lt. Gov. Polito not with the Commonwealth, which seems to be a political exercise. All of the other communities in the CrossTown Connect Transportation Management Assoc. "CrossTown" have already signed off on this. If Boxborough chooses not to sign up CrossTown may not be eligible to

participate. There was discussion as to what benefits/incentives would be available with participation. They are similar to what was received with other state program. There is no detriment to the Town if this Compact is never implemented. It was noted that there would be support for participation if it was clear that the Commonwealth is the contracting party to this agreement not individual politicians. Member Stemple moved to submit a joint application with the Towns of Acton, Littleton, Maynard, and Westford for a Community Compact with the Commonwealth of Massachusetts for the CrossTown Connect Transportation Management Association as a “best practice” for transportation. Seconded by Member Bak. **Not Approved 2-3 by Roll Call Vote: Fox “aye”; Stemple “nay”; Bak “aye”; Gorman “nay”; and Amoroso “nay.”**

- Member Gorman moved to authorize the submission of Winter Recovery Assistance Program (WRAP) Project Reimbursement Request in the amount of \$32,269.45 and the Final Report. Seconded by Member Bak. **Approved 5-0.**
- The Board tabled further discussion on Performance evaluations until additional input is obtained from Town Counsel.
- The Selectmen took up the appointment of alternate Assistant Inspector of Wires. This is necessary as both the Inspector and the current Assistant Inspector of Wires will be out on vacation at the same time. Further to the recommendation of the Inspector of Buildings, David Lindberg, Member Gorman moved to appoint Robert Norton as an alternate Assistant Inspector of Wires for a term effective immediately through June 30, 2016. Seconded by Member Stemple. **Approved 5-0.**
- Member Gorman moved to accept the MIA Loss Control Grant in the amount of \$4,940 for the purpose of acquiring/ installing a cell monitoring system for the Police Department. Seconded by Member Bak. **Approved 5-0.**
- Member Gorman opened discussion on a Reserve Fund Transfer for Cemetery. During the work to repair the No. Cemetery crypts the contractor identified additional issues which were unanticipated but must be taken care of. Member Gorman moved to forward to the Finance Committee for approval the request to transfer \$12,000 from the Reserve Fund to account #001-491-5241-0000 (Cemetery – Building and Grounds Maintenance Svcs) . Seconded by Member Fox. **Approved 5-0.**
- The Board took up the Federal Highway Admin. (FHWA) Title VI/Nondiscrimination Assurance request. It is unclear why this is being sought. We are currently in compliance with these mandates so there is no issue in providing this; however it would be detrimental if we did not provide it. Member Gorman moved to authorize the Board of Selectman Chair, Vincent Amoroso, to sign the Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance and submit it to the Massachusetts Department of Transportation (MassDoT). Seconded by Member Bak. **Approved 5-0.**

CORRESPONDENCE

- There was discussion of the Town Accountant’s memo concerning changes in IRS fringe benefits reporting regulations. The Town Accountant will be coming to an August meeting to discuss the Town’s audit and this can be discussed at that time.
- There was discussion concerning Member Gorman’s email regarding the investigation into public safety regionalization of services. The most efficient way to address this would be for the Chiefs Ryder and White to prepare an abbreviated report outlining the benefits/detriments to Boxborough in regionalizing the respective public safety services. Also that the Chiefs reach out to find out if any other community has tried this. Once completed the Chiefs can provide the Board with the details of their investigation.

CONCERNS OF THE BOARD

- The Board cancelled its August 3rd meeting. Their next meeting will be August 17, 2015.
- The Board identified October 24th for their annual Goals Workshop.
- The Board discussed their annual Appreciation Event. Concern had been voiced that employees have to come back to town, on their own time, to attend this event when it is held on a Saturday. Several alternatives were discussed, such as – holding during the week; gift card distribution, having it at a function facility; and holding separate events for volunteer and employees. It was determined that event would essentially remain unchanged, except they would look into holding it on the UCC/BCC’s lawn. September 19th was chosen for this year’s event.

ADJOURN

- The meeting was adjourned, at 10:20 PM.

SELECTMEN'S ANNOUNCEMENTS

JULY 20, 2015

More information on these Announcements can be found on the Town's website www.boxborough-ma.gov.

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

- **Because of recent updates to the Town's Tax Collection software residents may have noticed changes to their recent Real Estate Tax Bill.** The biggest difference is that the bill's legal verbiage is now on the front instead of on the back. All of the other information remains the same. If your bank or mortgage company directly pays your taxes they will continue to do so; however you will also receive a copy of this bill for your records. Mass. General Law stipulates that every homeowner must be sent a copy of the taxes being assessed to them. Payment of this quarter's taxes is due on Monday, August 3rd.

In order to better meet the needs of our taxpayers, the Tax Collector's office is open:

Monday: 8 AM – 7 PM

Tuesday through Thursday: 8 AM – 4 PM

Other times by appointment

Please do not hesitate to call Tax Collector Patrick McIntyre at 978-264-1718 with any questions, comments or concerns.

- Residents are reminded that all Town **email addresses** were updated back in 2014. Town employees can be contacted using the person's first initial and last name: initiallastname@boxborough-ma.gov. As an example, the Town Administrator's address is: sshaw@boxborough-ma.gov. Emails sent to staff members using their old email addresses are no longer being forwarded.

- **The Town has introduced its new online application and payment service for Transfer Station Stickers and Bulk Item Disposal Vouchers.**
 - If you prefer, you can still apply by mail or in person, just download and print the FY 16 Transfer Station Application or Bulk Item Voucher Application from the Town's website or picked up at Town Hall.

- **If you are over 65**, your sticker and bulk voucher fees are waived; however, you cannot use the Online Payment Center to process these applications. You have to apply for your sticker or bulk voucher by mail or in person at Town Hall.
 - Applications are still being accepted; however effective **August 1st** a \$30.00 late fee will be assessed.
 - If you are looking to **dispose of bulk items**, please 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.
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- Drivers are asked to use extra caution during the summer months, especially in July. As noted, the **Summer Playground Program** began at Flerra Meadow on Monday, July 6th, and will run through Friday, July 31st. Drop-off begins around 8:00 a.m., with pick up after 12:30 p.m. Many children will be riding their bikes to camp and around town in general during the summer, so you are asked to drive with care.
 - The **Acton-Boxborough Farmers' Market** is back for its seventh season. The market is located on Pearl Street just off of Mass Ave./Route 111 in West Acton Village and will be open on Sundays from 10:00 a.m. to 1:00 p.m.
 - **Come join your friends and neighbors at Boxborough's Harvest Fair** on Saturday, September 12th, from 11:00 a.m. to 4:00 p.m. here at the Boxborough Town Hall and UCC Church. Start preparing your entry for the fair. More information will be provided in the coming months.
 - **Central Massachusetts Mosquito Control**. Project personnel intend to be in Boxborough on July 21st and 28th to investigate complaints received from residents about mosquitoes. Please go to the Board of Health webpage for more information.
 - Come see Boxborough's Treasures at the **Boxborough Museum** at 575 Middle Road from 2:00 p.m. to 4:00 p.m. on Sunday, August 9th. Admission is free, and all are welcome. Members of the Boxborough Historical Society will be on hand to discuss the Treasures and the other exhibits. Contact John Fallon for more information or to arrange a private tour.

- 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 to 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 **Public Safety Space Needs Advisory Group (SNAG)** has posted information on their findings on the Town's website under News & Announcements.

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

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

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



BOARD OF SELECTMEN
Meeting Agenda
July 20, 2015
Boxborough Town Hall
Grange Meeting Room

1. CALL TO ORDER, 6:15 PM, TOWN ADMINISTRATOR'S OFFICE

2. EXECUTIVE SESSION

Move to adjourn to executive session in the Town Administrator's Office to discuss strategy with respect to collective bargaining (MassCOP Local 200 – Boxborough Police Officers) and to reconvene in open session at 7:00 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, 7:00 PM

3. ANNOUNCEMENTS

4. APPOINTMENTS

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

a) Police Chief Warren Ryder, 7:05 PM

- i. To introduce proposed candidate for appointment as Special Police Officer, Kevin Gordon
Further to the recommendation of Police Chief Warren Ryder, move to appoint Kevin Gordon as a Special Police Officer for a term commencing effective July 23, 2015 and ending on June 30, 2016
- ii. Further discussion regarding overtime compensation for exempt position of Lieutenant
[A quorum of the Personnel Board may be present]

VOTE:

b) Lindsay Dean, Holiday Inn General Manager, 7:30 PM

- i. Petition for change of manager
Move to approve and forward to the Alcoholic Beverages Control Commission the petition of the Hotel Boxborough Lessee, LLC, dba Holiday Inn Boxborough Woods, located at 242 Adams Place, to change the manager of the Hotel's beverage service operations from Paul DiNapoli to Lindsay Dean
- ii. Mixed martial arts event at the Holiday Inn
Move to approve the Warrior Nation Extreme Fighters Alliance mixed martial arts event to be held at the Holiday Inn on July 25, 2015

VOTE:

VOTE:

c) Adam Duchesneau, Town Planner, to provide input from ZBA and Planning Board on proposed Banner Policy, 7:45 PM

d) Ed Whitcomb, Steele Farm Advisory Committee (SFAC) Chair and members of the SFAC, to discuss and seek input on the Steele Farm Management Plan, 8:00 PM

e) Citizens concerns

5. MINUTES

a) Regular session, June 29, 2015

ACCEPT & POF

6. SELECTMEN REPORTS

7. OLD BUSINESS

- a) Creation of Vocational Education Advisory Committee
Set charge and term of committee; appoint members
Move to approve the charge of the Vocational Education Advisory Committee as written (... or as amended) and to appoint Brigid Bieber, Hugh Fortmiller, Gary Kushner and Anne McNeece to serve on the Committee for a term effective immediately through June 30, 2016 **VOTE:**

- b) Community Compact
Move to submit a joint application with the Towns of Acton, Littleton, Maynard, and Westford for a Community Compact with the Commonwealth of Massachusetts for the CrossTown Connect Transportation Management Association as a "best practice" for transportation **VOTE:**

- c) Winter Recovery Assistance Program (WRAP) Project Reimbursement Request & Final Report
Move to authorize the submission of Winter Recovery Assistance Program (WRAP) Project Reimbursement Request in the amount of \$32,269.45 and the Final Report **VOTE:**

- d) Performance evaluations – review input from Town Counsel

8. NEW BUSINESS

- a) Appointment of Assistant Inspector of Wires
Further to the recommendation of the Inspector of Buildings, David Lindberg, move to appoint Robert Norton as an alternate Assistant Inspector of Wires for a term effective immediately through June 30, 2016 **VOTE:**

- b) Acceptance of MIIA Loss Control Grant
Move to accept the MIIA Loss Control Grant in the amount of \$4,940 for the purpose of acquiring/ installing a cell monitoring system for the Police Department **VOTE:**

- c) Reserve Fund Transfer - Cemetery
Move to forward to the Finance Committee for approval the request to transfer \$12,000 from the Reserve Fund to account #001-491-5241-0000 (Cemetery – Building and Grounds Maintenance Svcs) **VOTE:**

- d) Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance
Move to authorize the Board of Selectman Chair, Vincent Amoroso, to sign the Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance and submit it to the Massachusetts Department of Transportation (MassDoT) **VOTE:**

9. CORRESPONDENCE

ACCEPT & POF

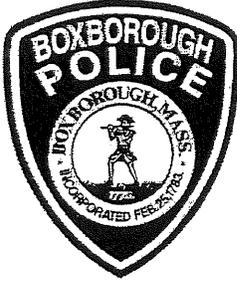
- a) Internal Communications
- b) Minutes, Notices & Updates
- c) General Communications

10. PRESS TIME

11. CONCERNS OF THE BOARD

12. ADJOURN

4a



BOXBOROUGH POLICE DEPARTMENT
520 Massachusetts Avenue, Boxborough, Massachusetts 01719
Phone: (978) 264-1750 · Fax: (978) 268-5123

To: Board of Selectmen
From: Chief Warren B. Ryder
Date: July 15, 2015
Re: Special Police Officer Appointment

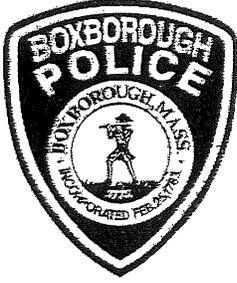
Dear Board,

I respectfully request the appointment of Kevin Gordon to the position of Special Police Officer for the Town of Boxborough. Kevin grew up in Boxborough and began his career as a Boxborough Dispatcher. He is currently a full time Manchester-By-The-Sea Police Officer and certified Emergency Medical Technician (EMT).

Kevin's flexible schedule with the Manchester-By-The-Sea Police Department provides him with opportunities to work with us as well. I trust that the addition of Kevin will compliment my roster of available reserve staff.

WBR/cop

Cc: Town Administrator
Town Accountant
Town Clerk



BOXBOROUGH POLICE DEPARTMENT
520 Massachusetts Avenue, Boxborough, Massachusetts 01719
Phone: (978) 264-1750 · Fax: (978) 268-5123

July 14, 2015

Kevin Gordon



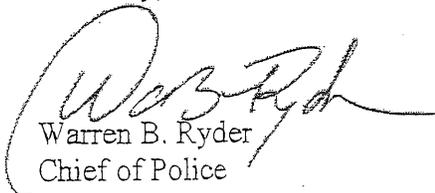
Kevin,

I am pleased to present you a conditional offer of employment as a Part-Time Boxborough Police Officer. The starting salary for this position is \$17.63 per hour.

This position is probationary for the first one hundred and twenty (120) days worked from the date of your appointment. If for some reason during that time your service were considered unsatisfactory your probation may be extended or you may be separated from employment with the Town of Boxborough.

I have scheduled you a tentative start date of July 23, 2015. I look forward to working with you as a Part-Time Police Officer and hope your career here will be an enjoyable and rewarding experience.

Sincerely,


Warren B. Ryder
Chief of Police

Kevin M Gordon



June 25, 2015

To Chief Warren Ryder,

I am writing to express my interest in a full time Patrolman position in the Town of Boxborough. Presently I am a full time Patrolman in the Town of Manchester- By -The -Sea. Although I greatly enjoy my current position, the opportunity to work in the town that I grew up in is greatly appealing to me.

Boxborough offers a combination of history, community and a special pride found no place else. As a member of the Police Department, I would bring my strong work ethic, four years of experience and a strong knowledge of the town and it's residents.

I have attached my resume to detail some of my other qualifications and would welcome the opportunity to meet in person and further discuss this position. My contact information is on my attached resume. Thank you for your time and consideration.

Sincerely,

Kevin Gordon

TO: Members of the Boxborough Board of Selectmen
 FROM: Members of the Boxborough Personnel Board
 RE: New Boxborough Police Position—Lieutenant
 DATE: June 9, 2015

The Personnel Board members believe it is important to explain our thoughts about the newly created position of police Lieutenant. This memo is a brief synopsis of our consensus opinion on the matter.

Chief Ryder met with the PB and very specifically expressed that he wanted the position of Lieutenant to be exempt. He stated in the absence of the Chief, the Lieutenant position acts in the capacity of Chief, and therefore should not to be a part of the Police Collective Bargaining Unit. After much discussion and further input from Chief Ryder, the Personnel Board members have reaffirmed that the position of Lieutenant is an exempt position. Below are some of the actions taken / and factors considered in reaching our decision:

FLSA

- Reviewed the exemptions under FLSA.
- Reviewed the tasks outlined by Chief Ryder in the position's job description.
- Chief Ryder presented the Lieutenant position to the PB as **acting in the place of the Chief of Police**.
- Chief of Police is an exempt position. If someone is regularly acting as the Chief of Police, than that position should also be classified as exempt.
- Exempt employees do not qualify for OT.

Personnel Administration Plan

- There is no language in the Personnel Administrative Plan that allows payment of OT for an exempt position.
- There is no language in the Personnel Administrative Plan allows for "side agreements."
- Any change in the Plan would have to be voted at Annual Town Meeting.
- The Personnel Board does not endorse a change in the Plan that would allow for payment of overtime to (or side agreements with) exempt employees.

Concerns of the Personnel Board

- Any exception to pay OT to the Police Lieutenant, who is classified as an exempt employee, may require the Town to pay OT to other exempt employees.
- Personnel Board members believe changing the Plan to pay OT for exempt employees compromises the integrity of the Personnel Plan.
- We are concerned about the legal and financial ramifications of making changes to the Plan that allow for OT payment and side agreements for exempt positions.

In conclusion, the PB respects Chief Ryder's reasons for wanting the Lieutenant position to be considered exempt—and thus governed by the Personnel Administration Plan.

FYI: In lieu of OT, the PB recommended to Chief Ryder that he give the Lieutenant compensatory time for hours worked in excess of 40 hours.

From: Joseph S. Fair
To: sshaw@oxborough-ma.gov
Cc: John Giorgio
Subject: Police promotion and dispatch hire
Date: Friday, January 23, 2015 10:47:51 AM

Selina:

One of the requirements under the FLSA for classifying an employee as exempt from the overtime provisions of the statute is that the employee be paid on a "salary basis". Being paid on a "salary basis" means:

an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

The problem that paying an exempt employee overtime is that it starts to blur the line between whether the employee is being paid based on the number of hours he/she works as opposed to a guaranteed weekly salary plus some additional compensation. If the amount of overtime is not that great and is infrequently worked, in my opinion it could be paid without a significant risk that the exemption would be destroyed. However, the greater the amount of overtime pay that is paid and the higher the frequency with which it is worked, the greater the risk that the employee may no longer pass the salary basis test. The FLSA regulation that addresses this provides as follows:

§ 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least \$455 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least \$455 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least \$455 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least \$500 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid \$150 per shift without violating the salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary of \$650 per week who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

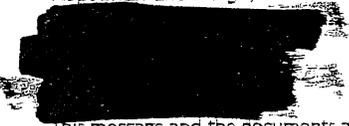
Thus, the answer to the question turns on whether there is a "reasonable relationship" between the guaranteed amount and the amount actually earned. This is a fact driven analysis that can only be determined on a case by case basis based on the facts and circumstances that exist at the time. As a result, not paying exempt employees any overtime is often the safer route.



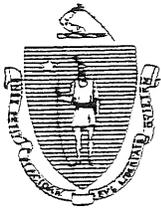
Please feel free to contact me if you have any questions. Thank you.

Joe

Joseph S. Fair, Esq.
Kopelman and Paige, P.C.



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

MANAGER APPLICATION

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

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

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

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

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

3. CITIZENSHIP INFORMATION:

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

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

4. BACKGROUND INFORMATION:

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

If yes, please describe:

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

If yes, please describe:

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

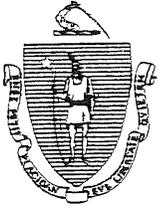
If yes, please describe:

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

Holiday Inn Boxborough, 242 Adams Place, Boxborough MA 01719
 978-263-8701
 2002 - 2005 Event Coordinator 2008 - 2015 Director of Sales
 2005 - 2008 Director of Catering 2015 - Current General Manager

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

Signature Date



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

PERSONAL INFORMATION FORM

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

1. LICENSEE INFORMATION:

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

2. PERSONAL INFORMATION:

A. Individual Name	Lindsay Dean	B. Home Phone Number	[REDACTED]	
C. Address	[REDACTED]			
D. City/Town	[REDACTED]	State	NH	Zip Code [REDACTED]
E. Social Security Number	[REDACTED]	F. Date of Birth	[REDACTED]	
G. Place of Employment	Holiday Inn Boxborough Woods			

3. BACKGROUND INFORMATION:

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

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

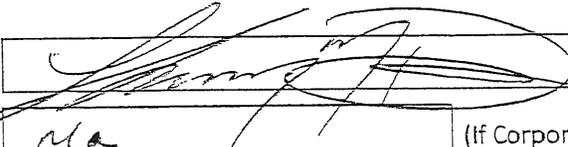
4. FINANCIAL INTEREST:

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

None

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
 *If additional space is needed, please use the last page

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

Signature  Date 7/9/2015

Title na (If Corporation/LLC Representative)

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

July 7, 2015

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

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

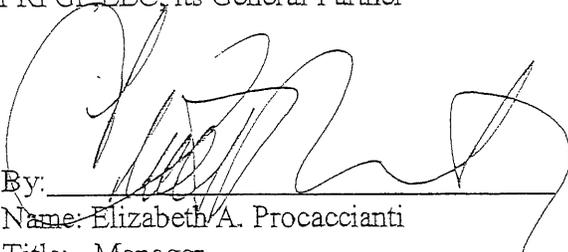
WHEREAS, Paul DiNopoli is no longer Manager of the beverage service operations for the Hotel and therefore has no authority to act or execute documents relating to the liquor license for the Hotel; and

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

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

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

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

By: 
Name: Elizabeth A. Procaccianti
Title: Manager

4611

From: Cheryl Mahoney [mailto:cmahoney@boxborough-ma.gov]
Sent: Friday, July 10, 2015 3:54 PM
To: Selina Shaw
Subject: FW: Holiday Inn Boxborough - Jesse Camp

Selina,
Mr. Camp's cell is 413-335-1611.
He advised:
He has contracted for Public Safety Details in excess of the 700 attendees estimate.
Police is coordinated through Lt. O'Brien
5 Officers
Detail will terminate at 1:00 am
Fire is coordinated through Lt. Grey
1 Private Ambulance
2 BFD personnel on site - per Chief White
Calling on cell phone is best if you need a further response or more details from him.

Thanks,
Cheryl
978-264-1714

From: Lindsay Dean [mailto:ldean@hiboxborough.com]
Sent: Friday, July 10, 2015 12:32 PM
To: sshaw@boxborough-ma.gov
Cc: Cheryl Mahoney; Jesse Camp
Subject: Re: Holiday Inn Boxborough - New Manager

Jesse is having his event on July 25th. Start time is 7pm. The estimate number of people is 700. Police, Fire and EMT have been reserved. I have cc'ed Jesse so he can forward the confirmation over to us for these services.

Thank you

Lindsay Dean
General Manager
Holiday Inn Boxborough

From: Fire Chief Randolph White [mailto:rwhite@boxborough-ma.gov]
Sent: Monday, July 13, 2015 1:22 PM
To: sshaw@boxborough-ma.gov
Subject: RE: Sanctioning Mixed Martial Arts Show

Hi Selina,

As in the past, we always require two (2) Firefighter/EMT's present during all MMA Events. This is to insure, all public safety aspects are met.

We've been in contact with the premotor, Jessy Camp. He is aware that payment in full, is required before any events are held.

Regards,
Randy

From: Lieutenant Warren J. O'Brien [mailto:wobrien@boxborough-ma.gov]
Sent: Monday, July 13, 2015 2:31 PM
To: Chief Warren B. Ryder
Subject: Re: Sanctioning Mixed Martial Arts Show

There are 3 detail officers scheduled for 1830-2230 and three scheduled for 2100-0100. We may have to use some out-of-town officers to fill this job.

Jessie Camp is willing and able to make advance payment. I told him to wait until we know if the details can be filled. Payment was not a problem last year.

Lieutenant Warren J. O'Brien,
Executive Officer
Boxborough Police Department

From: Selina Shaw [mailto:sshaw@boxborough-ma.gov]
Sent: Monday, July 13, 2015 12:28 PM
To: rwhite@boxborough-ma.gov; WRyder@Boxborough-MA.Gov
Subject: RE: Sanctioning Mixed Martial Arts Show

Hi, Randy and Warren.

Please could you provide me with brief emails with respect to the actual public safety arrangements. Matter will be before BoS on the 20th. If you could each comment upon your satisfaction that public safety will be withheld, how many officers/FF-EMT's will be present and that payment has been made. Thanks.

Regards,
Selina

Selina S. Shaw
Town Administrator



4c

BOXBOROUGH PLANNING BOARD
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1723 · Fax: (978) 264-3127
www.boxborough-ma.gov

Owen Neville, Chair Eduardo Pontoriero, Clerk Nancy Filimore John Markiewicz Hongbing Tang

July 14, 2015

Board of Selectmen
29 Middle Road
Boxborough, MA 01719

Re: Proposed Policy on Banners

Dear Sirs and Madame,

At the Planning Board's meetings on June 29, 2015 and July 13, 2015, we discussed your draft Policy on Banners.

After substantial conversation on the topic, the Planning Board does not see the Policy on Banners as a necessity which needs to be fulfilled being there are other opportunities for communication along Route 111 and there are other locations where signage can be used in ways that are more environmentally friendly. We voted unanimously to that effect and are, in fact, opposed to banners over any of the roadways in town.

For further information regarding the Planning Board's conversation on this matter, please see our discussion of the topic as reflected in the meeting minutes of June 29, 2015.

We hope that this aides you in your deliberations.

Sincerely,

Owen J. Neville
Chair, Planning Board



BOXBOROUGH PLANNING BOARD
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1723 · Fax: (978) 264-3127
www.boxborough-ma.gov

Owen Neville, Chair Eduardo Pontoriero, Clerk Nancy Fillmore John Markiewicz Hongbing Tang

Meeting Minutes

June 29, 2015

7:30 PM

Morse Room, Town Hall, 29 Middle Road

Members Present:

Owen Neville, Chair
Eduardo Pontoriero, Clerk
Nancy Fillmore, Member
John Markiewicz, Member
Adam Duchesneau, Town Planner

Members Absent:

Hongbing Tang, Member

The Chair called the meeting to order at 7:34 PM.

Meeting Minutes of June 15, 2015

Ms. Fillmore MADE a MOTION to approve the minutes of June 15, 2015. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Correspondence

Mr. Duchesneau distributed and read an email from Becky Neville of 317 Middle Road dated June 29, 2015 which indicated her opposition to the proposed policy on banners over Route 111.

Discussion Regarding Proposed Banner Policy and Compliance with Zoning Bylaw

Ms. Fillmore inquired if the Public Works Director was ever asked about the proposed banner policy and it was unknown if he had been contacted. Mr. Duchesneau read a letter to the Planning Board from Building Inspector David Lindberg dated June 11, 2015 which spoke to some of the banner policy and permitting items, including the policy's conformance with the Zoning Bylaw and MassDOT's policy on banners over their roadways. Mr. Pontoriero asked if the Board of Selectmen had already made their decision on this matter. Mr. Neville indicated they had not, but the topic is an item on their agenda for their July 20, 2015 meeting.

Mr. Markiewicz asked how the particular proposed location for the banner was selected. Mr. Neville indicated he believed the location was selected because it was close to the Department of Public Works, however, he also pointed out a new pole would need to be set to string a banner across Route 111 at the proposed location. Mr. Neville continued on to state the property owner of 593 Massachusetts Avenue (adjacent to the Department of Public Works) did not need another

impediment to redevelop his property and drivers did not need something else to possibly run into along Route 111. Mr. Neville noted the Energy Committee had asked about stringing a banner across Route 111, but he was confused as to why they were not directed to the signage board in front of the Fire Station. Mr. Neville also pointed out there were other locations along Route 111 with a utility pole on one side and a guide pole on the other where a banner could be strung without the need for setting a new pole.

The Planning Board then raised questions about who would assume the liability for the banner across the roadway and had concerns the Town could be held accountable if an accident happened. Mr. Pontoriero noted the banner policy idea likely came from seeing banners in other communities and he noted how a number of non-profit groups could use them for advertising. However, he wondered how the banners would be regulated to ensure they are not distasteful or offensive. Mr. Neville stated the Building Inspector would be responsible for regulating the banners according to the proposed policy.

Mr. Neville asked how the proposed banners would be in compliance with Sections 6307(5) and 6308(6) of the Zoning Bylaw. Mr. Duchesneau noted these provisions of the Zoning Bylaw applied to permanent signage on individual parcels of land, not the public right-of-way. The proposed banners would be temporary signage over a public right-of-way where the Zoning Bylaw would actually not be applicable. Mr. Duchesneau added that even if the Zoning Bylaw were to regulate the proposed banners, they would be regulated under Section 6305(5) which speaks to temporary, non-commercial event signs. Mr. Neville stated the Zoning Bylaw speaks to what the Town has intended in terms of all signage.

Mr. Pontoriero asked where the banner policy proposal originated. Mr. Duchesneau explained the Energy Committee had inquired with the Town Administrator about putting a banner across Route 111. The Town Administrator informed the Committee there was currently no policy on banners over the roadway but felt it might be a worthwhile item to explore further. She then worked with the Building Inspector to craft a banner policy that would regulate all types banners across Route 111 and brought it to the Board of Selectmen.

Mr. Markiewicz felt the banner policy was not needed. Mr. Pontoriero did not want the Town to spend any money on this, including the Public Works employee's time, supervision, etc. Ms. Fillmore noted the Town's employees would be used to erect the banners. Mr. Pontoriero felt people could simply use the signage board by the Fire Station or other types of signage along Route 111.

Mr. Pontoriero then MADE a MOTION to have the Planning Board formalize their stance on the banner policy matter as follows: The Planning Board does not see this policy as a necessity which needs to be fulfilled being there are other opportunities for communication along Route 111 and there are other locations where other types of signage can be used in ways that are more environmentally friendly.

Mr. Neville stated the Planning Board could work on the wording of this motion and take a formal vote on it at their next meeting on July 13, 2015.

At this time Francie Nolde, Chair of the Energy Committee, arrived at the meeting and wanted to know how the Planning Board felt about the proposed banner policy. The Planning Board members informed Ms. Nolde of their stance on the issue and Mr. Duchesneau read Ms. Nolde the Board's motion. Ms. Nolde asked if there was a different location along Route 111 the Planning Board felt would be better and Mr. Neville stated further to the west or the east from the proposed location would be preferable. However, he also pointed out the Planning Board felt the signage board in front of the Fire Station should be used. Ms. Nolde then explained the LittleBox Solar Initiative and how their goal was to have 50 homes sign up for the solar program. The Energy Committee has had very good attendance at their initial LittleBox Solar meetings and many residents have signed up for solar evaluation appointments. However, the Energy Committee was informed by the installer that typically only 20% of these appointments result in people signing up to join the program. The Energy Committee is using the Town's website, email, and other methods to get the word out, but they wanted to do everything possible in terms of outreach.

Mr. Markiewicz stated the most prominent place to reach out to the public is at the Transfer Station and this would not require the installation of a new pole. He pointed out that people stop and chat at the Transfer Station and it would be good to focus the Energy Committee's outreach efforts there. Mr. Markiewicz also added the Master Plan Update Committee (MPUC) has been putting up their Boxborough 2030 banner behind the Selectmen during their meetings to capture the television viewing audience. Ms. Fillmore noted the banner could also be erected on the hill at the Transfer Station. Mr. Neville suggested that Ms. Nolde look into altering the banner policy. Ms. Nolde then confirmed the Planning Board was opposed to all banners over the roadways in town and the Planning Board members indicated this was correct. Mr. Markiewicz also added the banner could be hung from one of the trailers where electronics are dropped off at the Transfer Station, or perhaps even between some of the trees there.

Report on the Space Needs Advisory Group (SNAG)

Ms. Fillmore stated at the last meeting of the SNAG the group discussed how the \$69,500 that had been appropriated for the next phase of the project should be used. She also indicated the group discussed whether or not the SNAG should be disbanded and a more formal committee should be formed. Ultimately the members felt the SNAG should remain an informal group for the time being. Mr. Duchesneau noted if the SNAG were to become a formal committee it would remove some of the project control from the Police and Fire Chiefs. Ms. Fillmore indicated committee members would also need to be appointed by the Board of Selectmen as opposed to simply being designated by their respective Board or Committee.

Ms. Fillmore noted the Police and Fire Chiefs have explored simply renovating the existing buildings to accommodate their future needs, but any additions or adjustments to the structures would require them to become entirely code compliant. Mr. Markiewicz stated from the Town's perspective, the Town needs to figure out what needs to be done for this project, and why, based upon the needs of the community.

Planning Board Fee Schedule – Abutter Mailing Fees for Applications

Mr. Duchesneau proposed adding the cost of the abutter mailing fees to all Planning Board application fees where applicable as this is how the Zoning Board of Appeals currently operates.

Mr. Markiewicz indicated this is something the Planning Board should be doing as this is not a cost the Town should be absorbing. Mr. Neville asked if a public hearing was required to make this change to the Fee Schedule. Mr. Duchesneau indicated he did not believe so, but would look into the matter before the Planning Board's next meeting.

Future Meeting Dates until December of 2015

Ms. Fillmore MADE a MOTION to set the Planning Board's meeting dates for the remainder of 2015 as discussed at the meeting as follows:

Monday, October 5th
Monday, October 19th
Monday, November 2nd
Monday, November 16th
Monday, December 7th
Monday, December 21st

Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Boxborough 2030 (Master Plan) Update

Mr. Markiewicz indicated the Boxborough 2030 Booth had received a significant number of visitors and responses at Fifer's Day. Mr. Duchesneau noted around 150 people had visited the booth and the Boxborough 2030 website was recently updated to reflect the responses which had been received. Mr. Markiewicz stated he continues to tell the MPUC they are not going to solve every item of the Master Plan during the update process. The MPUC will likely need to setup separate committees which will work on each implementation initiative of the Master Plan once it is completed.

With no further business, the meeting was adjourned at 8:47 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Fillmore, with all members voting in favor.

On Behalf of the Boxborough Planning Board

Eduardo Pontoriero, Clerk

Boxborough Board of Appeals
Meeting Minutes
Town Hall
June 16, 2015

Members present: Tom Gorman (Chair), Kristin Hilberg, Michael Toups, Lonnie Weil, and Karen Warner. Also present: Adam Duchesneau, Town Planner.

Tom called the meeting to order at 7:25 pm.

Upon motion duly made by Michael and seconded by Tom, it was unanimously voted to approve the minutes of February 24, 2015. Upon motion duly made by Michael and seconded by Tom, it was unanimously voted to approve the minutes of March 3, 2015.

The hearing on the proposed amendment to Special Permit 97-20 34 Mass Ave. was opened at 7:30 pm. Lisa Cote presented her request to be able to amend the Special Permit, asking that she be able to install an additional sign on the ice skating facility identifying the building and various tenants residing there. This sign would not exceed 10 sq. ft.

Kristin suggested that the sign size is inadequate for the needs of the property and the businesses. Lonnie, Tom, and Michael reviewed the sign bylaw and the Board suggested the sign not exceed 50 sq. ft. Tom moved that the Board approve the proposed Special Permit amendment and accept the draft decision with one alteration, replacing "fifty (50) square feet" for "ten (10) square feet" as it appears in the draft. The Board unanimously voted in favor.

Adam discussed the redundancy of the W-District and the Conservation Commission oversight of wetlands protection. Tom inquired about a need for a "check and balance", an additional safe guard that there is a two-step process to ensure that any decisions protect the wetlands. The Board acknowledged that this redundancy and protection is an additional expense for applicants.

Michael expressed concern that the W-District maps are not up to date. Adam agreed there are discrepancies between the sets of maps. In some locations they do not match up, requiring applicants to go to one or the other board instead of both. Tom asked how often this issue comes up. Adam replied that it happens a few times a year, confusing applicants. Tom expressed that to some degree the ZBA is a rubber stamp to the Conservation Commission decision and the Board has never disagreed with their decisions. The Board agreed to continue the discussion in the future.

The Board discussed a draft BoS policy on banners. Tom and Karen think the language needs to be tightened to prevent private political banners vs. town announcements of elections, public service announcements, etc. Michael inquired about state approval for banners over Rte. 111 / Mass Ave. and appeals of denials. Adam referred to the Building Inspector's memo. The Board also inquired about the length of time a banner can be hung and the height to allow passage of large vehicles like fire trucks.

Upon motion duly made by Tom and seconded by Michael, the Board voted unanimously to adjourn the meeting at 8:35 pm.

On behalf of the Zoning Board of Appeals,

Approved



BOXBOROUGH BUILDING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1725 · Fax: (978) 264-3127
David Lindberg, Inspector of Buildings

TO: Board of Selectmen
DATE: June 11, 2015
RE: Banner Policy & Permitting

Chairman Amoroso,

Further to the discussion that was started at the June 1, 2015 meeting of the Board of Selectmen, I would like to provide clarification on concerns raised by the public and members of your board.

1. Sign bylaw conformance: I have spoken at length with Town Planner Adam Duchesneau and we have determined that this policy is in conformance with the bylaw. The Boxborough Zoning Bylaws, Section 6305.5, allows "Temporary, non-commercial event signs in connection with any event sponsored or hosted by a place of worship, school, museum, library, charitable organization, the town, or similar public or semi-public institution, provided the sign is removed within seven (7) days following the completion of the event."
2. MassDOT: Chief Ryder correctly pointed out that MassDOT does not approve of such banners over state highways. He also correctly said that the state does not make any effort to prohibit them or seek their removal. In fact, dozens of communities across the Commonwealth have banners over state roads.
3. They don't belong here: I would suggest that banners are a little piece of Americana that is very appropriate for this community. Whether alerting residents to an upcoming town meeting, church fair, or Fifer's Day banners are a traditional method of spreading the word. Banners over roadways have been around far longer than the automobiles that pass under them.

The Town Administrator and I have worked to craft a *Banner Policy* that is clear and reasonable. It is a hybrid document based on features of other Massachusetts communities policies and is in the spirit of our Zoning Bylaws.

Respectfully submitted for your consideration,

David Lindberg
Inspector of Buildings/Code Enforcement Officer



**TOWN OF BOXBOROUGH
BUILDING DEPARTMENT**
29 Middle Road,
Boxborough, Massachusetts 01719
Phone: (978) 264-1726

Policy on Banners

Effective June ___, 2015

The following Policy is hereby adopted, to be effective upon the filing of the same with the Boxborough Town Clerk on _____, 20__

Purpose

The purpose of the Policy is to ensure that, where permitted by the Town, banners placed on or over public ways and public property comply with reasonable regulations governing public safety. Accordingly, the Board of Selectmen has adopted the following Policy, which shall apply to all banners permitted herein.

This Policy covers banner that are placed over public ways in the Town of Boxborough. It provides the rules that all banner sponsors must follow as well as the permitting process. Banner placement shall be limited to the following location:

- Massachusetts Avenue in the vicinity of Pole #57 (near DPW)

Allowable Sponsors

Only non-profit, charitable or municipal sponsors of Boxborough community, A-B district activities or regional/ collaborative organizations of which Boxborough is a member may request permits for banners. Examples of community activities include: Fifer's Day, Library Foundation Fund Drive, School functions, Garden Club, Town Meeting and election announcements, etc. Examples of banners that are not allowed are those promoting candidates for office, political positions, ballot questions, any election or other -voter-related event, etc.

Permitting Authority and Process

The Selectmen have delegated permitting authority to the Inspector of Buildings ("Inspector"). Before completing an application sponsors must read the Policy of Banners on the Town website www.boxborough-ma.gov as posted on the Building Department webpage or request a copy from the Inspector.

Sponsors may apply up to six (6) months in advance of the requested installation date. Applications filed less than thirty (30) days prior to the requested installation date will not be accepted.

Sponsors must complete an "Application for Banner Permit" form and submit it via hard copy to the Inspector. (This form is attached to this document. It can also be obtained from the Building Department.)

The Inspector will issue permits within two (2) weeks of receipt of the application. If there is a problem with the application, the Inspector will contact the sponsor promptly. Space for banners is limited, and applications will be reviewed and approved on a first-come-first-served basis. However, banners related to municipal activities will have priority, e.g., Town Meeting. At the time the Inspector issues the permit, he or she will notify the Dept. of Public Works ("DPW").

Cost

The permit fee will be waived for town or town-related events. All other permissible entities shall pay a fee of One Hundred (\$100.00) Dollars.

Liability

The Town assumes no liability in the installation, removal or storage of banners. The Town shall not provide any services pursuant to this Policy without having first received a completed indemnity agreement and the required permit fee (if any).

Installation and Removal

The DPW is responsible for hanging banners and removing them.

The sponsor must deliver the banner to the Building Department at least one (1) week prior to the installation date. Banners will be installed for a period not to exceed fourteen (14) days. The DPW will remove the banner and return it to the Building Dept.

The sponsor may choose to either:

1. Retrieve the banner from the Building Dept. within one (1) week of the removal. After one (1) week, a storage fee of Thirty Dollars (\$30.00) per week may apply
OR
2. Authorize the Town to dispose of banner

Size and Technical Specifications

- Height: 36 to 44 inches 40-45"
- Length: 12 to 25 feet
- Durable material with wind slits
- Grommets along the top and bottom spaced about two (2) feet apart.

TOWN OF BOXBOROUGH
BUILDING DEPARTMENT
APPLICATION for a BANNER PERMIT
(Pursuant to Policy on Banners
Effective June __, 2015)

NAME, ADDRESS, PHONE & EMAIL OF
BANNER OWNER (Sponsor):

BRIEF DESCRIPTION OF ACTIVITY:

NAME: _____
ADDRESS: _____
PHONE: _____
E-MAIL: _____
INSTALLATION
DATE: _____
ACTIVITY DATE: _____

Size and Technical Specifications:

- Height: 36 to 44 inches
- Length: 12 to 25 feet
- Durable materials with wind slits
- Grommets along the top & bottom spaced about two (2) feet apart

Sponsor will retrieve banner after event

Sponsor authorizes the Town to dispose of banner after event.

PLEASE ATTACH:

- BANNER FEE PAYMENT - \$100.00*
- A SCALE DRAWING OF PROPOSED BANNER, INDICATING THE FOLLOWING:
 1. Size and technical specifications in accordance with the Policy
 2. Text and color

OFFICE USE ONLY

PERMIT APPROVED – The proposed banner appears to be in accordance with the Policy on Banners of the Town of Boxborough

PERMIT DENIED – The proposed banner appears NOT be permitted under the Policy on Banners of the Town of Boxborough

ISSUED BY: _____

DATE: _____

COMMENTS: _____

PERMIT NUMBER: _____

*BANNER FEE: \$100.00 PAYABLE BY ALL SPONSORS, EXCLUDING TOWN OR TOWN-RELATED EVENTS.

NOTE: BANNER SHALL BE DELIVERED TO THE BUILDING DEPT. THE DPW WILL INSTALL AND REMOVE THE BANNER.



ADMINISTRATION

Memo

To: Board of Selectmen
From: Selina Shaw, Town Administrator *MS*
Re: Banners across Massachusetts Avenue
Date: February 23, 2015

The Energy Committee would like to explore the possibility of hanging a banner across Massachusetts Avenue to advertise the April 16th Boxborough Solar Forum, for a two week period prior to the forum. There are many details still to be worked out, but before I spend too much time on the matter, I wanted to first see if the Board is interested in entertaining the hanging of banners across Massachusetts Avenue to promote town-related or other events. The proposed location would be on Mass Avenue along a straight stretch between the strip mall housing Middlesex Savings Bank and a bit west of the school. A precise location still needs to be determined, with input sought from the Police Chief, Inspector of Buildings and Public Works Director.

If the Board decides to pursue the matter, a policy should be established setting forth the terms and conditions and an application process for banner requests. Items to be considered include allowable sponsors (whether to limit to town or town-related events, such as Fifer's Day or to extend to non-profit, charitable organizations within the community, with priority given to municipal activities; banner specifications (size and materials); maximum time period for display; application period; delivery of banners for installation and whether or not to charge a fee for non-town events.

I have had initial communications with LELD General Manager, Scott Edwards, who was willing to assist in the endeavor. LELD would install a pole opposite an existing pole along Mass Avenue. I am exploring whether LELD would hang the banners or whether that task would fall to our DPW.

Thank you for your consideration of this matter. Please let me know if you would like me to further explore.



BOARD OF SELECTMEN
Meeting Minutes
June 29, 2015

APPROVED: _____

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

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

Chair Amoroso called the meeting to order at 7:00 p.m. in the Grange Meeting Room of Town Hall.

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

The Selectmen took Agenda Item 7a, out of order.

NEW BUSINESS

- The Selectmen took up the Retirement letter of Tax Collector Maripatt Shemowat, thanking her for her many years of service to the Town. There was a round of applause. Chair Amoroso moved to accept and place on file the letter of retirement, effective June 30, 2015, from Maripatt Shemowat, who has dutifully served the Town as Tax Collector for the past 30 years. Seconded by Member Bak. **Approved 5-0.**

APPOINTMENTS

- Patrick McIntyre was present for his reappointment as Town Treasurer and so that he could be appointed to act in the capacity of Tax Collector. There was discussion regarding him taking on the additional responsibilities and the additional time that will be required during this transition. There was also discussion regarding the requisite compensation for these additional responsibilities.
 - Further to the recommendation of the Town Administrator, Member Bak moved to reappoint Patrick McIntyre to the position of Town Treasurer, and also to appoint Patrick to serve as Tax Collector, for a term effective July 1, 2015, and ending on June 30, 2016. Seconded by Member Gorman. **Approved 5-0.**
 - Further to the recommendation of the Personnel Board and the Town Administrator, Member Bak moved that Patrick McIntyre be placed on Step 3 of Grade 15 effective July 1, 2015. Seconded by Member Gorman. **Approved 5-0.**
- Police Chief Warren Ryder, Police Lieutenant candidate Warren O'Brien, his family and friends and a contingent of Boxborough and other local officers were present. Chief Ryder spoke to O'Brien's background, his professional credentials and his history with the Boxborough Police Department. This promotion is well-deserved, and there was a round of applause. Further to the recommendation of Police Chief Warren Ryder, Member Fox moved to appoint Warren O'Brien to the position of Police Lieutenant for a term commencing July 1, 2015, and ending on June 30, 2016. Seconded by Member Gorman. **Approved 5-0.** Town Clerk Liz Markiewicz swore in Lieutenant O'Brien, and his wife and son pinned on his Lieutenant insignia.
- Town Assessor Ruth Anderson was present to follow up on proposed street address changes. Fire Chief Randolph White and members of the public were also present. Assessor Anderson referred to the materials provided

regarding this proposal, both her current memorandum and the materials previously presented to the Selectmen. It is the assessor's responsibility to identify issues such as street numbers that are noncompliant with the Street Numbering Bylaw and to bring these issues to the Selectmen so they can then make a determination. Pursuant to the Selectmen's instruction, she reached out to the affected property owners, inviting them to provide input regarding this proposal. She discussed the feedback that was received from four residents and said that her original proposal remains unchanged. These addresses should be brought into compliance for the reasons outlined in her initial memorandum. Chief White spoke to the public safety, 911 Response programming concerns and of a similar renumbering project that took place on Swanson Road several years ago. The Selectmen discussed the proposal and the feedback received. Several Pine Hill Road residents were present and also provided their input. The Assessor was instructed to send supplemental communication to the renters living in the condominiums located at 73 Liberty Square Rd.; inviting them to also provide feedback concerning this proposed renumbering. The Assessor was asked to update to the Selectmen in the fall, so the Selectmen can determine how to proceed. Member Gorman moved to instruct the Assessor not to change the addresses for the four property owners that objected to this renumbering proposal. Seconded by Chair Amoroso. **Approved 5-0.**

- The Selectmen took up the appointment and reappointment of various board members to three-year terms effective July 1, 2015, through June 30, 2018, unless otherwise noted:
 - Acton-Boxborough Cultural Council Co-Chair Sunanda Sahay and ABCC proposed appointee Sheila Hanrahan were present. Hanrahan spoke to her background, years in Town and previous volunteer efforts at the Blanchard School. Chair Amoroso moved to appoint Sheila Hanrahan to the Acton-Boxborough Cultural Council. Seconded by Member Gorman. **Approved 5-0.**
 - Chair Amoroso also moved to reappoint Christian Habersaat as an alternate member to the Zoning Board of Appeals for a one-year term, from July 1, 2015, through June 30, 2016. Seconded by Member Gorman. **Approved 5-0.**
 - Chair Amoroso also moved to reappoint Simon Bunyard to the Board of Registrars. Seconded by Member Gorman. **Approved 5-0.**
 - Ron Vogel spoke to his years in Town and his experience with various boards over the years, including the Boxborough Affordable Housing Trust and his reappointment to the BAHT. Chair Amoroso moved to reappoint Ron Vogel to the Boxborough Affordable Housing Trust for a two-year term, from July 1, 2015, through June 30, 2017. Seconded by Member Bak. **Approved 5-0.**
 - John Rosamond was present regarding his reappointment to the Community Preservation Committee. Chair Amoroso moved to reappoint John Rosamond to the Community Preservation Committee. Seconded by Member Bak. **Approved 5-0.**
 - Though John Neyland was unable to attend, Chair Amoroso also moved to reappoint John Neyland to the Community Preservation Committee. Seconded by Member Gorman. **Approved 5-0.**
 - Dennis Reip was present seeking reappointment to the Conservation Commission. He spoke to his services on the ConsCom and some of their recent activities. Chair Amoroso moved to reappoint Dennis Reip to the Conservation Commission. Seconded by Member Bak. **Approved 5-0.**
 - Council on Aging Chair Frank Powers and members Frank Sibley and Liz West were present to discuss CoA activities and Sibley's and West's respective reappointments to the CoA. Sibley noted that he has served on the CoA since 2007, and West advised that she has served on practically every committee in her 40-plus years in Town.
 - Chair Amoroso moved to reappoint Frank Sibley to the Council on Aging. Seconded by Member Stemple. **Approved 5-0.**
 - Chair Amoroso moved to reappoint Elizabeth West to the Council on Aging. Seconded by Member Gorman. **Approved 5-0.**
 - Chair Amoroso moved to reappoint Robert Stemple to the Design Review Board. Seconded by Member Fox. **Approved 5-0.**
 - Energy Committee members Richard Garrison and Abigail Reip were present to discuss EnCom activities and their respective reappointments. They are pleased with the LittleBox Solar Initiative, through which approximately 45 residents attended the EnCom's Meet the Installer event in Boxborough.
 - Chair Amoroso moved to reappoint Richard Garrison to the Energy Committee. Seconded by Member Stemple. **Approved 5-0.**

- Chair Amoroso moved to reappoint Abigail Reip to the Energy Committee. Seconded by Member Bak. **Approved 5-0.**
- Though Larry Grossman was unable to attend, Chair Amoroso also moved to reappoint Larry Grossman to the Energy Committee. Seconded by Member Bak. **Approved 5-0.**
- Carla Bacharach was present to be considered for appointment to the Public Celebrations and Ceremonies Committee. She spoke to her background, years in Town and previous volunteer efforts at the Blanchard School, Emerson Hospital and the Discovery Museum. Chair Amoroso moved to appoint Carla Bacharach to the Public Celebrations and Ceremonies Committee. Seconded by Member Bak. **Approved 5-0.**
- There was discussion on appointing a representative to the MART Advisory Board. Current MART Rep. Frank Powers was present and stated that continuing as the MART Rep., he feels, is in conflict with his new Van driving responsibilities. The Selectmen will continue to consider this matter.
- Laura Rakauskas, President, Acton-Boxborough Monday Night Quarterbacks, and Peter Rakauskas were present to discuss the A-B Monday Night Quarterbacks' athletic field permit and fee waiver request. Ms. Rakauskas explained this volunteer booster organization's efforts to raise funds and promote all football activities at A-B, also promoting the spirit of the A-B program. She described the program for which they are looking to use the Ferra Meadow athletic fields. Except for 2014, this program has been run at Ferra for several years with no issues. This is a school-sanctioned activity. As this is a no-fee activity, which is to benefit A-B youth, and as this is a volunteer/non-profit group, they are seeking a waiver of fees. The Recreation Commission has approved this use and their fee waiver request. There was discussion about how they should apply for this usage and fee waiver in the future. They were asked to apply annually. Chair Amoroso moved to waive the fee for the Acton-Boxborough Monday Night Quarterbacks to use the soccer field at Ferra for the purpose of holding high school football agilities from 5:00-8:00 p.m. on August 17 -21, 2015. Seconded by Member Fox. **Approved 5-0.**
- There were no Citizens concerns.

MINUTES

- Member Gorman moved to accept the minutes for the Regular sessions of May 11, 2015, and May 12, 2015, as written and June 15, 2015, as revised. Seconded by Member Fox. **Approved 5-0.**

SELECTMEN REPORTS

- Member Fox reported that he and TA Shaw had met with Littleton Cable to discuss the process to get some public meetings broadcast through on-demand services, archiving/retention procedures and the duration for which these recordings will remain available. This is a work in progress, but we are hoping to initiate before the fall.

He also reported that he, TA Shaw and Chief Ryder met with Guardian regarding their support contract going forward.

Member Fox reported that he had attended the Energy Committee's Meet the Installer event at the Blanchard School. He estimates that about 50 people were in attendance. He was impressed with the Clean Energy personnel conducting the presentation.

- Member Bak reported that the Community Preservation Committee is in the process of developing a one-page application form and brief outline of the application process. They are also working to develop a timeline and overall plan going forward.
- Chair Amoroso reported on Minuteman School District items – The Board has been copied on various communications regarding Minuteman. Member Bak will be chairing a vocational education study committee.
- Member Gorman reported that he and Member Fox had attended a recent SNAG meeting where the participants reviewed the feedback received at Town Meeting. The two departments will be reviewing their "needs" details to prioritize items. However, this is not as straightforward as you might think. Member Fox added that his take away from Town Meeting is that SNAG has to take a more grassroots approach.

He also reported that he had attended the Public Safety Communications Project public meeting. A lot of information was made available at the meeting, and there was a good discussion.

Member Gorman reported that he and TA Shaw met regarding the Town's trash hauling and tipping contracts. New three-year agreements have been successfully negotiated, with better rules for tipping than our previous contract.

He also reported that there was a significant increase in traffic on Hill Road last week. It seems that Hill Road became a de facto detour during MassDoT's ongoing work on I-495 and Route 2. As far as he knows, the Town was not notified that traffic was being rerouted. Does MassDoT have to notify communities when they take these actions?

Member Gorman also commented that he would like to see all Committees' charges on their respective webpages, along with any Bylaws that apply to specific boards. TA Shaw noted that these exist for the most part but will have the webpages reviewed.

- Member Stemple advised that the Viszla Fun Day had to be cancelled due to rain and will be rescheduled.

OLD BUSINESS

- The Board reopened discussion on the creation of the Public Safety Communications Committee, the setting of its charge, the term of the committee and the possible appointment of members. Fire Chief Randolph White and members of the public were present for this discussion. [Town Planner Duchesneau was present for the latter part of this discussion.] Chair Amoroso provided background on the matter before the Board, a summary of the Board's previous Public Safety Communication project discussions and the proposed modifications to the initial specifications that have been identified as necessary to maintain the "line of sight" requirements. This will be an advisory group which will review the original project proposal, public safety requirements, and subsequent revisions, along with the other concerns that have been brought forth, and will then report back to the Selectmen. The Selectmen reviewed the Committee's proposed charge drafted by Member Gorman. The audience also provided their input on the proposed language. Minor changes were made. It was determined that this committee shall consist of no more than seven members; however, it was noted that the composition should be broad, with representation from the Hill/Middle Road neighborhood, those that reside in areas that currently experiencing coverage deficits and those that can provide technical expertise. Those that were interested in serving were invited to explain how their participation would be beneficial to this effort. The Selectmen asked Frank Hubley, Eric Wong, George Elanbaas, John Rosamund, Malcolm Reid, Maria Neyland and Jeanne Steele Kangas to serve on the Committee. The TA reported that Marie Cannon had also agreed to serve but was unable to be present for the BoS meeting. The Selectmen stressed that time is of the essence here and asked the committee to hold their first meeting as soon as possible. There was a brief discussion regarding the article amount and what has been expended to date. Chair Amoroso moved to approve the charge of the Public Safety Communications Committee as revised and to appoint Frank Hubley, Eric Wong, George Elanbaas, John Rosamund, Malcolm Reid, Maria Neyland and Jeanne Steele Kangas to serve on the Public Safety Communications Committee for a term of one year. Seconded by Member Fox. **Approved 5-0.**

At the request of FinCom Chair Dilip Subramanyam, the Selectmen took Agenda Item 7d (i-x), out of order.

NEW BUSINESS (Continued)

- The Selectmen took up several Reserve Fund Transfer Requests and Reserve Fund Transfers and Inter-departmental transfer pursuant to MGL Ch. 44 §33B:
 - In keeping with best practices an audit of the Tax Collector's "accounting system" was necessitated by Ms. Shemowat's retirement. Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$1,400 from the Reserve Fund to account #001-135-5301-0000 (Accountant Audit). Seconded by Member Bak. **Approved 5-0.**
 - Member Fox moved to forward to the Finance Committee for approval the request to transfer \$111 from the Reserve Fund to account #001-145-5711-0000 (Treasurer Travel). Seconded by Member Bak. **Approved 5-0.**

- Member Bak moved to forward to the Finance Committee for approval the request to transfer \$1,596.15 from the Reserve Fund to account #001-146-5110-0000 (Collector Salary). This is to cover accrued vacation time for the retiring Tax Collector and a minor year-end shortfall in the salary line. Seconded by Member Stemple. **Approved 5-0.**
- FY 15 Legal Expenses were higher than anticipated. Chair Amoroso moved to forward to the Finance Committee for approval the request to transfer \$8,000 from the Reserve Fund to account #001-151-5311-0000 (Legal Services). Seconded by Member Gorman. **Approved 5-0.**
- There was discussion regarding the Technology budget, the consultant's billing practices, the lack of timely incremental billing for multi-phased projects and the need for departments to advise the TA on work orders so that invoiced services would not come as a surprise. The TA expects the process to be smoother going forward in FY 16. Member Gorman moved to forward to the Finance Committee for approval the request to transfer \$14,752.07 from the Reserve Fund to account #001-156-5306-0000 (Technology Consulting). Seconded by Member Bak. **Approved 5-0.**
- The Board took up Inter-departmental transfers. This fiscal practice was enabled by the State's municipal reform act around 2010. This type of transfer can occur only in the last two months of the fiscal year.
 - Pursuant to MGL Ch. 44 §33B, Member Stemple moved to transfer \$1,000 from 001-192-5115-000, Town Hall Clerical Salary, to 001-192-5241-0000, Town Hall Building/Grounds Maintenance Service. Seconded by Member Gorman. **Approved 5-0.**
 - Pursuant to MGL Ch. 44 §33B, Member Fox moved to transfer \$325 from 001-241-5112-0000, Building Inspector Salary, to 001-241-5599-0000, Building Inspector Office Supplies. Seconded by Member Bak. **Approved 5-0.**
 - Pursuant to MGL Ch. 44 §33B, Member Bak moved to transfer \$11,949 from 001-220-5116-0000, Fire Salary - Per Diem FF, to 001-215-5134-0000, Dispatch Overtime Full-time. Seconded by Member Fox. **Approved 5-0.**
 - Chair Amoroso moved to rescind the vote taken on June 1, 2015 to forward a reserve fund transfer request to the Finance Committee to cover a deficit in Snow and Ice Vehicle Maintenance Supply. Seconded by Member Fox. **Approved 5-0.**
 - Pursuant to MGL Ch. 44 §33B, Chair Amoroso moved to transfer \$12,055 from 001-422-5114-0000, DPW Salary, to 001-423-5442-0000, Snow and Ice Vehicle Maintenance Supply. Seconded by Member Gorman. **Approved 5-0.**
 - Pursuant to MGL Ch. 44 §33B, Member Gorman moved to transfer \$1,075 from 001-630-5126-0000, Rec Comm Part-time Salary, to 001-630-5241-0000, Rec Comm Contracted Services. Seconded by Member Bak. **Approved 5-0.**

OLD BUSINESS (Continued)

- Member Fox opened discussion on extending the term of the Intermunicipal Agreement for Regional Housing Consultant Services. Town Planner Adam Duchesneau was present for this discussion. Tonight's action is to follow up on previous discussions regarding this status of this IMA and that this request would be coming back before the Selectmen. These services were extremely helpful in updating the Town's Housing Production Plan, and there are other initiatives that may be available to the Town through this program. This expense is being funded through the Affordable Housing Trust. There was one minor correction identified – the contact person needs to be changed to the current Town Planner, Adam Duchesneau. Further to the recommendation of the Housing Board, Member Fox moved to renew the Intermunicipal Agreement by and between the Towns of Hudson, Littleton, Boxborough, Stow and Bolton for the purpose of sharing the services and costs of a common Regional Housing Consultant for a third one-year term, commencing on January 1, 2016, and expiring on December 31, 2016. Seconded by Member Stemple. **Approved 5-0.**

NEW BUSINESS (Continued)

- The Selectmen reviewed the input received from Town Counsel concerning the performance evaluation process. Current law governing these matters severely hinders us. It is not helpful or practical when dealing with the realities of the process. There was discussion as to how to manage the current performance evaluations and how to administer this process going forward. It was determined that more direction is needed from Town Counsel on this.

- TA Shaw reported on the status of the Selectmen's goals. She commented on the status of the Grange Meeting Room improvements and noted that residents at Town Meeting had voiced their desire that the improvements not be done in a piecemeal fashion. The Inspector of Buildings has been working on a comprehensive plan for the room. It was also noted that the status of the Local Emergency Planning Committee (LEPC) certification should be reviewed. The goals will be reviewed again in the next few months.
- The Selectmen took up the Employee Reappointments. Chair Amoroso moved to appoint the following for a term commencing July 1, 2015, and ending on June 30, 2016:

Employee	Title/Position
Donald Morse	Animal Control Officer-- Other
Donald Morse	Cemetery Superintendent
Phyllis Tower	Animal Control Officer-- Dogs & Cats
David Birt	Election Warden
Owen Neville	Election Warden
Phyllis Tower	Field Driver
Patrick McIntyre	Tax Collector
Jennifer B. Barrett	Town Accountant
Ruth T. Anderson	Town Assessor
Adam Duchesneau	Town Planner
Patrick McIntyre	Town Treasurer
David G. Lindberg	Inspector of Buildings/ Code Administration Officer
Craig Martin	Call Inspector of Buildings/ Code Administration Officer
Charles Weeks	Inspector of Wires
William C. Morehouse	Assistant Inspector of Wires
Gary Corey	Inspector of Gas & Plumbing

Employee	Title/Position
Norman Card, Jr.	Assistant Inspector of Gas & Plumbing
Kopelman & Paige. PC	Town Counsel
Robert Bielecki	Patrol Officer
Patrick S. Colburn	Patrol Officer
Philip M. Gath	Patrol Officer
Jeffrey C. Landgren	Patrol Officer
Robert R. Romilly, Jr.	Patrol Officer
Nicholas A. DiMauro	Sergeant
Brett A. Pelley	Sergeant
Gordon N. Clark	Special Police Officer
Robert DaCosta	Special Police Officer
Steven P. Duffy	Special Police Officer
Frank Gordon	Special Police Officer
Peter Kinnas	Special Police Officer
Patrick E. Mortimer	Special Police Officer
Katelyn Pfeifer Special	Special Police Officer
Phyllis Tower	Lock-up Attendant
Richard Tower	Lock-up Attendant
Amy Waxman	Lock-up Attendant

Seconded by Member Fox. **Approved 5-0.**

- Member Fox opened discussion on the Intermunicipal Agreement (IMA) with the Town of Littleton for the provision of Animal Control Officer Services. The Town entered into an IMA with Littleton for Animal Control Officer Services last year. The agreement being presented is, for the most part, an extension of the previously agreed-to terms, with changes to some of the compensation terms, increasing some amounts, specifically as to those for after-hours services. Member Fox moved that the Board of Selectmen vote, pursuant to MGL C.40, §4A, to authorize execution of an Intermunicipal Agreement with the Town of Littleton for the provision by Boxborough of animal control officer services for Littleton at a base cost of \$17,000, for a term commencing July 1, 2015 and running through June 30, 2016. Seconded by Member Stemple. **Approved 5-0.**
- Member Fox moved to submit a joint application with the Towns of Acton, Littleton, Maynard and Westford for a Community Compact with the Baker/Polito Administration for the CrossTown Connect Transportation Management Association as a "best practice" for transportation. Seconded by Member Gorman. Member Fox opened the discussion by noting this statewide initiative may provide the town with the opportunity to share resources and receive some form of technical assistance. The TA commented that no funding or specific resource

commitments have yet been identified by the state. The Chair raised concerns about entering into an agreement with the "Administration" versus one with the Commonwealth. The Selectmen requested additional information and would like to see sample language of a compact document.

- Discussion was opened on amending our Memorandum of Understanding (MoU) with the A-B Regional School District, specifically regarding DPW services provided to the Blanchard School. TA Shaw explained that A-B Region personnel contacted DPW and requested their assistance to push back snow at the Blanchard parking lot this past winter. The requested services were provided; however, it came to light that requesting the DPW to perform these tasks as well as the associated compensation had not been addressed in the MoU which was executed last year. The TA asked Town Counsel to prepare revisions to the MoU to address these circumstances. DPW Director Garmon and ABRSD Facilities Manager Head reviewed the covered tasks and agreed on the terms. However, the A-B Regional School Committee has not had an opportunity to provide their input on the revised MoU. The Selectmen will defer any action until ABRSC has provided their input.
- The Selectmen reviewed their Liaison assignment for FY 16. Except for the reassignment of Clerk responsibilities to Member Bak, these assignments are unchanged; references to those boards that are no longer active were deleted from the list.

CORRESPONDENCE

- The various communications regarding the Minuteman School District will be discussed at a later date.

CONCERNS OF THE BOARD

- There was discussion regarding the Town's paving project schedule and the status of the current paving project. The DPW will be asked to prepare an updated schedule for posting.
- Member Bak asked that the Board provide her with input regarding the formation of the vocational education study group so a charge can be developed. TA Shaw will compile any input.

ADJOURN

- The meeting adjourned at 10:15 p.m.

COMMUNITY COMPACT APPLICATION

**Cross Town Connect Transportation Management Association-
Towns of Acton, Boxborough, Littleton, Maynard and Westford**

This is the part of a regional compact application - Yes

*Best Practice Area #1 - **Transportation and Citizen Safety** - Other*

Why did you choose this best practice?

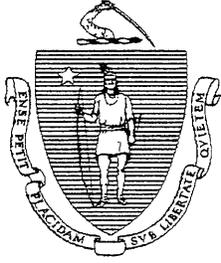
The Towns of Acton, Boxborough, Littleton, Maynard and Westford – working together, and with private sector partners including IBM, Red Hat, Juniper Networks, the Guterrez Co., and Clock Tower Place-- have established the CrossTown Connect (CTC) Transportation Management Association (TMA) to expand transportation opportunities which promote economic development in the Route 2 / I-495 technology corridor, and to better address the needs of commuters, reverse commuters, senior citizens, persons with disabilities, special populations, and the general population in our region.

Our five Towns have made significant strides together— even receiving recognition from the International City/County Management Association (ICMA) with a Local Government Excellence Award for Community Partnership, to be presented at ICMA’s 2015 annual conference in Seattle this September. But there is much more we need to accomplish—particularly to address first mile / last mile / reverse commute issues and better link where employees live with where they work—for which we now seek to partner with the Baker/Polito Administration through the Community Compact program.

Some \$277-million in long-awaited capital improvements to the Fitchburg Commuter Rail Line will be complete by January 2016, with the stated goal of reducing the commute from Fitchburg to Porter Square to one hour. For our part, CrossTown Connect communities hope to see earlier, later, and more frequent service, including a first reverse-commute-of-the-day from Boston that can arrive at South Acton and Littleton MBTA stations before – rather than after – 8 AM, so that employees commuting out to our region can get to work on time. Additional on-site parking is also needed at the newly reconstructed Littleton MBTA station, in particular. Central Transportation Planning Staff (CTPS) transportation planners are currently exploring community and corporate shuttle routes for our towns, which would help to expand our region’s economic base. A Community Compact with the Administration can help ensure that this effort receives needed attention and support.

CrossTown Connect straddles the boundaries of the Lowell and Montachusett regional transit authorities, with three towns in one, and two in the other. CTC provides a centralized dispatch function for council on aging shuttles operated by individual towns; but seeks to work with LRTA, MART, and MassDOT to overcome the many bureaucratic hurdles which prevent further integration of our services. By way of example, a COA shuttle from Littleton (MART) ought to be able to pick up a senior in Acton (LTRA) on its way to Emerson Hospital in Concord, especially if that frees up a shuttle to take other seniors to other destinations. A Community Compact with the Administration can help ensure that we identify and overcome the bureaucratic hurdles and streamline redundant operations to help meet the needs of our growing senior population.

CrossTown Connect works with MassRIDES to promote transportation demand management; and seeks to join with other TMAs through the Statewide Commuter Options Program to enhance our ability to reduce traffic congestion and improve air quality. While we are part of ongoing discussions between MassDOT and MassCommute about the future of TMA funding programs in Massachusetts, a Community Compact with the Administration can help ensure that needs of newer TMAs, such as CrossTown Connect, can receive full attention.



Office of the Governor
Commonwealth of Massachusetts
State House • Boston, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

June 11, 2015

Dear Municipal Executive:

The Baker-Polito Administration is pleased to announce the opening of the inaugural round of Community Compact applications. For the past 5 months, Governor Baker and I have traveled the Commonwealth and met with municipal leaders. In partnering with our hardworking municipalities, we pave the way for better and brighter opportunities in our schools and communities.

Becoming a strong partner with our municipalities is a critical first step in the right direction for our Administration, and the Community Compact agreements are one way the state is being responsive to the needs of municipalities. The Compact spells out the commitments of the state and gives the municipal leader the flexibility to choose a best practice (or practices) that make the most sense for your community. The website includes a listing of the best practice areas to choose from.

To help inform you in considering entering into a Community Compact, the website includes a helpful Question and Answer section. There will be no cost to your community to enter into a Compact and the state will endeavor to provide you with resources toward implementing your chosen best practice (or practices). For more information and to apply please visit:
www.mass.gov/CCC .

You may access the application page, however to begin the application you will need a password. The password for your community is yuBuSP6w. Applications cannot be saved once they are started and should be completed all at once. Your community can only make one submission for this cycle. Applications are accepted on a rolling basis and will be reviewed within one month of submission.

As the Chair of the Community Compact Cabinet, I look forward to working with you in the coming weeks and months. If you have any questions, contact Sean Cronin, Senior Deputy Commissioner of Local Services, at croninse@dor.state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Karyn E. Polito".

KARYN E. POLITO
LIEUTENANT GOVERNOR



The Official Website of the Governor of Massachusetts

**Governor
Charlie Baker**

Home > The Administration > Councils, Cabinets, Commissions, Panels, & Task Forces > Community Compact Cabinet > Community Compact FAQs

Community Compact Frequently Asked Questions

- Governor Charlie Baker
- Lieutenant Governor Karyn Polito
- Cabinet
- Governor's Internship Program
- Councils, Cabinets, Commissions, Panels, & Task Forces
- Community Compact Cabinet
 - Compact Application
 - Frequently Asked Questions
 - Commonwealth Commitments
 - Best Practice Areas
- Judicial Nominating Commission
- Staff

1. **What is a Community Compact?**
 The Community Compact is a voluntary, mutual agreement entered into between the Baker-Polito Administration and individual cities and towns of the Commonwealth. In a Community Compact, a community will agree to implement at least one best practice that they select from across a variety of areas. The community's chosen best practice(s) will be reviewed between the Commonwealth and the municipality to ensure that the best practice(s) chosen are unique to the municipality and reflect needed areas of improvement. Once approved, the written agreement will be generated and signed by both the municipality and the Commonwealth. The Compact also articulates the commitments the Commonwealth will make on behalf of all communities.
2. **When was the Community Compact program launched?**
 The first Executive Order, signed by the Governor in January 2015, established the Community Compacts. The Order creates a Community Compact Cabinet that will work toward mutual accountability, work to reduce red tape, promote best practices, and develop specific 'Community Compacts' with local governments. These Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as we seek to create better government for our citizens. The Baker-Polito Administration values input from the municipal leaders of the Commonwealth and will utilize the Community Compacts as a way to continue to engage them.
3. **What communities are eligible for a Community Compact? And are these optional?**
 The Community Compact agreement is open to all the cities and towns of the Commonwealth. While a great tool for cities and towns, Community Compacts are optional. All Compact agreements are subject to review by the Division of Local Services before they are signed.
4. **How does a Community Compact work? What is the obligation of my community?**
 Communities will self-identify the best practice(s) from the list on the Community Compact website. The community's chosen best practice(s) will be reviewed between the Commonwealth and the municipality to ensure that the best practice(s) chosen are unique to the municipality and reflect needed areas of improvement. Once approved, the written agreement will be generated and signed by both the municipality and the Commonwealth. The municipal leader will be required to sign and authorize the Compact for a community. Those communities participating in the Community Compact will, over a two year period, implement the best practice(s) they selected when entering into the Compact. Resources for technical assistance from the Commonwealth will be prioritized for those communities entered into a Compact and seeking to implement their best practice(s). The Division of Local Services serves as the primary point of entry for communities looking for resources in best practice development and implementation.
5. **What is the obligation of the Commonwealth?**
 The Commonwealth's commitments are found on the Community Compact website. In addition, the Commonwealth will offer incentives to communities for entering into a Community Compact, including prioritizing Commonwealth technical assistance resources to help reach your chosen best practice(s). Extra points on certain grants, and a grant program specifically for Compact communities are also incentives included for participation in the program.
6. **Is there a deadline to apply for the Compact? How do I access the application?**
 No. A community may choose to enter into the Community Compact at any time. Each Compact agreement will run for two years. During the two year period of each compact, the Division of Local Services will periodically check in with the communities to monitor progress towards the implementation of the selected best practice(s). The application can be found by visiting www.mass.gov/ccc. You will need a passcode to fill out the Community Compact application. If you do not have a passcode, please contact DLS by sending an email to Daniel Bertrand at bertrandd@dor.state.ma.us.
7. **Can communities have a joint Community Compact?**
 Yes, for smaller communities, regionalization of the Compact is an option. The Communities will individually fill out an application, choose the same best practice(s) and choose the regionalization option on the website.
8. **Where can I find out more information?**
 To find out more information please visit www.mass.gov/ccc.

Recommended Content

People also viewed...

- First Community Compact Applications Launched
- Executive Order No. 554

You recently viewed...

- Community Compact Cabinet
- ITS42
- Statewide Contract User Guides

COMMONWEALTH COMMUNITY COMPACT

WHEREAS cities and towns and the Commonwealth must work together to create the conditions for a strong and resilient economy; and

WHEREAS cities and towns face increasing pressures on municipal and school budgets which impact essential services; and

WHEREAS cities and towns are partners with the Commonwealth and the Baker-Polito Administration is recommitting itself to that partnership through the Community Compact Cabinet; and

WHEREAS the Commonwealth is committed to promoting mutual standards of best practice for both the state and municipalities that will create clear standards, expectations, and accountability for both partners; and

WHEREAS the citizens of Massachusetts are right to expect forward-thinking, innovative government from both the Commonwealth and local governments.

Commonwealth Commitments

As a sign of its commitment to an improved partnership with cities and towns, the Baker-Polito Administration:

- Intends to be a reliable partner on local aid.
- Pledges to work with our partners in the Legislature toward earlier local aid formula funding levels.
- Will work to make available technical assistance opportunities for cities and towns as they work toward best practices.
- Will not propose any new unfunded state mandates, and we will look at existing mandates with a goal toward making it easier to manage municipal governments.
- Will give special attention, in its review of state regulations, to those that affect the ability of municipalities to govern themselves.
- Pledges to work closely with municipal leaders to expand opportunities to add municipal voices to those state boards and commissions that impact local governments.
- Will introduce incentives for municipalities that sign Compacts in existing and proposed state grant opportunities, including proposals for technical assistance grants available only to compact communities.
- Will identify ways to expedite state reviews that can often slow down economic development opportunities or hinder other municipal interests.

God Save the Commonwealth of Massachusetts

Community Commitments

NOW THEREFORE the City of Worcester pledges to adopt the following best practices:

1. **Citizen Engagement:** There is a documented citizen engagement strategy for deployment of technology solutions, including a public communication strategy and a professional development strategy to ensure that internal resources can effectively engage with users via technology.

The Commonwealth will work with the City of Worcester as a partner in implementing these best practices, including prioritizing technical assistance when that is needed to accomplish execution of a new best practice.

Commonwealth Compact Community Incentives

The Baker-Polito Administration seeks to recognize municipalities that are striving to become more innovative and accountable and introduce incentives through various state grants and programs to reward municipalities who have signed Community Compacts and committed themselves to continuous improvement. Municipalities that pledge to adopt best practices through compacts will get bonus points on selected state grant programs and will be prioritized for various technical assistance programs.

TOGETHER we sign this Community Compact in a spirit of partnership and public service, understanding that we serve the citizens of our Commonwealth and that our citizens deserve the best government possible.

Signed this 24th of June in the Year 2015

Lt. Governor Karyn Polito
Joseph Petty
Commonwealth of Massachusetts
Mayor of Worcester

Commonwealth of Massachusetts



Community Compact Cabinet & Becoming a “Compact Community”

DRAFT FOR POLICY DEVELOPMENT
PURPOSES ONLY



What is the CCC



- Created by the Governor’s first Executive Order (#554), the Community Compact Cabinet (CCC)
 - Improves state-municipal relations by having state agencies work better with and for municipalities
 - Works to better coordinate and leverage state resources available to cities and towns
 - Strives to incentivize best practices at the local level

- Membership:
 - Lieutenant Governor (Chair)
 - Senior Deputy Commissioner, Division of Local Services (Vice-Chair)
 - Secretary of the Executive Office of Housing and Economic Development
 - Secretary of the Executive Office of Education
 - Secretary of Transportation
 - Secretary of the Executive Office of Energy and Environmental Affairs
 - Assistant Secretary for Operational Services
 - Chief Information Officer



Areas of Responsibility



- Champion municipal interests across all executive secretariats and agencies;
- Develop mutual standards of best practices for both the state and municipalities;
- Develop ideas to incentivize adoption of best practices at the municipal and school district level;
- Work with the Local Government Advisory Commission (LGAC) to resolve issues and implement recommendations made by the LGAC and approved by the Governor;
- Review state regulatory burdens on municipalities and school districts and recommend reforms;
- Understand the major cost drivers of municipalities and school districts and identify actions that the Commonwealth, municipalities and school districts can take to control them;
- Identify and remove barriers to economic development opportunities for cities and towns;
- Empower cities and towns and school districts by finding new ways for local governments to leverage state resources and capacity.

3

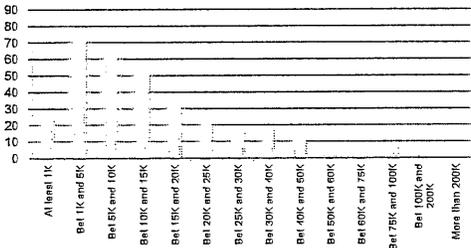


Inclusive Approach – Assistance for all Communities



- Massachusetts is a Commonwealth of 351 cities and towns - both large and small

MASSACHUSETTS MUNICIPALITIES POPULATION



Population Range	Number of Municipalities
All less than 1K	~85
Between 1K and 5K	~15
Between 5K and 10K	~10
Between 10K and 15K	~5
Between 15K and 20K	~3
Between 20K and 25K	~2
Between 25K and 30K	~1
Between 30K and 40K	~1
Between 40K and 50K	~1
Between 50K and 60K	~1
Between 60K and 75K	~1
Between 75K and 100K	~1
Between 100K and 200K	~1
More than 200K	~1

- The Baker/Polito Administration is committed to helping all communities achieve best practices
- Any community, regardless of population, that enters into a Compact will be eligible for technical assistance

4



What is a Community Compact?



- The Community Compact is a voluntary, mutual agreement between the Administration and municipality
- In a Community Compact, a community will agree to implement at least one best practice that they select from across a variety of areas
- Once approved, the written agreement will be generated and signed by both the municipality and the Commonwealth
- The Compact also articulates the commitments the Commonwealth will make on behalf of all communities

5



Commonwealth's Commitments



- As a sign of its commitment to an improved partnership with cities and towns, the Baker-Polito Administration:
 - Intends to be a reliable partner on local aid.
 - Pledges to work with our partners in the Legislature toward earlier local aid formula funding levels.
 - Will work to make available technical assistance opportunities for cities and towns as they work toward best practices.
 - Will not propose any new unfunded state mandates, and we will look at existing mandates with a goal toward making it easier to manage municipal governments.
 - Will give special attention, in its review of state regulations, to those that affect the ability of municipalities to govern themselves.
 - Pledges to work closely with municipal leaders to expand opportunities to add municipal voices to those state boards and commissions that impact local governments.
 - Will introduce incentives for municipalities that sign Compacts in existing and proposed state grant opportunities, including proposals for technical assistance grants available only to compact communities.
 - Will identify ways to expedite state reviews that can often slow down economic development opportunities or hinder other municipal interests.

6



Why Enter Into a Community Compact?



- Allows your community to implement a best practice(s) that you might otherwise be unable to
- Shows residents and taxpayers that you are striving to follow best practices
- The Commonwealth will offer incentives, including prioritizing Commonwealth technical assistance resources to help reach your chosen best practice(s)
- Extra points on certain grants, and a grant program specifically for Compact communities, are also incentives

7



How to Become a Compact Community



- Visit Mass.gov/CCC and choose "Compact Application"
- Then choose the Best Practice(s) you want to implement and briefly explain why
- Hit submit and that's it!
- Division of Local Services (DLS) will review and forward to the appropriate Secretariat for review and follow-up with the municipality
- The Commonwealth will work with the municipality to obtain technical assistance resources to help reach your chosen best practice(s)
- Each Compact agreement will run for two years
 - During the two year period of each compact, the DLS will monitor progress
 - Progress payments made based on project timeline community has with consultant

8

 Areas of Best Practices 						
Financial Management	Housing / Economic Development	Education	Energy /Environment	Technology	Transportation / Citizen Safety	Regional Cooperation
Budget Document	Preparing for success	Administration and finance	Maximizing energy efficiency and Renewable opportunities	Cyber-security	Complete streets	Explore sharing services-regionwide
Financial policies	Housing	Coordination and collaboration - professional development	Climate Change mitigation and adaptation	Transparency	Safe routes to school	
Long-range planning	Infrastructure	Coordination and collaboration - higher education	Sustainable development and land protection	Business continuity	Assist and mobilize future IT/teleworkers	
Capital planning	Competitiveness	Coordination and collaboration - transition	Resource management	Citizen engagement	Sharing best practices	
Revised Financial Management Structure	Job creation & retention	Coordination and collaboration - early education	Waste and site cleanup	Data standards	Citizen safety	
Other	Other	Other	Promoting agriculture	Other	Other	
			Other			

7c
Submit this Form to District Highway Director



WRAP - FINAL REPORT

updated 8/2012

CONTRACT# 81975

City/Town	<u>Boxborough</u>	Project	<u>WRAP</u>
Location(s)	<u>Various Locations Throughout Town</u>		
Length	<u>n/a</u>	Feet	Width
			<u>n/a</u>
Work was Started	<u>4 / 30 / 15</u>	and Completed	<u>6 / 30 / 15</u>
Work was Suspended	<u>/ /</u>	and Resumed	<u>/ /</u>
Done by: Force Account	<u>x</u>	Advertised Contract	<u>Other</u>

* REMARKS: Daily Activity Reports indicate locations and manner of repair.

EXPENDITURES:	State Funds @ 100%	\$
	Municipal Funds	\$32,269.45
	Other Funds	\$
	TOTAL PROJECT EXPENDITURES	\$32,269.45

SCOPE OF WORK:

Damaged posts, panels and terminal ends of guardrails were replaced. Centerline striping was done on 17,952 feet of roadway. Pothole repair and spot paving was done through the Town.

CERTIFICATION

The undersigned hereby certify under penalties of perjury that documentation to substantiate the above expenditures is available for examination in accordance with Executive Order No. 195 (April 27, 1981) and Chapter 11, Section 12.

We further certify that all equipment rental costs are within the approved limits established by the MassDOT Highway Division, that the Municipality has complied with all applicable statutes and regulations, that the requests for reimbursements for allowable project expenses actually incurred are in conformance with the "Chapter 90" Project Request, and that the Municipality will be responsible for the future maintenance of this project including the cost thereof.

Copies of the notification published in the Central Register and notice in a newspaper of local circulation required by Chapter 149, Section 44J, and the prevailing wages as determined by the Department of Labor and Industries obtained in compliance with Chapter 149, Section 27F, of the General Laws, as applicable, must be attached.

PREPARED & REVIEWED BY	
<i>Thomas J. [Signature]</i>	
<i>Director</i>	<i>7/17/15</i>
Highway Officer's Title	Date
Accounting Officer's Title	Date

Signed:	
Duly Authorized Municipal Officials	Date

- Include additional Contract Nos. if other Chapter 90 Funds were also used. List street names, total amounts charged to each location, extra work orders, etc. Use back if necessary, or attach supporting papers.



WRAP – REIMBURSEMENT REQUEST

updated 8/2012

City/Town: Boxborough Project: WRAP 87128

Project request was approved on 5-1-2015 for \$ 32,874.00

at 100% Reimbursement Rate = \$ 32,874.00

1) Attached are forms which document payment of approved expenditures totaling \$32,269.45 for which we are requesting \$32,269.45 at the approved reimbursement rate of 100%.

2) The amount expended to date on this project is \$32,269.45

3) Is this request for a FINAL payment on this project? Yes No

4) Remarks:

All work for this project has been completed and documentation is attached.

CERTIFICATION

A. I hereby certify under penalties of perjury that the charges for labor, materials, equipment, and services itemized and summarized on the attached forms are true and correct, and were incurred on this project in conformance with the MassDOT Highway Division Policies and established Municipal Standards that were approved for this project.

Thomas A. Deane
(Signed)

Director
(Municipal Highway Official Title)

7/17/15
(Date)

B. I/we certify under penalties of perjury that the items as listed or summarized on the attached forms were examined; that they are in conformity with our existing wage schedule, equipment rates, and all applicable statutes and regulations; that they are properly chargeable to the appropriation(s) designated for this work; and that Executive Order No. 195, dated April 27, 1981 and Chapter 11, Section 12 is acknowledged as applicable.

REVIEWED AND APPROVED FOR TRANSMITTAL

by _____ Signed: _____

(Accounting Officer's Title)

(Duly Authorized)

DATE _____



WRAP - MATERIALS - HED 454 FORM

City/Town of Boxborough

MATERIALS for period beginning 4/29/15 and ending 6/30/14
 both inclusive, on account of Contr: 87128 with MassDOT Highway Division,
 under Section 34, Clause 2(a). of Chapter 90 of the General Laws.

VENDOR NAME	ITEM	QTY.	UNIT	UNIT PRICE	AMOUNTS	CHECK #	REMARKS
				\$	\$		
Bartlett Consolidated	Guardrail Repair	1	job	4,980.0000	4,980.0000	60073	
Boxborough PD	Detail	8	hrs	48.0000	384.0000	60095	
Perma-Line	Road Signs	1	order	925.2400	925.2400	60090	
Perma-Line	Road Signs	1	order	292.7500	292.7500	60090	
Boxborough PD	Details	1	hrs	72.0000	72.0000		
Boxborough PD	Details	12	hrs	48.0000	576.0000		
Brox	Top Course	50.18	tons	74.0000	3,713.3200	60271	
PJ Keating	HMA	1.52	tons	67.0000	101.8400	60308	
PJ Keating	Emulsion	6	pails	51.7500	310.5000	60308	
PJ Keating	HMA	63.09	tons	67.0000	4,227.0300	60308	
PJ Keating	Emulsion	7	pails	51.7500	362.2500	60308	
PJ Keating	HMA	159.99	tons	67.0000	10,719.3300	60308	
Poirier Guidelines	Center Line Striping	1	job	2,150.0000	2,150.0000	60311	
Stow PD	Details	9	hrs	399.0000	399.0000		
PJ Keating	HMA	3.98	tons	67.0000	266.6600		
PJ Keating	Emulsion	1	pail	51.7500	51.7500		
PJ Keating	HMA	40.09	tons	67.0000	2,686.0300		
PJ Keating	Emulsion	1	pail	51.7500	51.7500		
					\$ -		
					\$ -		
TOTAL					\$ 32,269.4500		

"To the best of my knowledge the purchases of materials or services appearing on this sheet are not in conflict with Chapter 779 of the Acts of 1962.
 Signed under the penalty of perjury."

[Signature] 7/17/15
 Supervisor / Foreman Date

 Town Accounting Approval Date



CHAPTER 90 - PAYROLL - HED 600 FORM

City/Town of Boxborough

PAYROLL for period beginning 5/10/2015 and ending 5/16/2015

both inclusive, on account of Contract No. 87128 with MassDOT Highway Division,

under Section 34, Clause 2(a). of Chapter 90 of the General Laws.

EMPLOYEE NAME	CLASSIFICATION	TIME							Total Hrs.	RATE \$	AMOUNTS \$	CHECK #
		Days										
		S	M	T	W	T	F	S				
Dave Smith	Fence/rail erector					4.0			4.00	\$ 51.0000	\$ 204.0000	
William O'Brien	Fence/rail erector					4.0			4.00	\$ 51.0000	\$ 204.0000	
Matt Palavanchi	Fence/rail erector					4.0			4.00	\$ 51.0000	\$ 204.0000	
									-	\$	-	
									-	\$	-	
									-	\$	-	
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									-	\$	-	
									-	\$	-	
									-	\$	-	
									-	\$	-	
									-	\$	-	
TOTAL										\$	612.0000	

"To the best of my knowledge, the payroll or the rental of hired or municipally owned equipment appearing on this sheet is not in conflict with Chapter 779 of the Acts of 1962. Signed under the penalty of perjury".

[Signature] 7/17/15
Supervisor / Foreman Date

Town Accounting Approval Date



CHAPTER 90 - PAYROLL - HED 600 FORM

City/Town of Boxborough

PAYROLL for period beginning 4/26/2015 and ending 5/2/2015

both inclusive, on account of Contract No. 87128 with MassDOT Highway Division,

under Section 34, Clause 2(a). of Chapter 90 of the General Laws.

EMPLOYEE NAME	CLASSIFICATION	TIME							Total Hrs.	RATE	AMOUNTS	CHECK #
		Days										
		S	M	T	W	T	F	S				
Robert Viy	Traffic Painter					1.0			1.00	\$ 50.2500	\$ 50.2500	
Mathew Viy	Laborer					1.0			1.00	\$ 50.2500	\$ 50.2500	
Shemy Hamilton	Paint Truck Driver					1.0			1.00	\$ 47.3500	\$ 47.3500	
									-	\$	-	
									-	\$	-	
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									-	\$	-	
TOTAL										\$	147.8500	

"To the best of my knowledge, the payroll or the rental of hired or municipally owned equipment appearing on this sheet is not in conflict with Chapter 779 of the Acts of 1962. Signed under the penalty of perjury".

[Signature] 7/17/15
Supervisor / Foreman Date

Town Accounting Approval Date

Department Head Performance Appraisals

7d

	Option	Downside	Question for Town Counsel	Response from Town Counsel
1	BoS liaison compiles written feedback from other Board members and creates a composite performance appraisal	<ul style="list-style-type: none"> • How do we handle conflicting feedback? • Easy to give positive feedback, but difficult to give feedback where improvement is required particularly in a public forum – unless the performance is based strictly on measurable and quantifiable goals 	<ul style="list-style-type: none"> • Can the liaison meet with the department head privately to discuss the performance appraisal? If so, does the document become a public record? • Can the written performance appraisal be given to the department head without any discussion? If so, does the document become a public record? • Or must the appraisal be <u>delivered and discussed</u> during an open meeting? 	<ul style="list-style-type: none"> • Concern that the AG's office would view this action as subterfuge designed to avoid the Open Meeting law. • Requirement that discussion of employee's performance by a multi-member board take place in open session • Yes, the composite evaluation becomes public. AG's office would say that the individual evaluations would become public <p><u>Recommendations</u> Non-member compile the evaluations</p>
2	Liaison creates the performance appraisal for department head without any written feedback from other Board members.	Opinion of one Board member may not provide a balanced view of the actual performance - unless the performance is based on measurable and quantifiable goals/objectives	<ul style="list-style-type: none"> • Can the liaison meet with the department head privately to discuss the performance appraisal? If so, does the document become a public record • Or must the appraisal be <u>delivered</u> during an open meeting? 	<ul style="list-style-type: none"> • If no written or verbal feedback from other Board members, the Liaison may write the performance evaluation and deliver it privately. • Written evaluation is exempt from disclosure under Public Records law.
3	Do not do written performance appraisals	If there's a performance problem and no documented feedback, it makes it difficult to take whatever steps are necessary to terminate the employment		Not recommended.

Selina Shaw

From: Joseph S. Fair [REDACTED]
Sent: Wednesday, November 12, 2014 10:48 AM
To: [REDACTED]
Cc: Selina S. Shaw (sshaw@boxborough-ma.gov); John Giorgio
Subject: Performance evaluations conducted by the Board of Selectmen

Susan:

I am writing in response to your inquiry last week regarding what process the Board of Selectmen may follow when conducting performance evaluations of employees. As I had mentioned when we spoke, there were a number of revisions to the Open Meeting Law that went into a few years back which altered to some extent the advice we had previously provided to clients on the subject. Additionally, the Attorney General's Office has issued a number of rulings, opinions and other published advice subsequent to the change in the law that are instructive on the issue. Although it is our opinion that the Attorney General's Office has interpreted some of the revisions to the Open Meeting Law too broadly as it relates to the subject of performance evaluations, particularly as it relates to whether the written performance evaluation instrument is no longer exempt from public disclosure as a "personnel record", the information that follows below reflects the positions that we believe the Attorney General's Office would likely take regarding the performance evaluation process. Furthermore, if the Attorney General's Office's interpretation of the Open Meeting Law as it relates to performance evaluations were to be challenged in court, there is a reasonable likelihood, in our opinion, that the Attorney General's interpretation would be given some deference by the court in light of the fact that the Open Meeting Law is a statute over which the Attorney General is responsible for enforcing.

Having said this, it continues to be the case that "[p]erformance evaluations and discussions of an employee's professional competence must occur in open session." G.L. c. 30A, §21(a)(1); District Attorney for the Northern District v. School Committee of Wayland, 455 Mass. 561, 569 (2009). However, to the extent that the Supreme Judicial Court ("SJC") had previously held in School Committee of Wayland that the actual drafting of the performance evaluation could take place in Executive Session so as to preserve the employee's privacy interests in his/her written performance evaluation instrument per the Public Records Law (see Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 799 (2000)), the Attorney General's Office has taken the view that written performance evaluations are no longer exempt under the revised Open Meeting Law. Instead, the Attorney General has ruled that "[s]imply stated, evaluations of the professional competence of public officials that are conducted by public bodies must be done publicly and in accordance with the requirements of the Open Meeting Law. Furthermore, all written evaluations completed by members of a public body, whether individual or comprehensive in nature, are public records and may be available to the public upon request following the completion of the evaluation process." OML-2011-24. In light of this, it is clear that the Attorney General's Office is of the opinion that the revised Open Meeting Law no longer allows a multi-member board to enter Executive Session for the purpose of drafting the written performance evaluation document itself.

With respect to the process that a multi-member board could now follow when conducting performance evaluations, the Attorney General's Office has provided the following guidance:

May the individual evaluations of an employee be aggregated into a comprehensive evaluation?

Yes. Members of a public body may individually create evaluations, and then submit them to an individual to aggregate into a master evaluation document to be discussed at an open meeting. Ideally, members of the public body should submit their evaluations for compilation to someone who is not a member of the public body, for example, an administrative assistant. If this is not a practical option, then the chair or other designated public body member may compile the evaluations. However, once the individual evaluations are submitted for aggregation there should be no deliberation among members of the public body regarding the content of the evaluations outside of an open meeting, whether in person or over email.

As the foregoing demonstrates, the Attorney General's Office has advised that members of a multi-member board may generate individual evaluations of an employee's performance and submit them to a designated individual who would in turn compile the members' individual submissions into a composite or master evaluation. Any and all discussion of the

composite evaluation and/or the individual evaluations by the members of the board, however, could only take place at a properly posted meeting in open session. To the extent that any of the individual evaluations and/or the composite evaluation are discussed by the board and used at a meeting, said evaluations would be considered public records under the Open Meeting Law. In this regard, the Attorney General's Office has offered the following:

Are individual evaluations completed by members of public bodies public records?

Yes. The Open Meeting Law carves out an exception from the personnel records exemption from the Public Records Law for "materials used in a performance evaluation of an individual bearing on his professional competence," that were created by members of a public body and used during a meeting. See G.L. c. 30A, §22(e). Individual evaluations created and used by members of a public body for the purpose of evaluating an employee are public records. Comprehensive evaluations that aggregate the individual public body members' evaluations are also public records if they are used during the course of a meeting. However, evaluations conducted by individuals who are *not* members of public bodies are *not* public records. For example, the individual evaluations created by municipal employees in response to a request for feedback on the town administrator are not public records, provided the employees completing the evaluations are not also members of the public body tasked with evaluating the town administrator's professional competency.

What is less clear, however, is whether evaluations which are not discussed at the meeting are considered public records under the revised Open Meeting Law. Interestingly, the Attorney General's Office states in the above that comprehensive evaluations are public records "if they are used during the course of a meeting." (emphasis added). Similarly, the Attorney General's Office notes that individual evaluations created and "used" by members of the public body for the purpose of evaluating an employee are public records. The Attorney General's Office has previously acknowledged that "[t]he Open Meeting Law does not define what it means for a document to be used at a meeting. At a minimum, it is clear that where a document is physically present, verbally identified, and the contents are discussed by members of a public body during an open session meeting; it has been "used" for purposes of the Open Meeting Law." OML 2013-64 citing OML 2012-42. In those cases where a document is used only by a non-member and not distributed to the body's members during a meeting, however, the Attorney General's Office has previously held that the document has not been "used" at the meeting for purposes of the Open Meeting Law. OML 2012-42. All of this would seem to suggest then that if individual evaluations are created by members of a public body and submitted to a non-member, e.g. Town Administrator, Administrative Assistant, etc., for compilation, but not discussed at the public body's meeting, the individual evaluations have not been "used" within the meaning of the Open Meeting Law and would therefore not be subject to public disclosure. Although it is not entirely clear at this time if the Attorney General's Office would agree with this conclusion, in the event the Board of Selectmen elects to follow the Attorney General's guidance above and have individual members submit evaluations for compilation into a master evaluation, the Board should designate a non-member as the person responsible for compiling the evaluations and should refrain from any discussion or circulation of the individual evaluations among its members if it wishes to preserve its ability to argue that the individual evaluations are exempt from public disclosure under the Open Meeting Law.

I hope the foregoing information is helpful. In the event that you or the Board of Selectmen have any questions, please do not hesitate to contact me.

Thank you.

Joe

*Joseph S. Fair, Esq.
Kopelman and Paige, P.C.*



This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

8 a

Selina Shaw

From: David Lindberg <DLindberg@boxborough-ma.gov>
Sent: Tuesday, July 07, 2015 3:07 PM
To: 'Selina Shaw'
Subject: Electrical Inspection coverage

Importance: High

Selina,

I was just made aware this morning that our Electrical Inspector, Charlie Weeks, and the Assistant, Bill Morehouse, will be on vacation at the same time- the week of July 20th. To provide seamless coverage, I would recommend that the Board of Selectmen appoint Robert Norton as an alternate Assistant Electrical Inspector.

Mr. Norton currently serves the Towns of Stow and Lincoln and comes highly recommended by Charlie Weeks. Mr. Norton has expressed interest in covering in Boxborough and will be available to work for us on the usual Tuesday/Thursday schedule that Charlie and Bill inspect.

I propose that Mr. Norton be compensated in the same manner as the other two inspectors- as a percentage of the permit fee. I will require Mr. Norton to submit an invoice to the Town, at the conclusion of the week, based on the inspections actually performed, which we will then verify against our records.

If convenient for the Board, I would respectfully ask that they address this matter at their July 20, 2015 meeting. If appointed, Mr. Norton could be sworn in on Tuesday, July 21st, so as to be able to inspect for us that day.

Thank you,

Dave

Contact information: Robert Norton
32 Delany Street
Stow, MA 01775
978-897-4781 (h)
978-857-8389 (c)

David Lindberg
Inspector of Buildings
29 Middle Road
Boxborough, MA 01719
978-264-1725
dlindberg@boxborough-ma.gov

8 b

Chief Warren B. Ryder

From: Amanda Lorenti <alorenti@mma.org>
Sent: Friday, July 10, 2015 7:38 AM
To: wryder@boxborough-ma.gov
Cc: kperkins@mma.org; jsiena@mma.org; cwinn@mma.org; jennifer@mcmahoncomm.com
Subject: MIIA Loss Control Grant for Fiscal Year 2016 Town of Boxborough

Dear MIIA Member,

Thank you for your recent MIIA Loss Control grant application.
MIIA is pleased to inform you that your grant has been approved for the following items and amounts.

Cell monitoring systems
in the amount of \$4940.00

If you have any questions or concerns regarding the grant, please contact me or your Loss Control Representative Kevin Perkins - kperkins@mma.org.

Best Regards,
Amanda
--
Amanda Lorenti
Administrative Coordinator
MIIA
One Winthrop Square
Boston, MA 02110
617-426-7272 X 275

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MIIA LOSS CONTROL APPLICATION

The following is a list of items and services that will be considered for the MIIA Loss Control Grant. Please put an X in the checkbox to the left of your requested item or service and answer the question at the bottom. Attach a vendor estimate for each requested item or service and ensure that your application is signed by your Chief Municipal Officer and Chief Procurement Officer. Submit your application to miigrants@mma.org. MIIA staff will confirm receipt of your application and notify you when your award has been processed. **Items that will not be considered include:** travel expenses, wages including overtime, defibrillators, software annual renewal costs.

Item Requested	Cost Per Estimate	Applicable Departments
		Multiple
		Schools, Library
		Multiple
		Schools
		Schools
		DPW, Facilities, Housing Authorities
		DPW
X	\$4,940.00	Police
		DPW, Schools, Facilities
		DPW, Facilities
		DPW, Facilities
		Multiple
		Schools, DPW
		DPW, Schools
		Police
		Police
		DPW, Fire, Police, Schools, COA
		DPW
		Police
		DPW, Facilities
		Schools
		DPW, Facilities
		Library, Schools
		DPW
		Multiple
		Fire
		Schools
		DPW, Facilities
		Multiple

8c

Finance Committee



Reserve Fund Transfer Request

Date: 7/20/15

It is requested by the undersigned that the sum of \$ 12,000 be transferred from the Reserve Fund to:

UMAS Acct. # 001-491-5241-0000

(Fund # - Dept. # - Object - Detail)

Description (e.g. Selectmen's expenses) Cemetery - Building and Grounds Maintenance Svc

The balance in the line item as of 7/13/15 (Date) is \$ 0. An amount of \$ 0 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.

To stabilize and reconstruct portions of the Mead Tomb and the stone wall at North Cemetery, In April (too late to seek an appropriation from Town meeting), when some residents were walking through the cemetery, it was noticed that several crypts had been damaged, leaving portions dangerously exposed. The sites have been temporarily secured by DPW. The RFT will enable the repairs to be made.

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.

<u>William Sutcliffe</u>	(Signature)	William Sutcliffe, Cem Comm Chair	(Title)
<u>Selina Shaw</u>	(Signature)	Selina Shaw, Town Administrator	(Title)
_____	(Signature)	_____	(Title)
_____	(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	Notification of Finance Committee Action
	Date Sent:	Date Sent:
Finance Committee	_____	_____
Department Head	_____	_____
Board of Selectmen	_____	_____
Town Administrator	_____	_____
Town Treasurer	_____	_____
Town Accountant	_____	_____

CALI CORPORATION

5 Victoria Circle
Natick, Ma 01760
June 5, 2015

Boxborough Cemetery Commission
c/o Bill Sutcliffe
540 Stow Road
Boxborough, MA 01719

Re: Stabilize and Reconstruct Portions of Mead Tomb at North Cemetery on Hill
Road in Boxborough, MA

Dear Bill,

We hereby propose to perform the following work to stabilize the Mead Family tomb at the above referenced cemetery:

1. Dismantle and reconstruct stone headwall at entry of tomb.
2. Remove, clean and reset slate plaque at tomb entry.
3. Expose top of vault and repoint up to 10 sq. ft. of roof.
4. Reset stone at hole in top of vault or pour concrete to fill void.
5. Cover tomb floor and remains with sand if it is necessary to enter the tomb to complete repairs.
6. Cover top of vault with loam and seed.

Cost to complete this work will be \$9,300.00. Payments as negotiated. Insurance to be provided by Cali Corp. (workers comp, general liability, auto).

Should you have any questions or need additional information, please contact me any time.

Very truly yours,

Paul E. Chouinard
Cali Corp
Cell # (508) 333-2128



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

8d

massDOT
Massachusetts Department of Transportation

July 1, 2015

Chairman Amoroso
Town of Boxborough
29 Middle Road
Boxborough, MA 0

Received
7-9-2015

RE: Title VI/Nondiscrimination Assurance Requirement

Dear Chairman Amoroso:

On behalf of the Massachusetts Department of Transportation (MassDOT), I am writing to request your review and signature on the attached Federal Highway Administration (FHWA) Title VI/Nondiscrimination Assurance (Assurance).

By signing and returning the attached Assurance, MassDOT will have a clear record of your community's commitment not to discriminate in any program, service or activity supported by federal financial assistance. MassDOT is required to sign this same Assurance as a condition of our receipt of federal funds from the FHWA, and must secure municipally signed Assurances as a prerequisite for state and local collaboration on the development of federally funded transportation projects.

For reference, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin (including limited English proficiency) in any program, service, or activity receiving or benefiting from federal financial assistance. Related federal nondiscrimination provisions further prohibit discrimination based on age, sex, or disability, the latter of which includes the obligation to plan, design and maintain transportation assets consistent with the Americans with Disabilities Act of 1990. MassDOT is making this request of all Massachusetts municipalities, including those without any active or pending transportation projects.

To facilitate this process, I have enclosed the Assurance document for your municipality's signature. The Assurance should be signed by your community's chief elected official(s) on page seven (7) and returned to MassDOT's Office of Diversity and Civil Rights (ODCR) electronically at MASSDOT.CivilRights@state.ma.us or by regular mail to MassDOT-ODCR, 10 Park Plaza, Suite 3800, Boston, MA 02116. Also enclosed is a copy of MassDOT's Title VI Notice to Beneficiaries and Subrecipient Brochure which provide foundational information on this obligation and demonstrate MassDOT's commitment thereto.

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655

Please direct any question or request for assistance to MassDOT's Title VI Specialist, Gregory Sobczynski, via the e-mail address above or by phone at 857-368-8580. I request that these Assurances be signed and returned within thirty (30) days from the date of receipt of this letter. Failure to return a signed Assurance to MassDOT may delay or compromise our ability to provide federal financial assistance to your municipality, including any federally-aided transportation projects on municipally-owned roadways.

Thank you for your consideration of this request and I look forward to your prompt response in this instance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Pollack", written over a horizontal line.

Stephanie Pollack
Secretary/CEO MassDOT

Enclosures (3)



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

TITLE VI/NONDISCRIMINATION ASSURANCES

The United States Department of Transportation (U.S. DOT) Order No. 1050.2A

The Massachusetts Department of Transportation (hereinafter referred to as the "Recipient") hereby agrees that, as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

STATUTORY/REGULATORY AUTHORITIES

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin (including limited English proficiency));
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);

The preceding statutory and regulatory cites are referred to as the "Acts" and "Regulations," respectively.



FEDERAL EXECUTIVE ORDER AUTHORITIES

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations.

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that:

No person in the United States shall, on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from U. S. DOT, including FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Additionally, the Recipient may not discriminate in the selection and retention of contractors, including without limitation, retaining contractors whose services are for, or incidental to, construction, planning, research, highway safety, engineering, property management, realty, fee contracts, and other commitments with persons for services and expenses incidental to the acquisition of rights-of-way.

Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of rights-of-way, and related projects, including those who supply materials and lease equipment.

The Recipient may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where highway rights-of-way acquisitions necessitate relocation(s).

The Recipient may not discriminate by preventing Title VI/Nondiscrimination populations from accessing and using facilities and services provided for public accommodations (i.e., eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the rights-of-way of Federally-assisted highways.

The Recipient shall not locate, design, or construct a highway in such a manner as to deny access to, and use thereof, to any persons on the basis of race, color national origin (including limited English proficiency), age, sex, or disability, including low-income status.

Additionally, the Recipient shall develop and implement a Public Participation Plan in a manner that ensures the identification of Title VI/Non-discrimination population(s), affords the population(s) opportunities to comment on transportation planning and highway project development, and provides for consideration of and prompt response to all substantive comments.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient gives the following Assurances:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all its programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Massachusetts Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) the Acts and the Regulations (FHWA Title VI/Nondiscrimination Assurance), hereby affirmatively ensures that for any contract entered into pursuant to this advertisement, all bidders, including disadvantaged business enterprises, will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in consideration for an award.

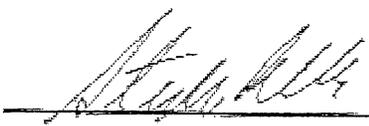
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to the Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith for the duration of Recipient ownership of the facility and future deeds, leases, licenses, permits, or similar transfers where the use of the facility remains transportation related (see Specific Assurance #8, below).

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program (Appendix C); and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program (Appendix D).
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations and this Assurance.

By signing this Assurance, the Massachusetts Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Massachusetts Department of Transportation gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highway Program. This Assurance is binding on the Massachusetts Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the Recipient.

SIGNED FOR THE RECIPIENT:



6/19/15

Stephanie Pollock

Date

Secretary/CEO

Massachusetts Department of Transportation

SUBRECIPIENT TITLE VI/NONDISCRIMINATION ASSURANCES

The Town of Boxborough (hereinafter referred to as the "Sub-Recipient"), hereby agrees that, as a condition of receiving any Federal financial assistance from the United States Department of Transportation (U. S. DOT), Federal Highway Administration (FHWA), from the Commonwealth of Massachusetts, through its Department of Transportation (Recipient), it is subject to and must comply with the Acts and Regulations detailed in this document.

This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the Federal Highway Program and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

SIGNED FOR THE SUB-RECIPIENT:

(Signature & Date)

(Print Name & Title)

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Massachusetts Department of Transportation (MassDOT) or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to MassDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, MassDOT will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant

thereto. The contractor will take action with respect to any subcontract or procurement as MassDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request MassDOT to enter into any litigation to protect the interests of MassDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

“Now, therefore, the U.S. Department of Transportation (hereinafter referred to as “U.S. DOT”), as authorized by law, and upon the condition that the Massachusetts Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the Federal Highway Administration (hereinafter referred to as “FHWA”) of the U.S. DOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Massachusetts Department of Transportation all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit A attached hereto and made a part hereof.”

(HABENDUM CLAUSE)

“To have and to hold said lands and interests therein unto the Massachusetts Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Massachusetts Department of Transportation, its successors and assigns.

The Massachusetts Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

(1) no person will on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and;

(2) that the Massachusetts Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and;

*(3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, U.S. DOT will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Massachusetts Department of Transportation, pursuant to the provisions of Assurance 7a:

1. *The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:*
 - a. *In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*
2. *With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.**
3. *With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Massachusetts Department of*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

*Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments/agreements entered into by the Massachusetts Department of Transportation pursuant to the provisions of Assurance 7b.

1. *"The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin (including limited English proficiency), age, sex, disability, or low-income status will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*
2. *With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Massachusetts Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.**
3. *With respect to deeds, in the event of breach of any of the non-discrimination covenants, the [description of the property] will there upon revert to and vest in and become the absolute property of the Massachusetts Department of Transportation and its assigns.**

* Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor," which includes consultants) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

PERTINENT NON-DISCRIMINATION AUTHORITIES:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration's Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)

- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

Notice of Nondiscrimination Rights and Protections to Beneficiaries

Federal "Title VI/Nondiscrimination" Protections

The Massachusetts Department of Transportation (MassDOT) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of **race, color, or national origin** (including **limited English proficiency**), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of **age, sex, and disability**. These protected categories are contemplated within MassDOT's Title VI Programs consistent with federal interpretation and administration. Additionally, MassDOT provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with US Department of Transportation policy and guidance on federal Executive Order 13166.

State Nondiscrimination Protections

MassDOT also complies with the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on **race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry**. Likewise, MassDOT complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on **race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status** (including Vietnam-era veterans), or **background**.

Additional Information

To request additional information regarding Title VI and related federal and state nondiscrimination obligations, please contact:

Title VI Specialist
MassDOT, Office of Diversity and Civil Rights
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us

Complaint Filing

To file a complaint alleging a violation of Title VI or related federal nondiscrimination law, contact the Title VI Specialist (above) within 180 days of the alleged discriminatory conduct.

To file a complaint alleging a violation of the state's Public Accommodation Law, contact the Massachusetts Commission Against Discrimination within 300 days of the alleged discriminatory conduct at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02109
617-994-6000
TTY: 617-994-6196

Translation

English: If this information is needed in another language, please contact the MassDOT Title VI Specialist at 857-368-8580.

Portuguese: Caso esta informação seja necessária em outro idioma, favor contar o Especialista em Título VI do MassDOT pelo telefone 857-368-8580.

Spanish: Si necesita esta información en otro idioma, por favor contacte al especialista de MassDOT del Título VI al 857-368-8580.

Chinese Simplified: (mainland & Singapore): 如果需要使用其它语言了解信息，请联系马萨诸塞州交通部 (MassDOT) 《民权法案》第六章专员，电话857-368-8580。

Chinese Traditional: (Hong Kong & Taiwan): 如果需要使用其它语言了解信息，請聯繫馬薩諸塞州交通部 (MassDOT) 《民權法案》第六章專員，電話857-368-8580。

Russian: Если Вам необходима данная информация на любом другом языке, пожалуйста, свяжитесь со специалистом по Титулу VI Департамента Транспорта штата Массачусетс (MassDOT) по тел: 857-368-8580.

Haitian Creole: Si you moun vle genyen enfòmasyon sa yo nan yon lòt lang, tanpri kontakte Espesyalis MassDOT Titil VI la nan nimewo 857-368-8580.

Vietnamese: Nếu quý vị cần thông tin này bằng tiếng khác, vui lòng liên hệ Chuyên viên Luật VI của MassDOT theo số điện thoại 857-368-8580.

French: Si vous avez besoin d'obtenir une copie de la présente dans une autre langue, veuillez contacter le spécialiste du Titre VI de MassDOT en composant le 857-368-8580.

Italian: Se ha bisogno di ricevere queste informazioni in un'altra lingua si prega di contattare lo Specialista MassDOT del Titolo VI al numero 857-368-8580.

Khmer: ប្រសិនបើលោក/អ្នកប្រកាសប្រជុំព័ត៌មាននេះ សូមទាក់ទងមន្ត្រីក្រសួងសេដ្ឋកិច្ចសង្គមនិងព័ត៌មានលេខ **857-368-8580** របស់ **MassDot** តាមរយៈលេខទូរស័ព្ទ

إن كنت بحاجة إلى هذه المعلومات بلغة أخرى، يرجى الاتصال بالخصائي الفقرة السادسة على الهاتف 857-368-8580-8580 Arabic:

What Are the Legal Authorities Guiding the FHWA Title VI Program?

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals, groups, and organizations from discrimination on the basis of race, color, or national origin in federally assisted programs and activities.

Other nondiscrimination authorities have expanded the scope of Title VI application to include income, gender, disability, and age. Under the FHWA Title VI Program, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

Who Is a Subrecipient?

A **subrecipient** is an entity or person that **indirectly** (usually through a grant or contract) receives federal financial assistance in order to implement a program or activity, which obligates them to Title VI compliance responsibilities. Subrecipients include, but are not limited to, metropolitan planning organizations, local public agencies, and colleges/universities.

What Is the Definition of "Federal Financial Assistance"?

Federal financial assistance can be more than just money. It includes aid that enhances the ability to improve or expand allocation of a subrecipient's resources. Examples include:

- Training of employees
- Assistance from federal personnel
- Grants, loans, and tax exempt bonds
- Property or land
- Loan of personnel
- Technical assistance

What Are Your Responsibilities as a Subrecipient?

- Submit to MassDOT a signed assurance that programs, activities, and facilities will be operated in a nondiscriminatory manner.
- Maintain a policy statement that indicates your commitment to nondiscrimination in your programs and activities to the effect that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity administered by you or your contractors whether it is federally assisted or not. The policy statement must be signed by the head of your organization.
- Disseminate Title VI information to your beneficiaries and stakeholders (for example, members of the general public, employees, and any subcontractors).
- Ensure that Title VI provisions are in all contracts and in those extended to subcontractors.
- Voluntarily comply with Title VI.
- Extend subcontracting opportunities to Disadvantaged Business Enterprises (DBEs).
- Keep complete and accurate records that clearly show Title VI compliance.
- Appoint a Title VI/Nondiscrimination Coordinator.
- Develop Title VI/Nondiscrimination-related procedures and mechanisms to ensure nondiscrimination in all programs, activities, and services. These include procedures for involving the public, including people with limited English proficiency and other protected groups, and complaint procedures. Subrecipients may develop their own procedures or adapt or adopt MassDOT's Title VI/Nondiscrimination Program.

- Provide (to MassDOT, upon request) data about the participants and beneficiaries of your programs and activities.

- Produce a Title VI/Nondiscrimination Annual Update Report detailing the results of all process reviews and of analysis of statistical data collected during the reporting period to determine if there are any deficiencies.
- Identify and implement processes to address identified deficiencies in an expeditious manner.

MassDOT's Office of Diversity and Civil Rights is available to explain, at your request, any of your responsibilities under Title VI, as outlined above.

Other Applicable Federal Statutes and Authorities

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federally assisted entities, including those programs and activities that are not specifically federally funded.

The 1970 Uniform Act (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of programs or activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790) prohibits discrimination based on a disability.

The Federal Aid Highway Act of 1973 (23 U.S.C. 324) prohibits discrimination based on gender.

The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age.

The Americans with Disabilities Act of 1990 (42 U.S.C. 126) prohibits discrimination based on a disability.

Environmental Justice (EJ), under Executive Order 12898, addresses disproportionate adverse environmental, social, and economic impacts that may occur in communities with minority or low-income populations.

Limited English Proficiency (LEP), under Executive Order 13166, addresses access to services by persons whose primary language is not English and who have limited ability to read, write, speak, or understand English.

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious, and it should not be necessary to resort to the courts to prevent each individual violation.

—John F. Kennedy



For more information, please contact:

Title VI Specialist

Office of Diversity and Civil Rights

Massachusetts Department of Transportation

10 Park Plaza, Suite 3800

Boston, MA 02116

(857) 368-8580

MassDOT.CivilRights@state.ma.us

TTY: (857) 368-0603

TTY: (617) 725-3415

Guide for MassDOT Subrecipients: Implementing the FHWA Title VI/ Nondiscrimination Program



9a



Internal Communications & Outgoing Communications
July 20, 2015

1. Letter from Town Accountant Jennifer Barrett to the Board of Selectmen and Town Administrator Selina Shaw dated July 15, 2015, regarding changes in federal employment tax and reporting procedures. *
2. Letter from the Massachusetts Municipal Association (MMA) to Town Administrator Selina Shaw dated July 13, 2015, regarding MMA's advocacy efforts. *
3. Email from James Gorman to Police Chief Ryder and Fire Chief White dated July 9, 2015, regarding Public Safety Services Regionalization. #
4. Letter from Boxborough resident Phil Kicelemos to Police Chief Ryder dated July 2, 2015, regarding a police report on a dog incident. #

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

Indicates that the item had been previously distributed.



TOWN OF BOXBOROUGH
Jennifer Barrett, Town Accountant
29 Middle Road, Boxborough, Massachusetts 01719
Phone: 978-264-1716 · Fax: 978-264-3127
jbarrett@boxborough-ma.gov

To be brought F/W for
discussion at an Aug.
BOS mtg.

July 15, 2015

To: Board of Selectmen, Town Administrator

In February 2014, the IRS published a guide for Public Employers with reference to basic federal employment tax and reporting information. The quick reference guide publication 5138 references more detailed publications 963, 15, and 5137.

The purpose of my notice is to inform you of a necessary change in our reporting of Fringe Benefits that according to the IRS must be included on the employees W-2. Two types of Fringe Benefits that must be included are Vehicle Use and Work Clothes/Uniform Allowances.

Vehicle Use, though specifically stated in three contracts as available for personal use due to the nature of the position being on-call, must be reported as income. There are two methods available for calculating the value of the benefit. I will work with each individual to determine the best method for calculation. As the first step in the process, however, I am at this time requesting that the Selectmen choose to exclude the determined value from Federal income tax withholding. Massachusetts and Medicare withholdings are required.

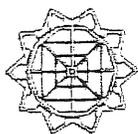
Work Clothes and Uniform Allowances and Reimbursements are only excluded from wages if they are "specifically required... and are not worn or adaptable to general usage as ordinary clothing". Enforcement of this will require the assistance of anyone receiving this benefit to provide substantiation of non-adaptability. If an employee wishes to purchase items and use their uniform allowance, we must be billed directly by the vendor and pay directly to the vendor. If an employee submits expenses for reimbursement, the payment will be made through the payroll system unless the items are non-adaptable and documentation is provided.

I propose to begin effective July 1st, for inclusion on 2015 W-2 forms for the last 6 months of the year only. Each of the Department Heads that monitor Uniform Allowances have been made aware of the regulations and have informed their employees as well.

Please let me know if you have any questions.

Sincerely,

Jennifer Barrett
Town Accountant



**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

2

received
15 JULY 2015

IC*

ONE WINTHROP SQUARE, BOSTON, MA 02110

617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

July 13, 2015

Selina Shaw
Town Administrator
Town of Boxborough
29 Middle Road
Boxborough, MA 01719

Dear Town Administrator Shaw,

Enclosed with this letter is the invoice for the Town of Boxborough's membership in the Massachusetts Municipal Association for fiscal year 2016, which began on July 1, 2015.

Your membership in the MMA ensures that cities and towns in Massachusetts have a clear and effective voice fighting for you when municipal issues are being debated on Beacon Hill and in Washington. With your membership for fiscal 2016, the MMA will keep you up to date on key legislative and regulatory activities at the state and federal levels. As an MMA member, you will stay connected to a diverse array of meetings, workshops and professional development activities, and to the special services offered to our member cities and towns.

\$695 The enclosed MMA dues invoice reflects a small inflation adjustment of just 2%, and we note with pride that in seven of the past thirteen years the MMA has had no dues adjustment at all, and follows a small below-inflation adjustment last year, reflecting our commitment to provide high-quality services at very low cost.

The past several years have been challenging for local government, and the value of your membership in the MMA has never been clearer. Working tirelessly with local officials, we have leveraged the strength of cities and towns to engage with the Governor, legislators and state officials on every key issue. The MMA has been successful in protecting millions for cities and towns, although the road to a full fiscal recovery is still a long one.

Since the beginning of the greatest economic recession in eighty years, the MMA has won a number of important victories. The MMA's advocacy efforts have delivered true reform and results:

- The MMA has led the fight to secure a **record level of Chapter 90 funding for local roads, leading to this year's \$300 million authorization** – first, Gov. Charlie Baker released \$100 million in January, (a promise he made at MMA's 2014 Annual Meeting), and then the Legislature passed an additional \$200 million bond bill in April – and our campaign for Chapter 90 will continue with a major push to convince the Governor and Legislature to pass a multi-year bond to pledge \$300 million a year going forward.
- The MMA has led the fight to restore **municipal aid and education funding**, and the MMA won the Legislature's support for a **\$34 million increase in Unrestricted General Government Aid in fiscal 2016** – and in addition to this key municipal aid increase, the MMA's budget victories include a commitment by the House and Senate to **fully fund the special education circuit breaker**, a plan to invest more in **funding for regional school transportation**, and **millions more in other key accounts**.
- As you know, the MMA led the fight and won **municipal health insurance reform several years ago**, passing the powerful reform law to give town and city leaders plan design authority. **The new law is saving cities and towns over \$200 million every year.**

The Association's effectiveness has been clear in recent years, too. The MMA has won passage of the **first-ever local option meals tax**; won the **first increase in the local hotel-motel tax** in over 20 years; **closed the century-old telecom tax loophole** on poles and wires; **defeated a plan to impose binding arbitration** on cities and towns in the area of health insurance; and during the recession years **the MMA protected local aid from deeper-than-expected cuts** in the final versions of the state budget.

(over, please)

Selina Shaw

3

#

From: James Gorman <jgorman@tritonsys.com>
Sent: Thursday, July 09, 2015 10:14 PM
To: rwhite@boxborough-ma.gov; wryder@boxborough-ma.gov
Cc: Dilip_Subramanyam@beaver-visitec.com; selectmen@town.boxborough.ma.us
Subject: Investigation of Public Safety Services Regionalization

Hello Warren and Randy,

As you know from our conversations earlier this week, the Joint Meeting of the BoS and FinCom on last Tuesday, June 30, agreed that we should investigate the possibilities for regionalization of Police and Fire Services. The upshot of that agreement was that the group thought to charge you, as the Public Safety Chiefs, to investigate the prospects, pros and cons of regionalization and report to the BoS your findings in about six months. The six month timeframe suggested implies a relatively in-depth investigation of the prospects, and after our conversations I have come to the conclusion that the charge to you of an in-depth and actionable investigation into regionalization of public safety services is unhelpful and unwise. The reasons for this conclusion are several:

- We have not provided you with a sensible objective for regionalization, some options for which objective might be: reducing overall costs while maintaining the present level of services, increasing the level of services to some TBD level for minimum incremental cost, or conforming the resulting regional services to all applicable standards (e.g. NFPA) independent of the resulting cost.
- The strategy for selecting "teaming" towns to conduct an in-depth assessment of regionalization prospects is fundamentally a political decision that has large financial consequences, related to whether Boxborough is the major or minor partner of the team. You may provide inputs for such a decision, but should not be making or prioritizing such decisions.
- In the case of Police regionalization, there appear to be statutory barriers that would need to be removed by legislative action, which is again a political process and not really amendable to straightforward characterization. Another political factor is the adamant opposition of the State Police Association which may affect prospects for the necessary statutory changes.
- You both have many things on your plates, over and above the operational responsibilities of running your respective departments (e.g. SNAG and Communications). I personally do not wish to overcharge you to the detriment of your other responsibilities.

In light of this reasoning I propose a more basic investigation of the prospects for public safety regionalization, outlining the basic issues, pros and cons associated with each of the plausible partner towns, prospects for improving the efficiency of delivering public safety services, legislative issues, and issues requiring more in-depth investigation. I am thinking that this would result in a 3-5 page report to the BoS in 2-3 months, not a thick report in 6 months. Based upon our conversations, my expectation is that this preliminary report would provide the BoS and FinCom with sufficient information to sensibly charge a consultant to investigate the opportunities for regionalization, with the objectives and priorities that will be required to really understand regionalization.

Jim



Minutes, Notices and Updates
July 20, 2015

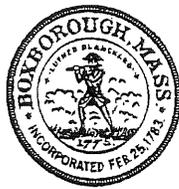
Minutes

1. Finance Committee minutes from the meeting held May 11, 2015

Notices

1. Notice of a Minuteman School Committee meeting held July 7, 2015
2. Notice of a Recreation Commission meeting held July 7, 2015
3. Notice of an Energy Committee meeting held July 8, 2015
4. Notice of a Steele Farm Advisory Committee meeting held July 9, 2015
5. Legal notice of a Public Hearing held by the Conservation Commission on July 15, 2015, to consider a Request for Determination filed by LandValue, LLC. The property, owned by David and Marjorie Keyes, is located at 1195 Hill Road, Assessor's Map 04-069-000.
6. Notice of a Cemetery Commission meeting held July 15, 2015
7. Notice of a Board of Selectmen meeting to be held July 20, 2015
8. Notice of a Personnel Board meeting to be held July 23, 2015

9c



**General Correspondence
July 20, 2015**

1. Esri News for State & Local Government, Summer 2015 newsletter
2. Metro West Collaborative Development, Spring 2015 newsletter
3. U-Mass Boston Center for Public Management, informational booklet, "Helping Governments Work Better"

