



BOARD OF SELECTMEN
Meeting Minutes
February 10, 2016

Approved: March 7, 2016

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

ABSENT: Les Fox

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 Sargent Memorial Library Meeting Room.

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. There was no video recording of this meeting.

ANNOUNCEMENTS

Chair Amoroso read the announcements.

APPOINTMENTS

- Town Planner, Adam Duchesneau was present to discuss potential transfer of property located at 405 Middle Road to the Housing Board (BHB), as well as soil testing at the property. BHB Chair Al Murphy was also present. The Town took possession of this property in the 1990s. There is little known about the parcel and there is no record of the soil being tested. Before the Town can determine what is to be done with the property soil testing must be done. Specifically, we need to determine if it can sustain a well and viable septic system. This testing must be conducted by a professional and the cost is estimated between \$3,000-\$5,000. We can save some money by having DPW do some of the clearing and excavation for this testing. The Housing Board would like to see an altruistic use of this asset, and is proposing that the lot be made available to build a single family affordable housing home through an organization like Habitats for Humanity. There are currently no other properties owned by the Town that could be used for this purpose. It is possible that the Town could re-coup these costs when the property is conveyed. There was discussion about whether this would be the best use and whether the Town may want to maximize its return by selling the parcel. This testing would need to be done regardless of how the Town wishes to proceed. Further to the request of the Town Planner (on behalf of the Housing Board), Member Gorman moved to authorize an expenditure, not to exceed \$3,000 of town funds for soil testing on property located at 405 Middle Road. Seconded by Member Stemple. **Approved 4-0.** It was further explained that this soil testing is an unanticipated expense and the Selectmen would need to approve a Reserve Fund Transfer (RFT) to cover these costs. Member Gorman moved to forward to Finance Committee a RFT to fund soil testing on property located at 405 Middle Road. Seconded by Member Bak. **Approved 4-0.** There was also discussion about placing an article on the Annual Town Meeting warrant to transfer the property to the Housing Board; however after discussion it was determined that this would be just a placeholder in the draft warrant until a market evaluation could be completed. Chair Amoroso moved to put a placeholder on the 2016 Annual Town Meeting Warrant for this purpose. Seconded by Member Gorman. **Approved 4-0.**
- Steele Farm Advisory Committee (SFAC) Chair Ed Whitcomb and member Bruce Hager were present to present Jim Moss as a candidate for appointment to the SFAC. Whitcomb spoke to Moss' recent volunteer efforts on behalf of Steele Farm and his qualifications. Further to the recommendation of the SFAC, Member Stemple moved to appoint Jim Moss to complete the unexpired term of David Birt on the Steele Farm Advisory Committee for a term commencing immediately and ending on June 30, 2017. Seconded by Member Bak. **Approved 4-0.**
- Public Celebrations and Ceremonies Committee (PCCC) Chair Trena Minudri was present to present Nicole Sheehan as a candidate for appointment to the PCCC. Minudri noted Sheehan's attendance at various PCCC activities over the years and Sheehan's experience with the Boxborough Family Network. Further to the recommendation of the PCCC, Member Gorman moved to appoint Nicole Sheehan to complete the unexpired term of Carla Bacharach on the Public Celebrations and Ceremonies Committee for a term commencing immediately and ending on June 30, 2018. Seconded by Member Stemple. **Approved 4-0.**

- DPW Director Tom Garmon was present to discuss the proposed FY 17 DPW budgets, transfer station and bulk permit fees for the upcoming year. He opened by noting that some of their vehicles are getting older and need more maintenance; conversely the newer vehicles have computerized components that cannot be repaired at the DPW facility and must be sent out. Both lead to the proposed increase in the vehicle maintenance line. Electricity is significantly higher because, prior to the recent generator installation, the DPW service had not been metered. He has reduced his “other services” number. Uniforms and other staffing related expenses are up due to the addition of a FTE. Previously he simply calculated 75 hours per FTE for the DPW’s overtime budget. In FY 17 he is using prior year actuals – taking an average per individual/annum, he also factored in the new FTE, which results in an increase to the overtime budget. Further background was that he has two man/two day coverage for the Transfer Station and DPW is being asked to do more and more; and some activities fall outside of the regular work day. As a result this overtime amount is necessary. The bottom line is that the Public Works budget is up 3.3%. The only significant changes to the Snow & Ice budget were that there are no plans to acquire a plow in FY 17 and plow drivers will now be provided food during snow events. There is a notable increase to the Street lights budget. While the Town eliminated a street light at the Museum, LELD increased their street light charges this year; in some cases doubling the charge. There was a side discussion about lower energy options and the possible siting of a solar farm in Town. Discussion opened on the Hager Well budget. This facility services the Library, Police, Fire and the Blanchard School. Data indicates that the Blanchard School usage is roughly 85% of the total usage. Pursuant to our IMA with the AB District they are responsible for some of these costs, however, to date, the Town has not received reimbursement. There are also maintenance/repair charges that the Town paid but that had occurred at the School. The Town Accountant is working on this. Also, there is a placeholder article for necessary maintenance and upgrades to the Hager Well and the related service infrastructures that need to be undertaken in FY 17. He further noted that the Library’s water usage increases in the summer due to lawn watering. He advised that the Fuel budget is now based on actual usage versus the unit cost; noting that the Police SUVs use more fuel than standard cruisers and various departments have added vehicles this year. His per gallon cost estimate is based on a two year average. Prices are currently down but he would like to have this cushion just in case there are increases. Any year-end surplus would be returned to the general fund. There was discussion on the Hazardous Waste budget, a biennial event. The Transfer Station budget is up due to the trucking/tipping fees under the new contract. The compactors have allowed them to reduce bulk recycling costs, as we pay by haul not tonnage. Equipment maintenance is level funded. The Cemetery budget is no longer under DPW however Dir. Garmon advised that the No. Cemetery crypt repairs ran approximately \$11,000. The contractor has advised that there are other sections that should be addressed before similar damage occurs. The Cemetery Commission would like to be more proactive with maintenance going forward.

The Board deferred discussion on the Transfer Station bulk fees until data can be compiled as to usage and revenues.

- Town Administrator, Selina Shaw presented the proposed FY17 Town Government budgets. Town Govt. will actually realize a decrease of 3.19% - \$39,000. Combining the Treasurer/Collector position has resulted in a \$73,000 savings. She noted that the Town Administrator salary line has been level funded as her contract is due to be re-negotiated so this number may change and her mileage line has been reduced due to the IRS decreasing the mileage allowance. The Community Center rental and Moderator budgets were level funded. There is an increase in the Selectmen’s Budget, as the result of 495/MetroWest Partnership now charging dues; some expenses may be incurred as two seats are up for election in FY 2017 and Appreciation Event costs are up. FinCom’s budget is level funded. FinCom has decided to level fund the Reserve Fund budget. The increase in the Town Accountant’s budget is due to her salary increase and a slight increase in Auditing costs. There is some offset with reductions in software user fees (eliminating one user) and office supplies. TA Shaw advised that the complete software integration for the financial departments that was launched on July 1st is working well. The Assessor’s overall budget is down. She is eligible for a salary increase however this is off-set by a significant reduction in consulting fees and legal notices. Also GIS Map software has been re-assigned to the Technology budget for FY 17. As TA Shaw noted earlier, the Treasurer and Tax Collector positions are now consolidated so McIntyre has been compensated for assuming the Collector’s responsibilities and he is eligible for an increase in salary. Further as a result of this consolidation all of the expenses related to the two departments are now combined into one. The Collector’s page is only being included in the budget report for historical purposes. Based on our actuals TA Shaw slightly reduced the Legal budget. The IT budget increased significantly for FY 17. This budget will now be funded 100% by the Town (Cable revenues will no longer be used to supplement technology expenses). Also Firewall maintenance was underfunded in FY 16. Miscellaneous software expenses previously paid for by respective depts. will now be going through this budget and some software (i.e. Adobe) is workstation specific and some employees need additional software. Further there is an increase to Internet access. The Hardware line is being used only to cover recurring server warranty expenses. As a result of all of these factors the overall Technology budget increased by over 29%. Regardless FY 16 actuals are on track. Other hardware needs such as new computers and printer will be addressed with a warrant article. Though outside of her purview, TA Shaw advised that the Town Clerk is eligible for a salary increase. Also there are three elections scheduled to occur in FY 17 and changes to voting regulations will now require additional staffing so the Election/Registrar budget reflects these factors. The Conservation Comm. budget is level funded. The Planning Board salaries are level funded however the Town Planner will receive a salary increase. Also the consulting line had to be increased due to the recent developments coming on

line. The Zoning Board is level funded. The Agricultural Comm. would like to begin to participate in conferences so this is now in their budget. TA Shaw reviewed the Town Hall budget. She summarized where the respective clerical support staff is on the Compensation Schedule which will result in an increase of just over 1% for this budget line. The past few years we have been drawing down on an excess in our postage reserve. We are down to a reasonable level and we will need to replenish these funds for FY 17. There was discussion on the impact to the building's energy consumption due to the recent necessary upgrades to the HVAC and the actuals for these repairs. There will be an article to complete the remaining needed upgrades and air circulation issues. The Energy Comm. has expended their own funds for office supplies for their various campaigns and are now looking for these expenses to be taken care of within their budget.

- There were no Citizens concerns.

MINUTES

- The Selectmen passed over review of the regular session minutes of January 25, 2016.
- Member Gorman moved to accept the minutes for the Joint session with Finance Committee of January 21, 2016, as revised. Seconded by Member Stemple. **Approved 4-0.**

SELECTMEN REPORTS

- Member Gorman reported that he recently participated in the selection process to fill a Police Officer Patrol position. The process developed was very well thought-out and included thorough vetting & interview process. Three finalists were selected, with one female and two male candidates. A final decision should be made at the next Selection Committee meeting.

He reported that the Space Needs Group has selected a single project scheme. The architect can now begin to develop cost estimates. There may be something to present at Town Meeting. At this point the Selectmen may want to consider converting this group to an actual building committee.

Member Gorman reported that Hager Well evaluation site visit was delayed due to the snow.

- Chair Amoroso reported that approximately 35 residents attended last night's Town Meeting Information meeting.

He also reported that he has had communications from some of the Selectmen from other Minuteman District towns. Seven Towns have approved the amended agreement and the five February 8th Special Town Meetings had to be re-scheduled due to the snow. Two of the seven towns that are considering leaving have voted to withdraw. Boxborough and Weston (re-scheduled) will be the last towns to hold their Special Town Meetings.

- Member Stemple reported that he will be attending an ABRSD meeting this week.

OLD BUSINESS

- The Board re-opened discussion on the February 24th Special Town Meeting. There was discussion regarding the voting process for "standing" vote or paper ballot. The Moderator has advised that this would be decided on Town Meeting floor. However, the Selectmen could always move to consider using a paper ballot at Town Meeting. The Clerk is always prepared at town meeting for a possible ballot vote. The consensus was that voting by paper ballot would take out the emotional factor and the Board could see no harm in a paper ballot.

It was noted that Member Stemple had not been present when the Selectmen had voted their STM article recommendations. He advised that he would like his recommendation on the three articles on record. Member Stemple voiced his support of Article #1 – Transfer of \$50,000 from Free Cash into the Reserve Fund; his support of Article #2 – Withdrawal from the Minuteman School District and his support of Article # 3 – Amendments to the Minuteman Agreement both in the event that Boxborough withdraws and if we remain in the Minuteman Regional School District. There was also a review of a Special Town Meeting story drafted by Moderator Fallon for printing in the Beacon. As he was present the Beacon's Editor, Bill Fonda was asked for his input. The Selectmen voiced their support of Moderator Fallon's submission.

NEW BUSINESS

- Zoning Board of Appeals member Kristin Hilberg has identified very indirect, tenuous and/or possible financial connection to a project that may come before the Appeals Board so she has filed a Disclosure of Appearance of Conflict of Interest. Member Gorman moved to accept and place on file the Disclosure of Appearance of Conflict of Interest filed by ZBA member, Kristin Hilberg. Seconded by Member Stemple. **Approved 4-0.**

- Chair Amoroso moved to notify and warn the inhabitants of Boxborough who are qualified to vote in Primaries to vote at the Meeting Room of the Sargent Memorial Library located at 427 Massachusetts Avenue, Boxborough, MA on Tuesday, the first day of March, 2016 from 7 AM to 8 PM to cast their votes in the Presidential Primary for the candidates of political parties for the following offices:
 - Presidential Preference for this Commonwealth
 - State Committee Man, Middlesex & Worcester District
 - State Committee Woman, Middlesex & Worcester District
 - Ward or Town Committee, Town of Boxborough

Seconded by Member Bak. **Approved 4-0.**

- The Board took up the Reserve Fund Transfer Request for Assessor GIS Map Update expenses that was discussed earlier in TA Shaw’s budget review. Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$2,000 from the Reserve Fund to account #001-141-5399-0000, Assessor GIS Map Updates. Seconded by Member Gorman. **Approved 4-0.**

- Member Bak opened discussion on the updates to the Town’s Prevention of Harassment and Discrimination Policy. It was moved by Member Bak and Seconded by Member Stemple to approve these updates however during ensuing discussions it was determined that TA Shaw will review this further with Town Counsel and bring it back for approval at a later date.

CONCERNS OF THE BOARD

- There was discussion on the status of an updated road paving schedule/plan.

EXECUTIVE SESSION

- At 8:53 PM Chair Amoroso moved to adjourn to executive session to discuss strategy with respect to collective bargaining (MassCOP Local 200 –Boxborough Police Officers) and to adjourn immediately upon completion; further noting that to conduct such session in an open meeting may have a detrimental effect on the bargaining position of the Board. Seconded by Member Stemple. **Approved 4-0 by Roll Call Vote: Gorman “aye”; Bak “aye”; Stemple “aye”; and Amoroso “aye.”**

SELECTMEN'S ANNOUNCEMENTS

FEBRUARY 10, 2016

- **Selectmen Agenda packets are available** from links on the Town's website, from the calendar or the Selectmen's webpage. <http://www.boxborough-ma.gov/board-of-selectmen>

- Boxborough is having a very important **Special Town Meeting on Wednesday, February 24th** (snow date of February 25), starting at 7:00 PM at the Blanchard Memorial School. This Special Town Meeting is of critical importance to the future of the Minuteman Regional Vocational School District and the future of Boxborough's relationship to that District. Residents will be asked to vote on a new amended agreement for the Minuteman District, as well as to consider a vote to withdraw from the District. These are complicated subjects. There will also be an article included on the warrant to consider an appropriation from Free Cash to increase the reserve fund by \$50,000. The Special Town Meeting Warrant, related materials are now available on the Town's website.

- Now, as the cold weather has arrived, many people are using **fireplaces and woodstoves** to keep warm. In the last 9 weeks, the Boxborough Fire Department has responded to two fires that were attributed to improper disposal of ashes." Please take care when using your fireplace and woodstove, and review the safety tips posted on the town's website.

- The Town has provided information on our website to help residents in dealing with the recent winter weather. Please go to "**Preparedness Tips for Severe Winter Weather**" on Homepage under News & Announcements. Residents are reminded that a **winter parking ban** is in effect until April 1st. On street parking is not allowed between the hours of 1:00 AM and 6:00 AM and at all hours whenever inclement weather is forecast. Also, no overnight or weekend parking is allowed at any Town-owned facilities without permission. Unattended vehicles can obstruct the snow removal operations and may be subject to towing. Please go to the Town's website or call DPW at 978-264-1790 for more information.

- **Annual street listing/census forms** were mailed to residents in January. If you have not already done so, please review, sign and return promptly to the Town Clerk. Voters not completing their census will be put on the inactive voter list.

- Dog owners please note that you can now apply for your **2016 dog license** on-line. Applications have also been included in with the street census mailing and are due back to the Town Clerk by March 10th. Please contact the Town Clerk, Liz Markiewicz if you have not received your census form or if you have any questions on the census, dog licensing or your voter status.

- **The FY 2017 budget process has begun.** The current draft budget is available on the Town's website. You are encouraged to attend Selectmen, Finance Committee, Library Trustee and A-B School Committee meetings at all times, but especially during the budget season. Please check the web calendar for meeting dates. Your input is important.

- Boxborough's **Annual Town Meeting** will begin on Monday, May 9th at 7PM in the Blanchard School Gym.

- The Fire Department has implemented an **on-line system for issuing permits during Opening Burning Season** which runs until May 1st. Residents would go to the Fire Department's Burn Permit webpage on the day they wish to burn. Posted will be whether burning is allowed that day. If allowed, residents would follow the prompts to register for a Daily Permit. The Department's Open Burning Rules & Regulations are also posted. Alternatively, residents call the Fire Dept. at 978-264-1770 to activate a permit or for more information.

- **You can now apply and pay for Transfer Station Stickers and Bulk Item Disposal Vouchers on-line.** Go to the Transfer Station's webpage for more information.
 - If you are looking to **dispose of bulk items**, please consider donating your items to the local not-for-profit organization, Household Goods at www.householdgoods.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.

- Come see Boxborough's Treasures at the **Boxborough Museum** at 575 Middle Road from 2:00 to 4:00 PM Sunday, February 14th. 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 for 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 Town website's homepage on the left-hand side under Resources.

- **The Town's Video On Demand service**, which features Board of Selectmen meetings and recordings of other public meetings, can now be viewed by the following link from the Town website's homepage on the left-hand side under Resources: **BXB-TV On Demand**, <http://bxbtv.pegcentral.com/index.php>

- Are you 18 or older with two years or more of audio/video experience and are willing to work on an as-needed basis, then **BXB-TV**, our government channel broadcast provider, is looking for you. **Qualified candidates** would assist with the filming of various Town-related meetings and events. Please submit your resume to BXB-TV Video Production Supervisor Kirby Dolak at Littleton Cable TV, 37 Shattuck St., Littleton, MA 01460, or submit via email to kdolak@littletonma.org

- **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 Board of Selectmen continues to look for volunteers willing to serve on the various **Town boards and committees**, many of which have openings: Acton-Boxborough Cultural Council (2), Conservation Commission (1), Council on Aging (2), Design Review Board (1 at-large member), Housing Board (1), Public Celebrations & Ceremonies Committee (2), Recreation Commission (1), Steele Farm Advisory Committee (2) and the Well-Being Committee has (2 at-large vacancies). Also, the Town Moderator is seeking two (2) volunteers to serve on the Finance Committee. Please consider participating on a Town board. You will find it to be a worthwhile and rewarding experience. No matter what your knowledge or interest is, we can use your help in making Town government work.

- 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
February 8, 2016
Boxborough Community Center
30 Middle Road

(February 10, 2016, if snow date is necessary, location Library)

1. CALL TO ORDER, 7:00 PM

2. ANNOUNCEMENTS

3. APPOINTMENTS

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

- a) Adam Duchesneau, Town Planner, to discuss potential transfer of property located at 405 Middle Road to the Housing Board as well as to discuss soil testing at the property
- i. *Further to the request of the Town Planner (on behalf of the Housing Board), move to authorize/ not authorize the expending of town funds for soil testing on property located at 405 Middle Road* **VOTE:**
- ii. *Further to the request of the Town Planner (on behalf of the Housing Board), move to declare the parcel located at 405 Middle Road surplus to the needs of the Selectmen and to place an article on the Annual Town Meeting warrant to transfer the care, custody and control of the parcel from the Board of Selectmen to the Housing Board for the purpose of disposition for affordable housing purposes* **VOTE:**
- b) Ed Whitcomb, Steele Farm Advisory Committee (SFAC) Chair and Jim Moss, candidate for appointment to SFAC, 7:20 PM
- Further to the recommendation of the SFAC, move to appoint Jim Moss to complete the unexpired term of David Birt on the Steele Farm Advisory Committee for a term commencing immediately and ending on June 30, 2017* **VOTE:**
- c) Trena Minudri, Public Celebrations and Ceremonies Committee (PCCC) Chair and Nicole Sheehan, candidate for appointment to PCCC, 7:25 PM
- Further to the recommendation of the PCCC, move to appoint Nicole Sheehan to complete the unexpired term of Carla Bacharach on the Public Celebrations and Ceremonies Committee for a term commencing immediately and ending on June 30, 2018* **VOTE:**
- d) Tom Garmon, DPW Director, to present proposed FY 17 DPW budgets and discuss transfer station and bulk permit fees, 7:30 PM
- e) Selina Shaw, Town Administrator, to present proposed FY17 Town Government budgets, 8:15 PM
- f) Citizens concerns

4. MINUTES

- a) Joint session with Finance Committee, January 21, 2016 **ACCEPT & POF**
- b) Regular session, January 25, 2016 **ACCEPT & POF**

5. SELECTMEN REPORTS

6. OLD BUSINESS

- a) Special Town Meeting – February 24, 2016

7. NEW BUSINESS

- a) Disclosure of Appearance of Conflict of Interest – Kristin Hilberg

Move to accept and place on file the Disclosure of Appearance of Conflict of Interest filed by ZBA member, Kristin Hilberg

ACCEPT & POF:

- b) March 1 Presidential Primary Election – Election warrant

Move to notify and warn the inhabitants of Boxborough who are qualified to vote in Primaries to vote at the Meeting Room of the Sargent Memorial Library located at 427 Massachusetts Avenue, Boxborough, MA on Tuesday, the first day of March, 2016 from 7 AM to 8 PM to cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

- Presidential Preference for this Commonwealth*
- State Committee Man, Middlesex & Worcester District*
- State Committee Woman, Middlesex & Worcester District*
- Ward or Town Committee, Town of Boxborough*

VOTE:

- c) Reserve Fund Transfer Request – Assessor GIS Map Updates

Move to forward to the Finance Committee for approval the request to transfer \$2,000 from the Reserve Fund to account #001-141-5399-0000, Assessor GIS Map Updates

VOTE:

- d) Prevention of Harassment and Discrimination Policy

Further to the recommendation of the Personnel Board, move to approve the updated “Prevention of Harassment and Discrimination Policy” as approved by the Personnel Board on February 3, 2016

VOTE:

8. CORRESPONDENCE

ACCEPT & POF

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

9. PRESS TIME

10. CONCERNS OF THE BOARD

11. EXECUTIVE SESSION

Move to adjourn to executive session in the Town Administrator’s office, Boxborough Town Hall to discuss strategy with respect to collective bargaining (MassCOP Local 200 –Boxborough Police Officers) and to adjourn immediately upon completion

**ROLL CALL
VOTE:**

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

12. ADJOURN

3a

Selina Shaw

From: Adam Duchesneau <aduchesneau@boxborough-ma.gov>
Sent: Tuesday, February 02, 2016 10:16 AM
To: Selina Shaw
Subject: BoS Item for 2/8 - 405 Middle Road

Hi Selina,

I obtained some rough figures for what it might cost to determine if a well and septic system can be located on the property at 405 Middle Road, and if the property has the appropriate soils to do this. I (or perhaps Al Murphy) was hoping to get on the Board of Selectmen's agenda for Monday, February 8th to discuss the possibility of the Board of Selectmen paying for this testing at the property.

Additionally, we would also like to further discuss the possibility of getting a Warrant Article on the Annual Town Meeting to have this property transferred by the Board of Selectmen to the custody of the Housing Board to pursue the construction of one affordable, single-family dwelling at the property.

The tricky part is I have a Planning Board meeting at 7:30 PM on Monday, so I could meet with the Board of Selectmen before that meeting or after. However, Al might be able to attend the Board of Selectmen's meeting in my place, but I have not reached out to him yet.

Lastly, it seems the cost of performing the soil testing at 405 Middle Road to figure out if a dwelling can be constructed there would run about \$3,000 (for something more time consuming), but can range much higher if conditions are particularly difficult. What is the cost threshold where this work would need to be formally put out in a bidding process under Chapter 30B?

Please let me know about the above when you have a chance. Thanks.

Adam

Adam L. Duchesneau, AICP
Town Planner
Town of Boxborough | 29 Middle Road | Boxborough, MA 01719
t 978-264-1723 | f 978-264-3127 | ADuchesneau@Boxborough-MA.gov
Boxborough: A Rural, Engaged Community for All
www.boxborough-ma.gov

BoS Discussion_20160210



Property Information

Property ID 09-084-000
Location 405 MIDDLE ROAD
Owner BOXBOROUGH TOWN OF

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Boxborough, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 1/1/2015
Properties updated 1/1/2015

Received
1-13-2016

Resident Interest Form

Name:

Jim Moss

Phone:

Address:

Occupation:

Retired

Special Training/Education:

Clock Conservator, ENGINEER, HAVE TRACTOR

Experience/General Interest:

Plumbing Electrical Framing General Construction Heavy Equipment operation, machinist etc. Good w/ computers, logging

Amount of time available:

Enough to be of help

Date submitted:

1/8/16

E-mail Address:

- Acton-Boxborough Cultural Council
- Agricultural Commission
- Board of Health*
- Boxborough Emergency Reserve Corps
- Board of Registrars
- Board of Selectmen*
- Boxborough Housing Board
- Cemetery Commission
- Community Preservation Committee
- Conservation Commission
- Council on Aging
- Design Review Board
- Energy Committee
- Finance Committee
- Historical Commission
- Library Board of Trustees*
- Permanent Building Committee
- Personnel Board
- Planning Board*
- Public Celebrations and Ceremonies Committee
- Recreation Commission
- School Committee*
- Steele Farm Advisory Committee
- Well-Being Committee
- Zoning Board of Appeals

The filling out of this form does not assure appointment. All committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. If you are interested in serving on an appointed town committee please fill out this form and mail to: **Town Administrator, Town Hall, 29 Middle Road, Boxborough, MA 01719**

*Indicates an elected board

Resident Interest Form

Received
12-7-2015

Name: Nicole Sheehan Phone: [Redacted]

Address: [Redacted]

Occupation: Memorial Receptions Coordinator, Consultant

Special Training/Education: Memorial Reception Coordinator, Cust. Sat. Acct.

Experience/General Interest: Coordinate Receptions for 50-600 people *Manager, BFN chair*

Amount of time available: 10 hours/month *2 years*

Date submitted: 12.7.15 E-mail Address: [Redacted]

- Acton-Boxborough Cultural Council
- Agricultural Commission
- Board of Health*
- Boxborough Emergency Reserve Corps
- Board of Registrars
- Board of Selectmen*
- Boxborough Housing Board
- Cemetery Commission
- Community Preservation Committee
- Conservation Commission
- Council on Aging
- Design Review Board
- Energy Committee
- Finance Committee
- Historical Commission
- Library Board of Trustees*
- Permanent Building Committee
- Personnel Board
- Planning Board*
- Public Celebrations and Ceremonies Committee
- Recreation Commission
- School Committee*
- Steele Farm Advisory Committee
- Well-Being Committee
- Zoning Board of Appeals

The filling out of this form does not assure appointment. All committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. If you are interested in serving on an appointed town committee please fill out this form and mail to: **Town Administrator, Town Hall, 29 Middle Road, Boxborough, MA 01719**

***Indicates an elected board**



BOARD OF SELECTMEN AND FINANCE COMMITTEE
Meeting Minutes
January 21, 2016

Approved By -
BoS: _____
FinCom: _____

PRESENT: Selectmen (BoS): Vincent Amoroso, Chair (7:20PM) ; Susan Bak, Clerk; Les Fox, Member; and Jim Gorman, Member
Finance Committee (FinCom): Dilip Subramanyam, Chair; John Rosamond, Clerk; Steve Ballard, Member; Amy Burke, Member; Gary Kushner, Member (7:35PM); Neal Hesler, Member; and Ted Kail

ABSENT: Selectmen Robert Stemple

ALSO PRESENT: Jennifer Barrett, Town Accountant, Cheryl Mahoney, Department Assistant and John Fallon, Town Moderator

OTHERS IN ATTENDANCE: Randolph White, Fire Chief; Warren Ryder, Police Chief; Gerry Noel, BICAO; Anne McNeece, Robert McNeece and Maria Neyland

Selectmen Chair Pro Tem Bak and FinCom Chair Subramanyam called their respective boards to order at 7:07PM in the Sargent Memorial Library.

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.

• **Public Safety Space Needs – update, including potential funding scenarios**

Selectman Gorman provided an update on the Public Safety Space Needs Study. Police Chief Ryder, Fire Chief White, BICAO Noel and member(s) of the Space Needs Study Group (SNAG). The architects have been directed to generate more detailed floor plans with the current data the Study Group is working with in order to develop a framework and begin to real costs projections. They are meeting again in early February. The Study Group has investigated alternative sites; and continuing with separate facilities. While there would be some benefit to split facilities, that would be negated by the need to duplicate some functions/facilities within the two buildings – increasing the overall square footage, which would increase construction costs by 10%. The estimated per square foot cost, last communicated, is still the Group's "working number" but, once plans are tightened up, they can develop a better estimated square footage number. A cost estimator will be retained. As currently envisioned the overall cost, including soft costs is approximately \$20,000,000. However, the focus should be on cash flow. With current rates; our superior borrowing position; and the imminent retirement of several large items off our debt schedule the Town would be well situated to finance this. The initial proposal would have tripled the total public safety facilities' square footage; however the Working Group has been able to reduce this down to approximately 2.5 of the current facilities. It was noted that one of the reasons this joint facility is being proposed is that these departments have outgrown their existing space. Further, the proposed capacity will also allow for future expansion as it becomes necessary. The additional areas/functions/facilities that would be available in the proposed combined facility were also discussed. According to the architects the gross estimated costs are on-par with similar facilities they have developed. They are basing their numbers on standard materials used in similar facilities. Comparables will be provided as we move forward. However, the project still needs to go out to bid which could impact the assumptions. The ten – fifteen million dollar number that some have put forth is not realistic. There was additional discussion on the estimated per square foot cost and the projected labor costs. The first question that the Town needs to answer- is do we need a public safety facility; the second is to determine, if so, what do need? It was determined that further discussion on numbers could wait under more detailed plans are developed.

- **Special Town Meeting – Articles and Votes**

BoS Chair Amoroso opened discussion on the Special Town Meeting articles and the requisite recommendations.

- **Amending the FY 16 Operating Budget**

Both boards have determined that amending our Operating Budget in order to replenishing the Reserve Fund is a prudent action. There was a review of the expenditure schedule that illustrates the necessity for this action.

- BoS Chair Amoroso moved to place an article to amend the FY 16 Operating Budget (Reserve Fund), as written in the warrant for the Special Town Meeting to be held February 24, 2016 [Snow date of February 25, 2016]. Seconded by Selectman Bak. **Approved 4-0.**
- BoS Chair Amoroso moved to recommend this article, as written. Seconded by Selectman Bak. **Approved 4-0.**
- FinCom Member Hesler moved to recommend this article, as written. Seconded by FinCom Member Rosamond. **Approved 7-0.**

- **Boxborough’s Withdrawal from the Minuteman Regional Vocational School District**

- BoS Chair Amoroso moved to place an article for Withdrawal of the Town of Boxborough from the Minuteman Regional Vocational School District, as written in the warrant for the Special Town Meeting to be held February 24, 2016 [Snow date of February 25, 2016]. Seconded by Selectman Bak. **Approved 4-0.**

BoS Chair Amoroso (and Minuteman School Comm. Rep.) provided the rationale for the sequencing of the Minuteman articles. BoS formed the Vocational Education Advisory Committee (VEAC). VEAC was thorough, thoughtful and committed in their task. Selectman Bak and VEAC Chair spoke regarding their research. She noted that the research materials are “living” documents and VEAC continues to update their analysis as additional information becomes available. She handed out an update to the VEAC presentation that was provided to the BoS on January 11th. VEAC’s objective has been to provide a fair and balanced view of the issues; simply following the data. Her perspective is that based on VEAC’s analysis there is no obvious or clear choice. Other VEAC members advised that they didn’t look at just the numbers; they also weighed the input from students and others. Members of the FinCom also thanked VEAC. Their research has answered many questions that have been of concern for them. BoS Chair Amoroso noted that, VEAC prioritized the best interest of students; however the FinCom needs to look at the fiscal concerns and the BoS needs to consider what is in the overall interest of the Town. He further noted that this article is solely to determine if voters support withdrawal from the Minuteman School District. If approved, any decisions concerning vocational education services will be made by the BoS.

- BoS Chair Amoroso moved to recommend this article, as written. Seconded by Selectman Fox. **Approved 3-1 (Bak).**
- FinCom Chair Subramanyam moved to recommend this article, as written. Seconded by FinCom Member Rosamond. **Approved 7-0.**

Discussion continued regarding the Minuteman School District. BoS Chair Amoroso provided his perspective as to which communities will likely remain in the District and which ones will seek to withdraw. He noted that one of the new amendments makes it more palatable to remain - reducing the minimum enrollment from five to just one. There is reasonable expectation that all of the member communities will approve the current amendments to the District Agreement. The concerns that previously stopped six of the member towns from approving have been addressed and by working with all of the communities, the District seems to have achieved a workable resolution with these amendments. The motivation to approve the amendments is that that we need to fix the Minuteman facility, whether we take the MSBA route or not. There is a very small window to qualify for MSBA reimbursement (Appx. 46%), and if we loss this would be 100% responsible for all repair costs. If repairs are not undertaken than Minuteman could lose its accreditation. There was also discussion as to the conditions at Minuteman and how this deterioration was allowed to occur. Boxborough is one of the last members to hold their Special Town Meeting. BoS Chair Amoroso spoke an analysis he prepared via a Power Point presentation. He advised that his analysis compared the academics, convenience and costs related to the three schools that were identified by VEAC. He broke out both Boxborough’s upcoming Minuteman assessment and the projected for 2020. Currently our assessment includes a charge for resident students’ participating in a Minuteman run Technology program at the Junior High. He suggested that this cost/assessment could be reassigned to the A-B District. He also noted that remaining in Minuteman during construction will affect the quality of student life. He wrapped up by stating Minuteman ranks as the worst performing, it’s the least convenient & the most expensive. Nashoba is the best choice. Selectmen Bak spoke to her concerns with this analysis, specifically that it is raw numbers comparison, with no level-setting or aggregate factoring. There are no perfect answers here. She also related the comments of VEAC and A-B School Comm. member Brigid Bieber. Some of comments during discussion were: it may be better if the Minuteman District was dissolved; almost half of Minuteman’s student body comes from out of district; though data indicates that these three schools are essentially on the same overall level, Minuteman is the most expensive and being part of a District guarantees our student’s access and gives us a voice. There was discussion about the BoS identifying a “Preferred” school and a recent opinion issued by the DESE. Under the amended agreement earliest that Boxborough could possibly formally withdraw in July 1, 2017.

□ **Minuteman Regional Vocational School District (MRVSD) amended agreement**

- BoS Chair Amoroso moved to place an article to approve Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District as written in the warrant for the Special Town Meeting to be held February 24, 2016 [Snow date of February 25, 2016]. Seconded by Selectman Gorman. **Approved 4-0.**

The general consensus was that it is in everyone's interest to support the proposed amendments. If the amendments are approved and Boxborough votes to withdraw it allows us an easier path to exist the District and it also means that the District can proceed with the MSBA Building Project. If the Town votes to remain under the revised agreement the Town would be assessed for our actual enrollment, not the existing five-student minimum; again the MSBA Project can proceed if we decide to withdraw in the future. It would be easier than under the current terms; and though voting would now be weighted, it would be based on a town's enrollment, which is equitable. However, there is a concern that under the revised agreement our assessment would go up and the capital portion will be impacted once the project is underway. All of the sixteen member communities must approve these amendments to pass. BoS Chair Amoroso was recognized for the tremendous job he did in developing and campaigning for the current version of these amendments being presented at this Special Town Meeting.

- BoS Chair Amoroso moved to recommend this article, as written if withdrawal from the Minuteman School District has been approved. Seconded by Selectman Fox. **Approved 4-0.**
- BoS Chair Amoroso moved to recommend this article, as written if withdrawal has not been approved and we remain in the Minuteman School District. Seconded by Selectman Gorman. **Approved 4-0.**

- FinCom Chair Subramanyam moved to recommend this article, as written if withdrawal from the Minuteman School District has been approved. Seconded by FinCom member Hesler. **Approved 7-0.**
- FinCom Chair Subramanyam moved to recommend this article, as written if withdrawal has not been approved and we remain in the Minuteman School District. Seconded by FinCom member Hesler. **Approved 6-1 (Burke)**

Participants were reminded that written recommendations need to be reviewed by their respective committee's on January 25th for inclusion into the warrant, which will be going to print on February 2nd.

There was a STM procedural discussion. It was determined that the Vocational Education Advisory Committee would be allowed to present their findings at this Special Town Meeting, however no VEAC recommendation would be included in warrant. There was discussion regarding the ordering of the presentations. There was also discussion regarding the procedure for holding a ballot vote on an Article. Moderator Fallon explained this process.

• **Overview of FY 17 budget, including review of tax levy, rate and levy capacity**

Accountant Barrett referred to Draft FY 17 Rev. 1 Budget materials provided. The only revisions so far were minor corrections to the A-BRSD Assessment's "Table 6," which were based on her input. There was discussion regarding the Local Receipts numbers and what elements are affecting these receipts. There was discussion on the Community Preservation Comm. (CPC) line in the model along with the proposed CPA projects to be presented at Annual Town Meeting. The other proposed ATM articles including the DPW paving, the Cunningham Road closure, the Public Safety – DPW Radios and Conservation Comm. Fund were discussed. Other budget lines discussed included – Street lighting, and Reserve Fund. The new BIACO has begun a review of the condition of Town facilities. There have been similar discussions with DPW. Barrett reviewed the upcoming budget benchmarks; reporting that FinCom has already started voting budgets.

ADJOURN

This meeting was adjourned, by both the BoS and FinCom, at 9:40 pm.

6a



**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING
FEBRUARY 24, 2016
LIST OF ARTICLES**

- 1. AMEND FY 16 OPERATING BUDGET (RESERVE FUND)**
 - 2. WITHDRAWAL OF THE TOWN OF BOXBOROUGH FROM THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**
 - 3. AMENDMENTS TO THE REGIONAL SCHOOL DISTRICT AGREEMENT OF THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**
-

To either of the Constables of the Town of Boxborough, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, MA on Wednesday, February, 24, 2016 at 7:00 p.m. to act on Articles 1 through 3 of this Special Town Meeting Warrant.

ARTICLE 1 AMEND FY 16 OPERATING BUDGET (RESERVE FUND)

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand Dollars (\$50,000), more or less, to provide for the operations and expenses of the Town for the fiscal year beginning July 1, 2015 by amending the operating budget as voted under Annual Town Meeting Article 5 on May 11, 2015 by increasing the Reserve Fund, Department #132, as indicated below; or take any other action relative thereto.

| Line Item # | Description | Appropriated at ATM 5/11/15 | Proposed Increase/ <Decrease> Appropriation | Total FY 16 Allocation |
|-------------|----------------------------|-----------------------------|---|------------------------|
| 132 | Total Other – Reserve Fund | \$185,000 | \$50,000 | \$235,000 |

The Finance Committee recommends (7-0).

This year's approved expenditures include Cemetery Crypt Reconstruction \$12,000; Three Town Hall HVAC units totaling \$23,250; Steele Farm Barn additional scope of repair work \$17,596; Town Hall Lift \$39,000. Other miscellaneous transfers bring the total transferred from the Reserve Fund to \$92,556, leaving a balance in the reserve fund as of 1/31/16 of \$92,444.

This has been an unusual year in terms of reserve fund transfer requests. Since we are still in the early part of winter, it is unclear what level of reserve fund transfers might be required to fund DPW expenses associated with snow removal or other personnel issues. There are also an additional 6 to 8 smaller items on the horizon for pending transfers as well. This item resets the Reserve Fund back to a level that the Finance Committee believes will be sufficient for the remainder of FY16.

The Board of Selectmen recommends (4-0).

**ARTICLE 2 WITHDRAWAL OF THE TOWN OF BOXBOROUGH FROM THE MINUTEMAN
REGIONAL VOCATIONAL SCHOOL DISTRICT**

(Majority vote required)

To see if the Town will vote to withdraw from the Minuteman Regional School District effective July 1, 2017, contingent upon the acceptance, on or before March 1, 2016, by all of the current members of the Minuteman District, and the approval, on or before December 31, 2016, by the Commissioner of Education, of the Amended Regional Agreement dated December 21, 2015 which has been submitted to the member towns by the Minuteman Regional School Committee; or take any other action relative thereto.

The Board of Selectmen recommends (3-1).

Background¹

Articles 2 and 3 are the result of a seven year effort to address the inadequacies of the facility at Minuteman Regional Vocational Technical High School ("Minuteman"). The current facility, built in the early 1970's, has serious building systems and capital maintenance issues, does not meet current code and architectural standards, and cannot properly support Minuteman's vocational-technical education programs. The facility MUST be repaired or replaced in order to ensure a SAFE building for our students. If we do nothing, Minuteman could lose its academic accreditation. It is important to note that the deterioration did not result from a refusal by the member towns to approve requests for repairs. Rather than seek sufficient funds to repair the existing structure, Minuteman's administration and school committee put their effort into seeking approval to build a new school with funding help from the Massachusetts School Building Authority (MSBA). That effort has been underway since 2009. It is the oldest school building project in the MSBA pipeline.

Minuteman proposes to build a new school at a cost of \$145 million, with a completion date of September 2020. If the member towns agree to fund this project by June 30, 2016, MSBA will pay for 30% of the cost, leaving the member towns to pay the remaining 70% or \$101 million. If that deadline is not met, Minuteman will lose MSBA funding and the member towns will pay the full cost. Minuteman estimates the cost of refurbishing the facility (instead of replacing it) at \$100 million. No MSBA funding is available for that.

Some of the member towns have expressed reluctance to embark on such a costly capital project under the terms of the current Minuteman Regional Agreement. Seven towns are actively considering withdrawal from the District. The changes in the revised agreement and their affect on Boxborough will be addressed more fully in our recommendation for Article 3. In summary, the revised agreement would:

- 1) adopt weighted voting so that a member's vote would be related to its enrollment, instead of each community having an equal vote, as currently provided;
- 2) adopt a new assessment formula for sharing capital costs that would introduce a wealth based factor into the formula, increasing Boxborough's assessment;

¹ On July 20, 2015, the Board of Selectmen appointed the Vocational Education Advisory Committee, an ad-hoc fact finding committee to research, analyze, evaluate, and recommend to the Board the best options for Vocational Technical Education that are both academically and financially appropriate for the Town of Boxborough and its students. The Board has received the Committee's report and makes this recommendation based on its evaluation and discussion of the information reported by VEAC and by the Department of Elementary and Secondary education as noted above. The Board thanks the members of VEAC for their assistance: Susan Bak, Chair, Anne McNeece, Brigid Bieber. Gary Kushner, and Hugh Fortmiller.

- 3) adopt a four year rolling average for enrollment based charges instead of using the most recent year's enrollment;
- 4) permit appointment of school committee members by the Board of Selectmen instead of by Town Moderator; and
- 5) provide an easier process for Members to withdraw from the District.

DISCUSSION

Boxborough has been a member of the Minuteman High School Regional School District since 1970. Its enrollment at Minuteman has declined steadily and dramatically in recent years. The time has come to recognize that the interests of Boxborough and its students are no longer best served by remaining a member of the District.

Withdrawing from the District will better serve our students. Because we are a member town, our students must attend Minuteman unless it does not offer the program they would like to pursue. As a non-member, our students would be able to apply to other fine schools that are considerably more convenient, such as Nashoba Valley Technical School in Westford, or Assabet Valley Regional Technical High School in Marlborough. Of course, they would still be able to apply to Minuteman on the same basis as students from other non-member towns. This year 41% of Minuteman's enrollment comes from non-member towns. It is a common practice across the Commonwealth.²

Withdrawal would take effect after approval by the Commissioner of Education. The earliest effective date would be July 1, 2017. All students enrolled at Minuteman before the effective date will be able to complete their high school years at Minuteman.

We have compared these three schools in several important respects: 1) Academics, 2) Convenience, and 3) Cost. We will discuss Convenience and Cost first, because they involve determinations of time and money about which there can be no dispute.

² *The Massachusetts Department of Elementary and Secondary Education (DESE) addressed the issue of withdrawal from a regional vocational school district in a January 15, 2016 letter from Deputy Commissioner Jeffrey R. Wulfson to Minuteman Superintendent Edward A. Bouquillon:*

*"I'd like to clarify the process for DESE review of a town's proposed withdrawal from a regional vocational school district. The Department's primary role in this situation is to ensure that the withdrawal conforms to the procedural requirements set out in the regional agreement, and to assist the district and the withdrawing town in addressing the various financial and logistical issues that arise from a withdrawal. **There is no requirement that a withdrawing town submit a plan on providing alternative access to vocational education. Although we encourage towns to provide or arrange for appropriate vocational education opportunities for their students, there is no legal requirement that they do so. State law (G.L. c74, s.7) already provides a mechanism for students to enroll in out-of-district vocational programs.***

This is a different situation than a town seeking to withdraw from a regional academic school district. Every town has a legal obligation to provide an academic course of study for its resident children, either by operating its own school, joining a regional academic school district, or entering into a tuition agreement with another district. Towns seeking to withdraw from a regional academic district would be required to provide a satisfactory plan for meeting this obligation."

1) **Convenience.** The mileage from Town Hall to the three schools is similar: 11.1 (Nashoba), 13.2 (Minuteman), and 13.4 (Assabet). However, the commuting times are very different:

- 1) Nashoba: 14 minutes
- 2) Assabet: 16 minutes
- 3) Minuteman: 34 minutes.

The commute to and from Minuteman is on Route 2 during rush hour. It is 20 minutes longer each way than the commute to Nashoba. Compared to that, our students spend an extra 40 minutes/day, or 3 hours 20 minutes per week, in traffic. Our students could put this time to better use.

Minuteman is by far the least convenient.

2) **Cost.** We have considered our per pupil costs, including transportation, for each school based on an enrollment of 5 students. In the case of Minuteman, we have used the projections given us by the Administration, including the capital costs for the new school project. The results are:

| | | |
|---------------|---------------|---|
| 1) Nashoba: | FY17 \$26,700 | 2020 (unknown) |
| 2) Assabet: | FY17 \$28,200 | 2020 (unknown) |
| 3) Minuteman: | FY17 \$36,304 | 2020 \$42,254 (with 10 member towns, new agreement, and building project) |

Minuteman is by far the most expensive.

3) **Academics.** We compare academic performance last because it is the most important and the least susceptible to a purely numerical analysis. Nevertheless, there is a wealth of numerical data available on the website of the Massachusetts Department of Elementary and Secondary Education (DESE), and we have examined it closely. You can find DESE's 2015 Report Card Overviews for each school at these links:

Assabet:

<http://profiles.doe.mass.edu/reportcard/SchoolReportCardOverview.aspx?linkid=105&orgcode=08010605&fycode=2015&orgtypecode=6&>

Minuteman:

<http://profiles.doe.mass.edu/reportcard/SchoolReportCardOverview.aspx?linkid=105&orgcode=08300605&fycode=2015&orgtypecode=6&>

Nashoba:

<http://profiles.doe.mass.edu/reportcard/SchoolReportCardOverview.aspx?linkid=105&orgcode=08520605&fycode=2015&orgtypecode=6&>

Our analysis of this data shows that, compared to Assabet and Nashoba, Minuteman has the lowest graduation rate and percentage of students attending institutions of higher education. It has the lowest MCAS performance in Math and STE (Science and Technology/Engineering). It has the highest dropout rate, poorest attendance rate, and worst suspension rate. On the other hand, it has the highest combined SAT scores, the highest MCAS performance in ELA (English Language Arts) and the lowest student-teacher ratio. The schools vary significantly

in their enrollment of SPED students, with Assabet and Nashoba at about 33% and Minuteman at about 51%. We do not know to what extent this difference may affect the above performance data.

Evaluating the academic quality of these schools ultimately requires us to make a judgment as to priorities. How much weight should we give to SAT scores as compared to graduation rate? Are language arts or science and technology/engineering more important for our students attending a vocational/technical high school? Is a lower student-teacher ratio more important than the rate at which our students go on to institutions of higher education? Your priorities may be different, and we encourage you to look at the DESE report card links and decide for yourself.

Conclusion

In our judgment, Minuteman's overall academic performance is certainly no better than the other two schools, and arguably worse. There is no doubt that Minuteman is, by far, the least convenient and most expensive of the three schools compared.

The Board of Selectmen recommends that you vote "Yes" to withdraw from the Minuteman Regional School District effective July 1, 2017.

The Finance Committee recommends (7-0).

While Minuteman has provided a good education for Boxborough students over the years, the VEAC has provided data that shows students could obtain a quality vocational education of a similar or higher standard for a similar or lesser cost elsewhere.

**ARTICLE 3 AMENDMENTS TO THE REGIONAL SCHOOL DISTRICT AGREEMENT OF THE
MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**

(Majority vote required)

To see if the Town will vote, consistent with Section VII of the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District, to accept the amendments to said Agreement which have been initiated and approved by a vote of the Regional School Committee on December 21, 2015, and which have been submitted as a restated "Regional Agreement" bearing the date of December 21, 2015 to the Board of Selectmen of each member town; or take any other action relative thereto.

Summary

Background: In March 2014, the Minuteman Regional School Committee approved a set of amendments to the Agreement, which were sent to all member towns for consideration at their 2014 annual town meetings. The motivation for the proposed amendments was the need to obtain the unanimous consent of the member towns in order to undertake the vital and long overdue capital campaign necessary to bring the existing, antiquated school structure into compliance with building codes. Ten member towns voted to approve, one town voted against, and five towns, including Boxborough, passed over the article. Because adoption of the amendments required unanimous vote of the member towns, the School Committee presented the amendments to those six towns to consider again in 2015. Boxborough voted to pass over the article and the remaining five towns did likewise or did not take any further action.

It was clear that the proposed amended agreement would have to be further revised in order to achieve a unanimous vote of support. After a good deal of discussion among selectmen in the member towns, as well as members of the school committee, further revisions to the March 2014 draft were recommended and endorsed, and on December 21, 2015, the Minuteman Regional School Committee unanimously approved a revised Regional Agreement, with additional revisions providing for a streamlined process for withdrawal by member towns, reduction of the minimum enrollment charge from five students to one, and requiring out-of-district communities to help pay for their share of capital costs of a new building.

The full text of the revised Regional Agreement, on which you are being asked to vote, is available in both clean and red-line versions, at the Boxborough Town Clerk's office, the Sargent Memorial Library and on-line, by clicking the town meeting links from the home page of the Boxborough web.

Principal features of the revised Regional Agreement are highlighted below.

The Board of Selectmen recommends (4-0), regardless of how the Town votes on Article 2.

As discussed in our recommendation on Article 2 above, Articles 2 and 3 are the result of a longstanding effort to address the inadequacies of the facility at Minuteman Regional Vocational Technical High School ("Minuteman"). Technically speaking, there is no link between the Regional Agreement and Minuteman's plans to build a new school with financial help from the Massachusetts School Building Authority (MSBA). The MSBA is not requiring Minuteman to secure a new Agreement. Practically and politically speaking, however, there is a direct link. Several town officials have said they could not support the Minuteman project in their towns until a new Regional Agreement is approved by all 16 towns.

Principal features of the revised Regional Agreement include:

- 1) A new formula for sharing capital costs among member communities. The new formula includes factors for each community's enrollment at Minuteman, each community's relative ability to pay, and a minimum share for each community. The current formula attributes a five-student minimum to low-enrolling communities but otherwise is based on enrollment only. The new formula would employ a one-student per year minimum.
- 2) A new formula for assessments using a four year rolling average for enrollment based charges. Assessments are currently based only on previous year enrollment.
- 3) Weighted voting on the Minuteman School Committee with 50% of vote strength shared equally among members and 50% based on each community's 4-year rolling average enrollment. The present agreement provides for one vote per town, even though some towns have much larger numbers of students at Minuteman and, even under the new agreement, will continue to carry a higher percentage of the costs. The new Agreement calls for weighted voting in most cases. Exceptions include votes to incur debt, which require approval by 2/3 of all School Committee members regardless of enrollment.
- 4) Appointment of Minuteman School Committee members by the boards of selectmen of the member town (or the mayor, in the case of a city), unless the town provides otherwise by bylaw or charter. It is hoped that moving to executive branch appointments, instead of moderators' appointments, will improve accountability of the District to the member communities. Towns wishing to retain the moderator's appointing authority may do so by bylaw/charter.
- 5) A more workable process for communities to withdraw from the district. The revised agreement provides seven communities¹ the option to withdraw as part of the ratification process. Going forward, a member town could withdraw from the District by town meeting vote on reasonable notice, subject to an obligation to pay its share of outstanding capital, and with approval from the State Education Commissioner, unless at least half of the other members' legislative bodies vote to disapprove. The current agreement requires an affirmative vote by every member town to allow a community to withdraw.

DISCUSSION

- A) If the Town votes "Yes" on Article 2, it needs to vote "Yes" on Article 3 in order to give effect to its decision to withdraw. If approved by all sixteen member towns, the new Regional Agreement would provide seven towns, including Boxborough, the ability to receive the necessary unanimous approval with this vote.
- B) If the Town votes "No" on Article 2, it should still vote "Yes" on Article 3 and approve the new Regional Agreement because the benefits would outweigh the drawbacks. A "Yes" vote would also provide a safer and better educational experience for Boxborough's students who would continue to attend Minuteman because it would permit the construction of a new, safe, state of the art school building.

Benefits

The principal benefit is the opportunity to build a new school for our students. Revision of the Regional Agreement is critical to approval of the School Building Project by the member towns. If that Project is not approved, the District would face difficult challenges operating and maintaining its existing facility. All member communities would share those costs, which, without MSBA assistance, may be higher than the cost to build a new school.

¹ The seven towns are: Boxborough, Carlisle, Dover, Lincoln, Sudbury, Wayland, and Weston, accounting for a total of less than 10% of the District's enrollment.

The new Agreement could also make it easier to attract new members. Some non-member towns that have sent their students to Minuteman for years have been deterred from joining the district because the current agreement requires unanimity in order to withdraw. If they decide to join the District, they would pay a greater share, and our costs (should we stay) would decrease.

In addition, the new Agreement provides a more workable process for withdrawing should the Town wish to do so at any time in the future. Going forward, a member town could withdraw from the District by town meeting vote on reasonable notice, subject to an obligation to pay its share of outstanding capital, and with approval from the State Education Commissioner, unless at least half of the other members' legislative bodies vote to disapprove. The current agreement requires an affirmative vote by every member town to allow a community to withdraw.

Drawbacks

The principal downsides to the new agreement result from changes to the formulas for voting and assessments.

VOTING:

Each member town would no longer get an equal vote. Instead, weighted voting would be employed, with 50% of vote strength shared equally among members and 50% based on the 4- year rolling average enrollment. Incurring debt is specifically excepted and would require approval by 2/3 of all school committee members regardless of enrollment share or actual attendance at the committee meeting. Boxborough's vote would decrease from 1/16, or 6.25%, to approximately 4%. That number would vary slightly with changes in enrollment and would be affected by how many towns vote to withdraw.

We do not consider this to be a significant change in our overall voting power.

ASSESSMENTS:

- 1) ANNUAL OPERATING COSTS: Based on 4-year rolling average enrollment share, instead of the most recent year.
- 2) CAPITAL COSTS: Each member community would pay a base 1% of yearly total. 50% would be based on 4-year rolling average enrollment share. The remainder would consider certain factors used in calculating Chapter 70 state aid to education along with enrollment (the so-called "wealth factor"). In calculating the rolling average, a one-student minimum enrollment per year would be used, replacing the five-student minimum enrollment used for capital assessment under the present agreement. **This provision was not in the 2014 proposed amendments.**

If withdrawal is properly pursued following a District-wide election that authorizes new debt, the subject community would not be liable for a share of the debt that its own voters disapproved in that election.

These changes would increase Boxborough's assessments if enrollment continues at the recent 5 student level or increases. If enrollment continues to decline, as it has in recent years, to below 5 students, Boxborough's assessment could decline as a result of the decrease in minimum student enrollment charge from 5 to 1. In addition, if a future capital project (not the current building proposal) is proposed, Boxborough could disapprove the new debt and would not be liable for it if it votes to withdraw at that time, even if withdrawal is not approved.

We consider this to be an acceptable provision because it could actually reduce our assessment if enrollment continues to decline, and gives us a way to avoid liability for new debt. Under either of those circumstances, the revised capital assessment formula would no longer be a drawback but a benefit.

Conclusion

The Board voted (3-1) that, for Boxborough, the best course is to withdraw from the Minuteman Regional School District now. If the Town votes to do so, it should approve the revised Regional Agreement in order to give effect to its decision. If the Town votes to remain in the District, it should also approve the revised Regional Agreement so that the District would be better able to serve the vocational education needs of our students by constructing a new, safe, state of the art school building.

The Board of Selectmen recommends that you vote "Yes" to accept the amendments to the existing "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" for the Minuteman Regional Vocational School District.

The Finance Committee recommends (6-1).

Pro

Regardless of how the town has voted on Article 2, the majority of the Finance Committee is of the view that the town's best financial interests are served by approving the new regional agreement.

The regional agreement as provided in the warrant does a number of things that are good for Boxborough and the District. The agreement lowers the minimum number of students from 5 to 1. The new agreement will initially allow 7 member towns to leave the District with no penalty including Boxborough if we so desire. The agreement will most likely allow the schools remaining in the district to agree to build a new school, which will entail a capital assessment on all member towns for the next 30 years.

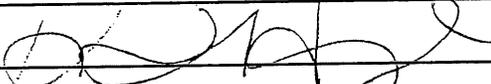
Con

The new agreement will change the voting structure of the school committee and limit Boxborough's vote on the committee. The new agreement changes the budget model and will charge more to Boxborough due to the Wealth factor. In addition, we will be forced to pay for a minimum of one student even if there are no Boxborough students attending.

7a

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

| PUBLIC EMPLOYEE INFORMATION | |
|--|---|
| Name of Public Employee: | Kristin Hilberg |
| Title or Position: | Zoning Board of Appeals Clerk |
| Agency/Department: | Town of Boxborough Planning Department |
| Agency Address: | 29 Middle Road Boxborough, MA 01719 |
| Office Phone: | 978-264-1723, 978-264-1722, or 978-501-2912 |
| Office E-mail: | ADuchesneau@Boxborough-MA.gov , mnadwairski@boxborough-ma.gov , or khilberg1@verizon.net |
| | <p>In my capacity as a state, county or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p> |
| APPEARANCE OF FAVORITISM OR INFLUENCE | |
| Describe the issue that is coming before you for action or decision. | There is an application before the Zoning Board of Appeals in which the Applicant is requesting a Variance from the required minimum upland lot area in Section 5002 of the Boxborough Zoning Bylaw. |
| What responsibility do you have for taking action or making a decision? | As a member of the Zoning Board of Appeals, I would be voting on the Applicant's request for a Variance from the required minimum upland lot area in Section 5002 of the Boxborough Zoning Bylaw. |
| Explain your relationship or affiliation to the person or organization. | My brother is an employee of Quintal Landscape Inc. who is currently a tenant (not the Applicant or property owner) at the property which is the subject of the Variance application. Quintal Landscape Inc. would potentially be interested in purchasing a piece of land which could be split off from the existing parcel if the Variance request were to be approved by the Zoning Board of Appeals. This particular piece of land contains the commercial building where Quintal Landscape Inc. operates their business. |
| How do your official actions or decision matter to the person or organization? | There is a possibility my actions on this particular Variance application decision could have some type of impact on the Quintal Landscape Inc. business. However, my brother is only an employee of Quintal Landscape Inc. and does not have a financial interest in the company. |

| | |
|--|--|
| Optional: Additional facts – e.g., why there is a low risk of undue favoritism or improper influence. | |
| If you cannot confirm this statement, you should recuse yourself. | WRITE AN X TO CONFIRM THE STATEMENT BELOW. <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly. |
| Employee signature: |  |
| Date: | Feb 1, 2016 |

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH**

WARRANT FOR PRESIDENTIAL PRIMARY

SS.

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

GREETING:

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

**Meeting Room of the Sargent Memorial Library
427 Massachusetts Avenue, Boxborough**

on **TUESDAY, THE FIRST DAY OF MARCH, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

- PRESIDENTIAL PREFERENCE FOR THIS COMMONWEALTH
- STATE COMMITTEE MAN MIDDLESEX & WORCESTER DISTRICT
- STATE COMMITTEE WOMAN MIDDLESEX & WORCESTER DISTRICT
- WARD OR TOWN COMMITTEE TOWN OF BOXBOROUGH

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

Given under our hands this _____ day of _____, 2016.
(month)

City Council or Selectmen of: _____
(City or Town)

(Indicate method of service of warrant.)

_____, 2016.
Constable (month and day)

Warrant must be posted by **February 23, 2016**, (at least *seven days prior* to the **March 1, 2016**, Presidential Preference Primary).

7c



Reserve Fund Transfer Request

Date: January 25, 2016

It is requested by the undersigned that the sum of \$ 2,000.00 be transferred from the Reserve Fund to:

UMAS Acct. # 001-141-5399-0000
(Fund # - Dept. # - Object - Detail)

Description (e.g. Selectmen's expenses) Assessor GIS Map Updates

The balance in the line item as of January 25, 2016 (Date) is \$ 500.00. An amount of \$ 500.00 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.

I misread the prior year's contract for map updates and allotted the incorrect amount for these services for FY2016. The \$500 currently in the account will be expended to pay for hosting of the property record cards on the Town's WebGIS program.

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>Rex Anderson</u> | (Signature) | <u>Town Assessor</u> | (Title) |
| <u>[Signature]</u> 2/4/16 | (Signature) | <u>Town Administrator</u> | (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> | <u>Date:</u> | <u>Finance Committee</u> | <u>Date:</u> |
|---------------------------|--------------|--------------------------|--------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

| <u>Copy to:</u> | <u>Initial Distribution</u> | <u>Notification of Finance Committee Action</u> |
|--------------------|-----------------------------|---|
| | <u>Date Sent:</u> | <u>Date Sent:</u> |
| Finance Committee | _____ | _____ |
| Department Head | _____ | _____ |
| Board of Selectmen | _____ | _____ |
| Town Administrator | _____ | _____ |
| Town Treasurer | _____ | _____ |
| Town Accountant | _____ | _____ |

Statement of Work

Town of Boxborough, MA

2016 Parcel Data and Assessor Map Updates

AppGeo Project # 2016-1023.00

Submitted by:

Applied Geographics, Inc.

January 25, 2016

1 Overview

Applied Geographics Inc. (AppGeo) will assist the Town of Boxborough in updating the Town's parcel data layers and Assessor maps to bring them to current conditions for FY16. The updates consist of a combination of new lots and buildings/condo units being created, adjustments to parcel boundaries, parcel splits, parcel combinations, annotation edits and the assignment of new parcel numbers. AppGeo will use scanned parcel plans as the source for all updated linework and annotation features.

2 Scope of Services

This section presents a detailed description of how AppGeo will perform the scope of services for the Town and deliver high-quality products for each item outlined below.

2.1 Parcel Data and Assessor Map Updates

There are approximately 42 parcel updates that have been identified in a spreadsheet and corresponding plans provided by the Town to be updated as part of this project. AppGeo will incorporate all property boundaries, permanent easement, and tax map annotation edits into an updated geodatabase.

2.1.1 Register Scanned Parcel Plans

AppGeo will register seven parcel plan scans to the existing parcel basemap and most recent MassGIS orthophoto.

All data sets will be georeferenced to the Massachusetts State Plane Coordinate System, units in US Survey Feet, North American Datum 1983. This georeferenced plan will then be used for the parcel updating process.

2.1.2 Update Parcel Numbers

AppGeo will replace all parcel numbers with the new numbers provided by the Assessor. The new numbers will be updated in the following fields in the parcel layer's attribute table: MAP_PAR_ID, MAP, BLOCK, LOT and UNIT.

2.1.3 Update Parcel Linework and Attributes

Parcel line features will be captured using heads-up digitizing and best-fit methodology. Essentially, the parcels will be traced from the scanned, georeferenced images and then adjusted as needed to fit the basemap and existing parcel data as well as possible.

Parcel attributes will be updated in the parcel layer's attribute table to reflect all updates, including but not limited to parcel number, map, block lot and unit numbers, area, update date, update type, parcel type, etc.

2.1.4 Update Building Features

AppGeo will capture any new building structures evident on the plans and as instructed in the spreadsheet provided by the Assessor.

2.1.5 Update Annotation Text

AppGeo will update the Town's geodatabase with text annotations as depicted on the parcel plans.

Text annotation layers include dimensions, street names, lot numbers and lot area.

2.1.6 Link Parcels to Assessor's Data

AppGeo will link the updated parcels to the Assessor's CAMA database.

The Town will be responsible for providing an updated export from the CAMA system in Excel format which will be used for creating the linkage to the parcels.

2.1.7 Update the Assessor Map Atlas

AppGeo will update the Town's existing Assessor Map Atlas with the new map grid and updated parcels and related layers.

3 Deliverables

AppGeo will deliver the following items to the Town:

- Town-wide geodatabase containing all updated digital layers and CAMA table
- 1 set of PDF Map Atlas files for updated maps only for Town review
- 1 final set of PDF Map Atlas files for all maps
- Mismatch reports for Assessor review:
 - one for parcels that do not have a matching record in the CAMA system
 - one for CAMA records that do not have a matching parcel in the GIS database



4 Fees

AppGeo will provide the above described scope of services for a lump sum fee of \$2,000.

An invoice will be submitted to the Town upon completion of the project. Payment will be due within 30 days of receipt of an invoice.

5 Authorization

The Town of Boxborough, MA hereby authorizes AppGeo to proceed with the above described Scope of Services.

Town of Boxborough, MA

29 Middle Road

Boxborough, MA 01719

By: _____ Dated: _____

TOWN OF BOXBOROUGH
Discrimination and Harassment Prevention Policy

Section 1. Intent

It is the goal of the Town of Boxborough to promote a professional work environment which is free of all forms of abuse or harassment and in which all of its employees are treated with respect and dignity.

Harassment is a form of behavior, prohibited by state and federal law, which adversely affects the employment relationship. Harassment of individuals, based on sex, gender, sexual orientation, gender identity, race, color, religion, national origin, age, disability, military status, genetics, criminal record (inquiries only) or any other category protected under federal, state or local law, which occurs in the workplace or in other settings in which individuals of the town may find themselves in connection to their employment, is unlawful and shall not be tolerated by the town. The town also condemns and prohibits any form of harassment by any applicant, client, vendor or visitor. Further, any retaliation against an individual who has complained about harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint, is similarly unlawful and shall also not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including discharge.

Because the Town takes all allegations of discrimination and harassment seriously, the Town will respond promptly to complaints of discrimination or harassment. If it is determined that inappropriate conduct has occurred, the Town will act without delay to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate, up to and including discharge.

It is important to note that while this policy sets forth the Town's goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the definition of discrimination or harassment. It should be noted as well that elected and appointed officials are expected to refrain from all forms of discrimination, abuse and harassment and, as appropriate, the standards of conduct and disciplinary provisions of this policy shall also apply to elected and appointed officials.

Section 2. Discrimination

Anti-discrimination laws prohibit any form of unlawful discrimination, including harassment, based upon membership in a protected class. Protected categories include, race, national origin, age, color, religion, disability, criminal records (inquiries only), military status, genetics, gender, sexual orientation, gender identity and any other category protected by state or federal law. The anti-discrimination laws also prohibit retaliation against an individual who complains of discrimination. Anti-discrimination laws are applicable to all employment activities including:

- Hiring (posting, applications, interviews, examinations and selection)
- Compensation and benefits
- Promotions
- Transfers
- Discipline and layoffs

Forms of discrimination can include, disparate treatment, harassment (sexual and non-sexual harassment), and accommodation based on disability or religion. In short, the anti-discrimination laws require that the employer conduct all aspects of the employer-employee relationship free from the unlawful discrimination.

Discrimination based on a protected class is prohibited by law. Many of the principles that apply to sexual harassment set forth in section 3 below apply equally to other types of discrimination and harassment. The discrimination must be related to membership in a protected class. While it is not possible to list all of the circumstances that may constitute discrimination based on membership in a protected class, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, the following is a list of situations that could constitute discriminatory harassment:

- Verbal abuse based on membership in a protected class
- Use of degrading words based on membership in a protected class
- Jokes or language based on membership in a protected class.

Employees are protected from all forms of discrimination by anyone who enters the workplace. Customers and clients are also protected. Workplace is broadly defined and can include after hours parties sponsored by the employer, offsite meetings of the employer and other activities outside of work, including off duty activities, if those activities may impact the workplace.

Section 32. Definition of Harassment

Harassment includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of his or her gender, sexual orientation, gender identity, sex, race, color, religion, national origin, age, disability, military status, genetics, criminal records (inquiries only) or other category protected under federal, state or local law. It includes materials or comments intended as humor. Harassment does not refer to purely voluntary social activities. It refers to behavior that is not welcomed by the employee, that is personally offensive to him or her, and that undermines morale and / or interferes with the ability of the employee to work effectively. The use of town facilities to disseminate, duplicate or display such materials is prohibited.

In Massachusetts, the legal definition for sexual harassment is: “sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.”

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, by supervisors, employees and, in some instances, third parties, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers. Prohibited conduct also extends to any function or activity that is officially sponsored by the town. While it is not possible to list all of the circumstances that may constitute sexual harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, following is a list of situations that could constitute sexual harassment:

- Verbal abuse of sexual nature
- Use of sexually degrading words
- Jokes or language of sexual nature
- Conversation or gossip with sexual overtones
- Obscene or suggestive gestures or sounds
- Sexually-oriented teasing
- Verbal comments of a sexual nature about an individual’s appearance or sexual terms used to describe an individual

- Inquiries into one's sexual experience
- Discussion of one's sexual activities
- Comments, jokes or threats directed at a person because of his/her sexual preference
- Unwelcome and repeated invitation (e.g., for lunch, dinner, drinks, dates, sexual relations)
- Demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment
- Physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or repeated brushing up against one's body
- Deliberate bumping, cornering, mauling, grabbing
- Assaults, molestations or coerced sexual acts
- Posting or distributing sexually suggestive objects, pictures, cartoons or other materials
- Sexually-oriented letters or notes
- Sending offensive or discriminatory messages or materials through the use of electronic communications (e.g. electronic mail, including the Internet, voice mail and facsimile) which contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation
- Staring at parts of a person's body
- Sexually suggestive gestures, leering
- Condoning sexual harassment

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee and can occur in a variety of circumstances:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser
- The harasser does not have to be the victim's supervisor
- The victim does not have to be of the opposite sex from the harasser
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.

Section 43. Procedure

An employee who believes that he or she may have been the subject of, or who is aware of possible instances of discrimination or harassment prohibited by this policy, is urged to utilize this procedure as soon as possible after a perceived act of discrimination or harassment occurs, because prompt reporting allows the Town to investigate while the facts are still fresh and to take prompt corrective action, when appropriate.

The Town will handle the matter with as much confidentiality as possible under the circumstances and with due regard to the rights and wishes of all parties, recognizing that there are many circumstances where complete confidentiality is not possible. Upon receipt of a complaint, the Town will promptly undertake an investigation and, when appropriate, corrective action.

a) Private Counseling Option

In addition to the right to file a complaint, the employee may also seek advice from the Town Administrator. He/she is available to discuss any concerns the employee may have and to provide information about the Town's policy on preventing discrimination and harassment and the complaint process. If the employee desires, the Town Administrator will work with the employee to find a way of resolving concerns in an informal manner acceptable to the employee and in a manner which would offer as much privacy and confidentiality as is possible. If this option does not resolve the complaint, the employee may proceed through the complaint procedure set forth in b) below.

b) Filing a Complaint

If any Town employee believes that he or she has been subjected to discrimination or harassment, it is the Town's policy to provide the employee with the right to file a complaint with the Town. This may be done in writing or orally to the Affirmative Action Officer (AAO). The Town Administrator serves as the Affirmative Action Officer. If the Affirmative Action Officer is the offending party, then complaints may be made to the Chairman of the Board of Selectmen.

When a complaint is received, the AAO will then investigate the allegation in a fair and expeditious manner. The AAO's investigation may include a private interview with the person filing the complaint and with witnesses. The AAO will also interview the person alleged to have committed the harassment. The AAO may, if necessary, request written statements in addition to the private interviews. If the AAO is unable to resolve the complaint, the AAO will report the investigation findings to the Board of Selectmen.

If the investigation reveals that discrimination or harassment did occur, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose disciplinary action which could include termination from employment. In addition, when the investigation is completed, through formal or informal procedures and to the extent appropriate, the Town will inform the person filing the complaint and the alleged harasser of the results of that investigation, including allegations that have not been sustained.

Section 54. Disciplinary Action

If it has been determined that discrimination or harassment has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment. All disciplinary action shall be conducted pursuant to the provisions of a collective bargaining agreement for union personnel and the Personnel Administration Plan of the Town of Boxborough for non-union personnel.

Section 56. State and Federal Remedies

In addition to the above, if an employee believes that he or she has been subjected to harassment, he or she may file a formal complaint with either or both of the government agencies listed below. In order to protect the charging party's rights, the employee must file a charge with the Massachusetts Commission against Discrimination (MCAD) within 300 days from the date of the alleged violation. A complaint under federal law should be filed with the United States Equal Employment Opportunity Commission (EEOC) within 180 days (300 days for sexual harassment) from the date of the alleged violation. If the charge is also covered by the Massachusetts Commission against Discrimination (MCAD), the filing deadline may be extended to 300 days.

The Massachusetts Commission Against Discrimination (MCAD)

Boston Office: The John McCormack Building, One Ashburton Place, Room 601, Boston, MA 02108; (617) 994-6000

Worcester Office: Worcester City Hall, 455 Main Street, Room 100, Worcester, MA 01608; (508) 799-8010

Springfield Office: 436 Dwight Street, Second Floor, Room 220, Springfield, MA 01103; (413) 739-2145

New Bedford Office: 800 Purchase Street, Room 501, New Bedford, MA 02740; (508) 990-2390

The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203; (800) 669-4000

**CERTIFICATION OF RECEIPT
TOWN OF BOXBOROUGH
DISCRIMINATION AND HARASSMENT PREVENTION POLICY**

I certify that I have been given a copy of the Town of Boxborough's Discrimination and Harassment Prevention Policy and provided the opportunity to ask questions about its content. In addition, I certify that I have fully read the policy and agree to abide by its provisions.

Employee Name

Employee Signature/Date

Copy of this page to Personnel file on _____
Date



**Internal Communications and Outgoing Communications
For February 8, 2016**

1. Letter from Mass. Office of the Inspector General's MCPPO Dir., Joyce McEntee Emmett, dated December 2015, to TA Shaw informing her that her MCPPO designation re-certification has been approved.
2. Copy of coverletters from Town Counsel Jonathan Eichman, Kopelman & Paige, dated December 23, 2015, to Attorney Michael Marsh to request recording of Quitclaim Deeds:
 - a. Ashmore to Town of Boxborough
 - b. Ludovico to Town of Boxborough*[copies of letters & accompanying deeds in the For Review Slot.]*
3. Communications from Verizon:
 - a. Communications from [xfinity] Sr. Mgr. of Gov't Affairs, Ben Pearlman:
 - i. Dated January 14, 2016 notification of Municipal Emergency Reporting Procedures
[Not Public Information, available for review in TA Shaw's office]
 - ii. Dated January 14, 2016, Change of Address Notification
 - iii. Dated January 27, 2016, accompanying xfinity's 2015 Form 500 Report (Customer Video Service related issues)
 - b. Letter from Verizon Senior Staff Consultant – FiOS TV, Jill Reddish accompanying FiOS TV's 2015 Form 500 Report (FiOS TV's Customer Service related issues)
4. Email Communication of January 23, 2016, between resident Becky Neville and BoS Chair Amoroso regarding her Letter to the Editor being sent to the Beacon.
5. Press Release from Boxborough Fire Chief Randolph White regarding Fireplace and Wood Stove Safety/Proper Disposal of Ash.
6. Letter from Governor Charles Baker, dated January 20, 2016, to TA Shaw advising her that she has been appointed to the 495 Metrowest Suburban Edge Community Commission.
[Copy of Act creating the 495 Metrowest Suburban Edge Community Commission –attached]
7. Letter from Nationalgrid N.E. Gas Operations' VP of Operation & Construction, Neil Proudman, dated February 2, 2016, to TA Shaw advising of the status of negotiations with CBU, United Steel Workers Local I2003 and their contingency plan should an agreement not be reached by their 2/28/16 contract expiration.

86



**Minutes, Notices and Updates
For February 8, 2016**

Minutes

1. Finance Committee minutes for the meetings of December 14, 2015; January 4, 2016; January 11, 2016 and January 25, 2016
2. Personnel Board minutes for the meeting held January 5, 2016
3. Vocational Education Advisory Committee for the meeting of January 9, 2016
4. Zoning Board of Appeals minutes for the meeting held January 19, 2016
5. Conservation Commission minutes for the meetings held January 6, 2016

Notices

1. Notice of Finance Committee meetings:
 - a. Held February 1, 2016
 - b. To be held February 8, 2016
 - c. To be held February 22, 2016
2. Notice of ABR School Committee meetings:
 - a. Regular School Committee meeting held February 4, 2016
 - b. School Committee FY 17 Open Budget Hearing to be held February 11, 2016
3. Notice of Vocational Education Advisory Committee meetings:
 - a. To be held February 9, 2016 [Quorum]
 - b. To be held February 17, 2016
 - c. To be held February 24, 2016
4. Notice of a Library Trustees meeting to be held February 9, 2016
5. Notice of a Recreation Commission meeting to be held February 9, 2016
6. Notice of an Personnel Board meeting to be held February 23, 2016
7. Notice of an Energy Committee meeting date /time not provided
8. Quorum Notice of the STM Informational Session to be held February 9, 2016 (BoS, VEAC & FinCom)