



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**May 23, 2016**

**APPROVED: June 20, 2016**

**PRESENT:** Vincent Amoroso, Chair; Susan Bak, Clerk; Rick Barrett, Member; Les Fox, Member; and Robert Stemple, Member

**ALSO PRESENT:** Selina Shaw, Town Administrator, Gerry Noel, BICAO, Adam Duchesneau, Town Planner and Jonathan Eichman, Town Counsel.

**EXECUTIVE SESSION**

At 6:00 PM Chair Amoroso moved to adjourn to executive session to:

- a) Discuss strategy with respect to litigation
- b) Consider the purchase or value of real estate

and to reconvene in open session at 7:30 PM in the Grange Meeting Room to consider the regular business on the agenda. Chair Amoroso further stated that an open meeting may have a detrimental effect on the litigating and negotiating position of the Board. Seconded by Selectman Fox. **Approved 5-0 by Roll Call Vote: Fox “aye,” Amoroso “aye,” Stemple “aye,” Bak “aye,” and Barrett “aye.”**

Chair Amoroso reconvened the meeting at 7:42P.M. in the Grange Meeting Room of Boxborough Town Hall.

**ALSO PRESENT:** Cheryl Mahoney, Department Assistant

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

**ANNOUNCEMENTS**

Chair Amoroso read the announcements and welcomed new Selectman, Rick Barrett.

**REORGANIZATION OF THE BOARD**

- Chair Amoroso opened discussion as to the Reorganization of the Board going forward, noting that the Board does this every year after the annual town election. Chair Amoroso called for nominations.
  - Chair Amoroso nominated Selectman Les Fox as Chair of the Board of Selectmen. Seconded by Selectman Stemple. Hearing no further nominations, Chair Amoroso closed nominations. **The Board approved Selectman Fox’s nomination 5-0.** Amoroso was asked to chair this meeting and Fox would assume the Chairmanship starting May 24, 2016.
  - Chair Pro Tem Amoroso called for nominations for Clerk of the Board of Selectmen. Chair Pro Tem Amoroso nominated Susan Bak as Clerk. Seconded by Selectman Stemple. Hearing no further nominations, Chair Pro Tem Amoroso closed nominations. **The Board approved Selectman Bak’s nomination 5-0.**

**APPOINTMENTS**

- There were no Citizens concerns.

**MINUTES**

- Selectman Fox moved to accept the minutes for the Regular session of April 4, 2016, as revised. Seconded by Selectman Bak. **Approved 5-0.**
- Selectman Fox moved to accept the minutes for the Regular sessions of May 9, 2016, and May 10, 2016, as written. Seconded by Selectman Bak. **Approved 5-0.**

**SELECTMEN REPORTS**

- Selectmen Fox reported on the Hager Well infrastructure work. This article was approved at Town Meeting. Selectmen Gorman had been dealing with the project and Fox is now following up on this. DPW has advised him, that the DEP has just issued a notice concerning “breakthrough” water quality issues that need to be addressed. Fox read the proposed letter on this, which he would like to circulate to Town and AB School District stakeholders requesting input. Chair Pro Tem Amoroso moved to

approve the letter, as written. Seconded by Selectman Bak. **Approved 5-0.** There was also discussion on a query raised at Town Meeting about the AB School District's responsibilities as to the maintenance of this water system. There has been a subsequent review of the Town's Intermunicipal Agreement with the AB District. The responsibilities of the parties and the AB District's proportional costs were summarized. ABRSC Member, Maria Neyland was present and provided her input.

- Chair Pro Tem Amoroso reported that at a recent meeting the Minuteman School Committee reviewed Town Meeting results and measures that may be taken going forward. Fifteen (15) member communities formally approved or approved by non-action the bonding article. Belmont rejected this article. As a result the District has to report these results, the failed vote, to MSBA. They will also be asking for a 180-day extension. He provided an overview of the concerns raised during Belmont's Town Meeting discussions. The District is working to address some of these concerns and is reviewing their options, including asking that District communities hold a Town Meeting for another Funding Article and calling for a Districtwide ballot election. He reviewed the potential outcomes of these actions. He also reviewed the status of the School District's accreditation.

## **OLD BUSINESS**

- The Board reviewed this year's Annual Town Meeting. Though there were improvements and the BXB Production staff worked diligently to address lighting and screen image issues, the consensus was that there are still significant concerns. Possible options were discussed. BXB Production Supervisor, Kirby Dolak and Maria Neyland provided their input. TA Shaw advised that they will be meeting with school officials this week to discuss this and to see a demonstration of a screen projector that the Town is considering. Another concern is low attendance. There are several significant capital projects coming forward and it is a concern that just a few could be making major decisions for the entire town. It was suggested that if residents are satisfied as to how things are being managed and there are no real contentious issues on a warrant they might not feel their input (attendance) is necessary. Possible options to increase attendance were discussed. Town Meeting is a unique form of democracy. It was suggested that residents may need to be educated as to how this process works. There was also discussion as to holding town meetings on Saturdays and holding Annual Town Meeting earlier in the year. There was also discussion on the reconsideration action; that the reconsideration bylaw article was not supported at Town Meeting and what, if any, action is necessary on this.

## **NEW BUSINESS**

- The Board opened initial discussion on establishing some committees in FY 17 – Economic Development Committee, Public Safety Building Committee, and Town Meeting Study Committee. Police Chief Warren Ryder and Maria Neyland were present for this discussion.
  - Public Safety Building Committee – the proposed project and envisioned facility would have a significant impact on the Town. Chief Ryder strongly urged the Selectmen to establish a Public Safety Building Committee. There was discussion as to the mission of a building committee and its possible make up. The Town needs to draw in voters into this discussion so this can move forward. There was discussion about possibly holding a special town meeting in the coming months on this, giving the Town time to address the issues that have been raised. There was discussion as to some of these issues/concerns raised during the Town Meeting; efforts to communicate the necessary information and engage voters. It was also suggested that informational sessions be conducted and stakeholders be engaged, specifically the Selectmen and FinCom, making them part of the decision making process. This will only work if we work on this together. Even when the Selectmen and FinCom do not come to a consensus on an issue there is little controversy when they can, at least agree on the issues, and that is exactly what happened at Town Meeting. Also we gave voters only the option of voting on the total amount presented in this article.
  - Town Meeting Study Committee – this was proposed at Town Meeting. To an earlier point this could be an opportunity to educate the public and generate an interest. There have been similar efforts in the past.
  - Economic Development Committee – establishing this committee was generated out of the Boxborough 2030 Plan action items. There have been similar efforts in the past. This group would be a long range effort; requiring a lot of work and commitment, however the effort would be worth it.

It was noted that this is just the initial discussions on the formation of these groups and there will be further discussions moving forward.

- There was a preliminary review of the proposed FY 2017 Liaison List as the matters that would be assigned (i.e. new and expiring); those previously assigned to Selectman Gorman; the Board's past practices in assigning responsibilities and how the Board would like to manage going forward. The Board will finalize the list at their next meeting.
- The Board discussed the establishment of "team" to negotiate memorandum of agreement with Boxborough Professional Firefighters, Local 4601 for the purposes of adding Permanent Captain to the collective bargaining unit (CBU) and to establish the wage for the position. It was noted that the position should be identified as "Fulltime" Captain not "Permanent" Captain. The board deferred further discussion on this until liaisons are assigned.

- The Board took up the resignation of Mitzi Garcia-Weil from the Recreation Commission, and recognized her service on various boards over the years. Chair Pro Tem Amoroso moved to accept with regrets the resignation of Mitzi Garcia-Weil from the Recreation Commission effective June 30, 2016. Seconded by Selectman Bak. **Approved 5-0.**
- The Board opened discussion on the execution of the grant agreement with the Boxborough Affordable Housing Trust. This is part of a process that was set in motion when the related CPA funding was approved at Town Meeting. Memorializing this agreement is a strongly recommended “best practice.” There was discussion as to the Town relationship with the regional housing collaborative and the Boxborough Affordable Housing Trust’s role in this. It was noted this is a timely concern as the collaborative’s fiscal year does not coincide with the Town’s. Chair Pro Tem Amoroso moved to execute the Community Preservation Act Grant Agreement between the Town and the Boxborough Affordable Housing Trust. Seconded by Selectmen Fox. **Approved 4-0-1 (Fox abstained).**

#### **CORRESPONDENCE**

- It was noted that the Minuteman District’s MSBA letter that was referenced to earlier by Chair Pro Tem Amoroso is provided.
- The Conservation Commission’s communication regarding the Wolf Swamp usage request was reviewed, it was noted that this is the ConsCom’s purview; no further comments were made.

#### **EXECUTIVE SESSION**

- There was no need for an Executive Session.

#### **ADJOURN**

The meeting was adjourned at 9:20 PM

**SELECTMEN'S ANNOUNCEMENTS**  
**MAY 23, 2016**

- **Selectmen Agenda packets are available** from links on the Town's website, from the calendar or the Selectmen's webpage.
  
- **Boxborough Town Offices will be closed** Memorial Day, Monday, May 30<sup>th</sup>.
  
- Please join us on Monday, May 30<sup>th</sup> as the Selectmen and others march in our annual **Memorial Day Parade** to honor of those that have served our country. The parade steps off at 8:30 AM from the corner of Wetherbee and Hill Roads and continues with stops at North Cemetery, Town Hall, and South Cemetery.
  
- **Municipal Elections were held on May 16<sup>th</sup>**. Congratulations to the following incumbents on being re-elected:
  - John Fallon, Town Moderator
  - Liz Markiewicz, Town Clerk
  - Mary Brolin, Regional School Committee
  - Rob McNeece, Library Board of Trustees
  - Bryan Lynch, Board of Health
  - John Markiewicz, Planning Board& we are pleased to welcome Janet Glidden back to the Library Board of Trustees  
Congratulations are also in order to our newly elected:
  - Rick Barrett, Selectmen
  - Abby Reip, Planning BoardAnd Kevin Mahoney, Constable
  
- The **2015 Boxborough Town Report** is now available at Town Hall and the Library. It can also be downloaded from the town's website.
  
- On June 6<sup>th</sup> the Board of Selectmen will begin our **annual appointment process** for the fiscal year beginning July 1. Our various committees provide the backbone to town government, which could not succeed without the valuable contributions of its citizens. We applaud those who continue to dedicate their time to the operations of the town. Please contact Town Administrator Selina Shaw if you would like to know more about how you could serve the Town by volunteering for the various openings available on our town boards.

- **FY 17 Transfer Station Applications are now available.** Consider applying on-line. Go to the Transfer Station's webpage for more information.
  - You can also apply & pay on-line for **Bulk Permit Disposal Vouchers**. If you are looking to dispose of bulk items, please consider donating your items to Household Goods at [www.householdgoods.org](http://www.householdgoods.org). Please refer to the Transfer Station webpage or call the DPW for more information.
  
- **Community Gardening Plots at Flerra Meadows and Middle Road are now available.**
  - Flerra Meadows gardening plot information and applications can be download from the Town's website or contact Town Planner Adam Duchesneau.
  
  - The Middle Road Community Garden plot are also available. Contact Owen Neville at 978-263-3285 or [middleroadgarden@gmail.com](mailto:middleroadgarden@gmail.com) for more information and to reserve a plot.
  
- The **Boxborough Historical Society** will be meeting on Sunday, June 5, 2016 at 2:00 PM at the Boxborough Museum to learn about **Boxborough's North Cemetery**. There will be a walking tour of the Cemetery after the presentation. Admission is free and all are welcome.
  
- Boy Scout Troop 1 Boxborough will be conducting their **annual American Flag Retirement Ceremony** at Steele Farm on Friday, June 3<sup>rd</sup> at 7:00 p.m. You can drop off flags with Bo at the Transfer Station or with Cheryl at Town Hall during regular hours of operation. This ceremony is open to the public.
  
- The **2016 Boxborough Fifer's Day** celebration will be on Saturday, June 18<sup>th</sup> at Flerra Field. The day commences with the Fifer's 4 Mile Road Race; followed by a parade at 11:00 AM Flerra Field and then presentation of the Golden Fife Award at Flerra Fields. The Fair opens at noon. Go to the Town's website for information.
  
- We invite you to explore the Town's website [www.boxborough-ma.gov](http://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**.

- High School students and Adults with **audio/video experience** who are willing to be trained to work on an as-needed basis for **BXB-TV**, our government channel are being sought. Candidates would assist with the filming of various Town-related meetings and events. Please submit your information 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](mailto: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 **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

May 23, 2016

Boxborough Town Hall

Grange Meeting Room

### 1. CALL TO ORDER, TOWN ADMINISTRATOR'S OFFICE 6:00 PM

### 2. EXECUTIVE SESSION

*Move to adjourn to executive session to:*

- a) *Discuss strategy with respect to litigation*
- b) *Consider the purchase or value of real estate*

*and to reconvene in open session at 7:30 PM in the Grange Meeting Room to consider the regular business on the agenda*

**ROLL CALL  
VOTE:**

N.B. The Chair shall state that an open meeting may have a detrimental effect on the litigating and negotiating position of the Board.

### Re-convene in Grange Meeting Room, 7:30 PM

### 3. REORGANIZATION OF THE BOARD

- a) Nominations for Chair  
*(Call for nominations... close nominations... vote...)*
- b) Nominations for Clerk  
*(Call for nominations... close nominations... vote...)*

**VOTE:**

**VOTE:**

### 4. ANNOUNCEMENTS

### 5. APPOINTMENTS

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

- a) Citizens concerns

### 6. MINUTES

- a) Regular session, April 4, 2016
- b) Regular session, May 9, 2016
- c) Regular session, May 10, 2016

**ACCEPT & POF**

**ACCEPT & POF**

**ACCEPT & POF**

### 7. SELECTMEN REPORTS

### 8. OLD BUSINESS

- a) Review of Annual Town Meeting

### 9. NEW BUSINESS

- a) Establishment of new committees in FY 17 – Economic Development Committee, Public Safety Building Committee, Town Meeting Study Committee – preliminary discussion

- b) FY 2017 Liaisons – preliminary review of list, to be brought back for further discussion and “assignment” on June 6
- c) Establishment of “team” to negotiate memorandum of agreement with Boxborough Professional Firefighters, Local 4601 for the purposes of adding Permanent Captain to the collective bargaining unit (CBU) and to establish the wage for the position

*Move to notify the Boxborough Professional Firefighters, Local 4601 of the Board of Selectmen’s intent to negotiate with the CBU regarding the addition of the position of Permanent Captain to the CBU as well as to establish the wage for the position*

**VOTE:**

- d) Resignation of Mitzi Garcia-Weil from the Recreation Commission  
*Move to accept with regrets the resignation of Mitzi Garcia-Weil from the Recreation Commission effective June 30, 2016*

**VOTE:**

- e) Execution of grant agreement with the Boxborough Affordable Housing Trust  
*Move to execute the Community Preservation Act Grant Agreement between the Town and the Boxborough Affordable Housing Trust*

**VOTE:**

**10. CORRESPONDENCE**

**ACCEPT & POF**

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

**11. PRESS TIME**

**12. CONCERNS OF THE BOARD**

**13. EXECUTIVE SESSION (if not completed earlier)**

*Move to adjourn to executive session to:*

- a) *Discuss strategy with respect to litigation*
- b) *Consider the purchase or value of real estate and to adjourn immediately thereafter*

**ROLL CALL**

**VOTE:**

N.B. The Chair shall state that an open meeting may have a detrimental effect on the litigating and negotiating position of the Board.

**14. ADJOURN**

**Upcoming Board of Selectmen Meetings**

6/6; 6/7 (BLF); 6/13 (jointly with FinCom, 7:30 start); 6/20; 7/11; 8/8; 8/29; 9/19; 10/3; 10/17; 10/31; 11/14; 11/28; 12/5; 12/19; 1/9/17



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**April 4, 2016**

APPROVED: \_\_\_\_\_

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

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

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

Chair Amoroso called the meeting to order at 7:08 P.M. in the Grange Meeting Room of Town Hall.

*The Board took Agenda Items #3 (a, b & f), out of order.*

**APPOINTMENTS**

- Police Chief Warren Ryder came before the Selectmen to present Acting Sergeant Nathan Bowolick as a candidate to be permanently promoted to Sergeant. Members of the police department and others were also present. Chief Ryder also announced that the Dept. recently received the FBI's Leeda Trilogy Award in recognition of Lt. O'Brien, Sgt. Pelley, Det. Bielecki, and Acting Sgt. Bowolick's recent completion of three of the FBI's advanced law enforcement [leadership] training programs. Chief Ryder reviewed Bowolick's history and professional experience with the department and the selection process. Sgt. Bowolick is filling the vacancy left by Sgt. DiMauro's retirement. Further to the recommendation of Police Chief Warren Ryder, Member Fox moved to appoint Nathan Bowolick to the position of Sergeant, effective April 7, 2016, for a term ending on June 30, 2016. Seconded by Member Bak. **Approved 5-0.** Town Clerk swore in Sergeant Bowolick.
- Jeanne Steele Kangas, President of the Boxborough Historical Society, Inc. (BHSI), was present to continue the discussion of BHSI's proposed capital campaign for the 1784 Levi Wetherbee (Steele) Farmhouse. Members of the BHSI and Steele Farm Advisory Comm. (SFAC) were also present. The BHSI's goal is to raise funds to preserve the farmhouse. This house is the gateway into Steele Farm and embodies many of the objectives outlined in the Boxborough 2030 plan. Kangas addressed the concerns that were raised in previous discussions with the Selectmen; outlined the process & mechanisms under which funds would be raised & disbursed; and the roles the BHSI, SFAC, and the Town would play going forward. The Town will determine how the raised funds will be used. Restoration is a long-term goal; however, preservation is the imperative. Once it's gone it will be gone forever. The BHSI is simply looking for the Selectmen's approval of this effort so the BHSI can proceed. There was discussion on whether documentation would need to be generated to memorialize this endeavor. It was noted, historically, that the Selectmen vote to accept these types of gifts when the donee presents the funds. Though Chair Amoroso opened the floor, there were no further comments. Chair Amoroso moved that the Selectmen are willing to support the efforts of the BHSI to raise private funds to preserve the Wetherbee Farmhouse. Seconded by Member Stemple. **Approved 5-0.**

**ANNOUNCEMENTS**

- Chair Amoroso read the announcements.

**APPOINTMENTS (Continued)**

- Members of the Finance Committee were present to discuss funding of Town Meeting articles and use of free cash to reduce the tax rate. Town Accountant Jennifer Barrett was also present. Chair Amoroso opened the discussion with a review the recent history of our fiscal management in assigning funding sources. There was discussion that the benchmark should be 5% of the annual operating budget to maintain the Town's Stabilization and Free Cash. It was also noted that this year is the highest assessment portion assigned by the initial merger terms to the Town in the revised A-B School District Agreement. Discussion moved on to Town Meeting articles and assigning funding sources to them. There was consensus on a majority of the funding source assignments. There was discussion concerning Article #27 – Police: Building Repairs & Maintenance in general and its funding source assignment. Chair Amoroso moved to move Article #27 funding source assignment out of Free Cash to Borrowing. Seconded by Member Stemple. **Approved 3-2 (Gorman & Bak).** FinCom will vote this matter separately. For Article #28 – Police: Equipment, Chair Amoroso moved to conform with FinCom's recommendations. Seconded by Member

Stemple. **Approved 5-0.** Under Article #32 DPW: Front End Loader, the FinCom is recommending funding from two old articles they would like to close out. Chair Amoroso moved to conform with FinCom's recommendation. Seconded by Member Stemple. **Approved 5-0.** There was discussion as to the rationale for funding Article #32 Hager Well through Free Cash. FinCom advised that they are awaiting additional information requested on Article #36 Public Safety Building: Additional Study. They previously voted a lower amount and are currently not supporting this article. There was discussion on other articles which the Selectmen and the FinCom differ on. The FinCom has yet to vote on Article #24 – IT Upgrades. FinCom does not support Article #25 Town Hall Walkway, suggesting that Community Preservation Comm. (CPC) funding should be applied for prior to presenting it as an article. There was discussion on the CPC application process and the existing condition of the front of the building. Chair Amoroso moved to conform with FinCom's recommendation not to fund. Seconded by Member Stemple. **Approved 3-2 (Fox & Bak).** It was determined that this article would be passed over rather than withdrawn so voters can be informed that this project will be submitted to the CPC for consideration. FinCom was split on whether to recommend Article #34 DPW: Radios. There was discussion on the history of this as an initial component of the prior, Public Safety Communication Upgrade project and the Capital Plan reporting mechanism. There was also discussion as to making the Capital Plan available to residents. The funding source assignments were reviewed. There was also discussion about the FY 17 projected tax burden (3.5% - \$16.94 p/t rate), tax revenue sources that will likely become available in FY 17, and other actions that could potentially decrease this obligation. FinCom left the meeting.

- Ken Morse of AtBats Baseball was present to request a reduction in their field use permit fee for their summer program. Morse updated the Selectmen on how the program is doing & what this year's summer offerings are; the similar programs offered in neighboring towns; current fees; and how these programs will coordinate with the Flerra Playground program. Morse is asking that the Town, once again, approve the reduced fee arrangement that AtBats has requested for the last several years allowing them to provide affordable activity options to residents while still bringing revenues back to the Town. Further to the recommendation of the Recreation Commission, Member Bak moved to approve Ken Morse's request to use Liberty Field to operate the AtBats Baseball Camps for a reduced fee of 12% of gross revenue. Seconded by Member Stemple. **Approved 5-0.**
- The Blanchard 6<sup>th</sup> Grade Celebrations Committee representative Karen Argento was present seeking a fee waiver for their use of Flerra on June 20<sup>th</sup>. She advised that the 6<sup>th</sup> Grade End-of-Year Celebration was a great success when they held it at Flerra Meadow last year and are looking to do it again. She also asked, as this is an event for students attending the Blanchard School, that the Selectmen permanently waive the field use fee for this event going forward. Further to the recommendation of the Recreation Commission, Member Bak moved to approve the request of the Blanchard Celebrations Committee to use Flerra Field for the purpose of holding the annual end-of-year celebration for Blanchard's 6<sup>th</sup> grade class on Monday, June 20, from 3:30 – 8 PM (rain date – Tuesday, June 21) and to waive the fee this year and for succeeding years. Seconded by Member Stemple. **Approved 5-0.**
- There were no Citizens concerns.

#### **NEW BUSINESS**

- The Selectmen also took up a field permit fee waiver request for AccesSports America, a non-profit organization dedicated to providing adaptive sports programs. It was noted that the Town has approved AccesSports' waiver of field use fee request for the past several years. Further to the recommendation of the Recreation Commission, Member Bak moved to approve the request from AccesSports America to waive the permit fee for the use of Liberty soccer fields on April 16, 23 & 30, and May 7, 14 & 21, subject to ABYS concurrence as to the proposed dates. Seconded by Member Stemple. **Approved 5-0.**

#### **MINUTES**

- Member Gorman moved to accept the minutes for the regular sessions of March 14, 2016, and March 21, 2016, as revised. Seconded by Member Stemple. **Approved 5-0.**

#### **SELECTMEN REPORTS**

- Member Gorman reported that MAGIC recently sponsored a Climate Change discussion group in Acton. The purpose was to discuss municipal planning to accommodate potential climate change.

He also reported on the "Lawn Barber" situation.

#### **OLD BUSINESS**

- The Board re-opened discussion on the FY 17 Budget and the re-voting specific budgets to now include the vote of Selectman Bak. TA Shaw reviewed the votes previously taken. *Member Bak voted to approve: Department 123 (Town Administrator) @ \$115,800; Department 141 (Assessor) @ \$85,599; Department 241 (Building Inspector) @ \$83,426; Department 310 (Minuteman) @ \$197,492; Department 422 (Public Works) @ \$631,158; and Department 511 (Board of Health) @ \$40,968.* Her votes were incorporated into the Selectmen's previous approval of these respective budgets.

- The Selectmen conducted a final review of Annual Town Meeting including revised articles. Additional minor edits were suggested. Chair Amoroso moved to support the articles as revised, and moving the Police Dept. ruggedized tablet from Article #24 to #28. Seconded by Member Stemple. **Approved 5-0.**
- There was also a review of final recommendations; re-votes to now include Selectman Bak's vote and to vote those articles previously deferred. Member Bak voted to support: Article #27 (Police Department – Building Repairs and Maintenance), and #28 (Police Department – Equipment). She voted not to support #30 (Animal Control (Dogs & Cats) Pickup Truck, so the record will now reflect a vote of **4-1 (Bak)**. She voted to support the previous vote to defer the Selectmen's recommendation on #36 (Public Safety Building – Additional Site & Building Data) to Town Meeting floor. Member Fox moved to approve # 50 (Discontinuance of Cunningham Road) and the recommendation presented tonight. Seconded by Member Stemple. **Approved 5-0.** Based on the earlier joint FinCom discussion, it was determined that the Selectmen would revise their recommendation on #25 - Town Hall Walkway. There was discussion as to the CPA fund balance and how funds are allocated & managed. TA Shaw related Accountant Barrett's updates from the FinCom meeting.

**NEW BUSINESS (Continued)**

- The Board took up approval of Memorial Day and Fifer's Day parade permit requests. Chair Amoroso moved to approve the parade permits for the Memorial Day and Fifer's Day parades, to be held on Monday, May 30, 2016, and Saturday, June 18, 2016 (rain date of June 19, 2016), respectively, and to waive any applicable fees. Seconded by Member Stemple. **Approved 5-0.**
- Pursuant to DOR guidelines, the Board took up establishing the useful life of departmental equipment for which borrowing was authorized at the May 2015.. Chair Amoroso moved that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowings authorized by the vote of the Town passed May 12, 2015 (Article 20B, C, D, F and G), is hereby determined pursuant to G.L. Chapter 44, Section 7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
<i>Fire Dept. Pumper Truck</i>	<i>\$650,000</i>	<i>25 Years</i>
<i>Fire Dept. Turnout Gear</i>	<i>\$111,000</i>	<i>10 Years</i>
<i>DPW Pickup Truck</i>	<i>\$40,000</i>	<i>10 Years</i>
<i>DPW Asphalt Roller</i>	<i>\$40,000</i>	<i>20 Years</i>
<i>DPW Chipper</i>	<i>\$60,000</i>	<i>20 Years</i>

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

- The Board took up approval of FY 17 Transfer Station Rules and Regulations. The only significant revision is the elimination of the bulk permit fee section. Further to the recommendation of the DPW Director, Member Gorman moved to approve the Transfer Station Rules and Regulations, as revised. Seconded by Member Fox. **Approved 5-0.**

**OLD BUSINESS (Continued)**

- The Selectmen returned to their recommendation discussion and article funding. . The Selectmen determined they would support FinCom's position to use \$350,000 from Free Cash to fund articles. Discussion was re-opened on the Selectmen's recommendation as to the #7B – O'Grady Skate Park. Chair Amoroso moved to reconsider vote the not to recommend. Seconded by Member Bak. **Approved 5-0.** There was additional discussion. Chair Amoroso moved to support and recommend #7B – O'Grady Skate Park. Seconded by Member Bak. **Not Approved 3-2 (Bak & Amoroso).** It was determined that both sides would provide a recommendation and these were crafted at table. TA Shaw also advised that reserve fund amount(s) reported under Article #6 CPC are actually higher than anticipated. Accountant Barrett returned to the meeting and updated the Selectmen on FinCom's votes/recommendations. She confirmed they voted to recommend \$350,000 from Free Cash for capital articles, which still leaves a combined total (Stabilization & Free Cash) of over \$2 million.

**CONCERNS OF THE BOARD**

- The Selectmen decided to cancel their meeting scheduled for April 11<sup>th</sup>. Their next meeting will now be on April 25<sup>th</sup>.

**ADJOURN**

- The meeting was adjourned at 10:15 PM.



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**May 9, 2016**

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

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

**ALSO PRESENT:** Selina Shaw, Town Administrator

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

**Call to Order**

Chair Amoroso convened the meeting at 6:18 P.M. in the Administrative Conference Room at the Blanchard Memorial School.

**Annual Town Meeting – Final Preparations**

No actions

**Upcoming Items**

TA briefed BoS on upcoming items of business:

- Meeting with Planning Board to discuss implementation process – BoS agreed to place on agenda of June 20<sup>th</sup> meeting
- Re-organization – May 23
- Moran property – Chester Road, currently c. 61; owner has executed P & S, triggering town’s option to purchase
- Transfer of Holiday Inn’s liquor license – awaiting complete package from receiver’s representative
- Cout’s property on Liberty Square Road, adjacent to playing fields – Owner has requested meeting with TA to discuss property

**Other Business**

Brief discussion of enforcement matter relating to Lawn Barber

**Correspondence**

No discussion

**ADJOURN**

The meeting was adjourned at 6:45 PM to attend the Annual Town Meeting.



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**May 10, 2016**

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

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

**ALSO PRESENT:** Selina Shaw, Town Administrator

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

**Call to Order**

Chair Amoroso convened the meeting at 6:30 P.M. in the Administrative Conference Room at the Blanchard Memorial School.

**Annual Town Meeting – Final Preparations**

- Board discussed Article 36 – Public Safety Facility. Selectman Gorman will take lead on presenting the matter. Selectman Gorman noted that the Selectmen did not have a recommendation on the article and moved that the Selectmen recommend in favor. Seconded by Selectman Stemple. **Approved 5-0.**
- TA noted that the Finance Committee would be amending Article 28 (A) – Tasers from \$7,300 to \$6,300. She confirmed that the Board still recommended full funding at \$7,300.

**Ratification and Execution of Town Administrator Contract**

Selectman Fox move to ratify and execute the agreement between the Town of Boxborough and the Town Administrator for the thirty month period commencing on July 1, 2016 and ending on December 31, 2018. Seconded. **Approved 5-0.**

**ADJOURN**

The meeting was adjourned at 6:58 PM to attend the Annual Town Meeting.



8a

**Selina Shaw**

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**From:** Elizabeth Markiewicz <emarkiewicz@boxborough-ma.gov>  
**Sent:** Friday, May 13, 2016 11:07 AM  
**To:** 'Vince Amoroso'; 'John Fallon'  
**Cc:** 'Selina shaw'  
**Subject:** RE: May 2016: Post meeting thoughts

Hi All,

I agree with Vince that the lighting needs more work. The spotlights are distracting, at best, and contribute to the difficulty of seeing the floor from the stage. Nights 2 and 3 were an improvement (only 1 spot vs 2 on the first night) and it was dimmed to a more tolerable level. We need to find a way to provide more ambient light for voters, not only for John to be able to see them, but so they can read their warrants and support materials. The screen brightness was much better this year vs last, but people still can't read all the information on the slides and need to follow along in the handouts.

On reconsideration, a number of people expressed support after the meeting for John Giorgio's suggestions, but they may have voted in favor of the bylaw amendment anyway, so hard to tell if making changes to when and how reconsideration would be allowed would convince anyone who was against the original motion to vote in favor. We seem to be doing fine with voting to limit reconsideration at every town meeting—and can easily continue to do so.

Final note: Remind me that next year the town election is on TUESDAY!!!

Elizabeth A. Markiewicz  
Town Clerk  
29 Middle Road  
Boxborough, MA 01719  
978-264-1727  
*Hours:*  
*Mon-Thurs: 9am-2pm*  
*Monday evenings: 6pm-8pm*



**From:** Vince Amoroso [REDACTED]  
**Sent:** Friday, May 13, 2016 9:32 AM  
**To:** John Fallon  
**Cc:** Selina shaw; Elizabeth Markiewicz (work)  
**Subject:** Re: May 2016: Post meeting thoughts

All in all, a very efficient, successful, well run, and harmonious TM. I think the preparation and collaboration shows.

My thoughts:

1) Lighting:

Is better, but still not what we need. The overhead spots aimed at the dais are like klieg lights. If we could move them so they are more directly above the dais, they would not be

blinding us as much. Adding a white tablecloth would help reflect the light up into our faces and compensate for the fact that the spots would not be shining full onto our faces. We need better ambient light on the teeming masses so John can see them. We may need to consider a better projector, as well, or better shading of the screen. If we can't raise the bridge, maybe we can lower the river.

## 2) Reconsideration:

I thought John Giorgio's discussion of other towns' by-laws was helpful. Based on the comments from the floor, I suspect we would have had more success with a bylaw that allows reconsideration only on the night an article is voted and only by a 2/3 vote. The problem is that this isn't a real improvement over the "year by year" practice of the last few years, because participants would still need to stay till 10:30 to be sure that 2/3 of a handful of people don't overturn the earlier vote.

I wonder if we might do a better job publicizing in advance of TM our recent "year by year" votes to limit reconsideration and our intent to do so again each year. We could couple that with an explicit appeal to voters who might not feel they can commit to a full TM or even a full night to come for the articles they are interested in. I understand that there are some who feel that we should not make it easier for voters to do this, but, as John points out, the "year by year" margin has gone up each year, so people clearly approve of the limitation. Given that, there is every reason to publicize it and get the benefit of increased attendance.

<https://www.youtube.com/watch?v=fTS8JVWKczY&feature=youtu.be>

**Vincent M. Amoroso, Esq.**  
**351 Liberty Square Road**  
**Boxborough, MA 01719**

On Fri, May 13, 2016 at 7:08 AM, John Fallon <[johnfallon@verizon.net](mailto:johnfallon@verizon.net)> wrote:

Thanks again for everything.

Once again we survived!

1) Physical set-up

Good: no changes needed

## 2) Lighting, Lighting, Lighting

Small steps to a goal

3) Presentation deadline

Setting "7 days" should continue to be the goal.

While the FC was an issue, my gut is compliance this year was better than last

4) Technology

Littleton Cable is great to work with.

5) Consent Agenda

The concept of an expanded "fiscal" consent agenda is now completely accepted by the TM. Saves hours of time.

6) Reconsideration Limitation

Very clear message

a) "Year by year" is OK with most people. Margin of approval was wider than last year which was wider than the first year in 2014.

b) Clear that people still want the option to decide if they trust a particular moderator to be fair on this.

c) I think the BOS should wait at least another 5 years to attempt to pass a by-law at an STM.

7) Compilation articles

a) CPC structure is working well and is understood.

b) Putting "department" items together, e.g. Police, works well

c) I would not do anything else as a compilation

8) Meeting attendance

a) Given the two controversial (skate park & public safety) article I was very surprised by the low attendance. Clearly no group tried to "pack the meeting".

b) I was impressed how many people stuck around late into Tuesday night.

c) Good luck figuring out how to improve attendance; I know of no other town that has had much success with this. One positive: we had 100 people making decisions; if we had a Town Council we would have 5-7 people doing so.

9) Warrant

a) Very "tight" this year; lots of clarity.

b) Clear that people who come to TM read it

10) Time limitations on debate

"3 minutes" has become second nature to the attendees.

The change from when I started in 2005 is immense.

11) Other??



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**Board of Selectmen Committee/Liaison List FY 2017  
Showing FY 16 Assignments**

**Current BoS Assignments/Positions**  
**X = Primary Member**  
**L = Liaison**

Assignment	V. Amoroso	S. Bak	R. Barrett	L. Fox	R. Stemple	Formerly J. Gorman
<b>BoS Chairmanship</b>	X					
<b>BoS Clerk</b>		X				
<b>Committees/Teams</b>						
Acton-Boxborough Cultural Council		L				
Acton-Boxborough Regional School Financial Oversight Committee	X					
Acton-Boxborough Regional School					L	
Agricultural Commission				L		
BHB (Housing Board)				L		
BLF (2)	X			X		
Boxborough Affordable Housing Trust				X		
Cemetery Commission						L
Community Preservation Committee		L				
Conservation Commission	L					
CoA (Council on Aging)				L		
Design Review Board					X	
Energy Committee	L					
Finance Committee					L	
Board of Health		L				
Historical Commission						L
Library					L	
Personnel Board		L				
Planning Board (including MPUC)				L		
Public Celebrations & Ceremonies						L
Recreation Commission		L				
Steele Farm					L	
Vocational Education Advisory (Civil) War Memorial(s)		X				X
Well-Being Committee						L
Zoning Board of Appeals				L		
<b>Departments</b>						
Fire/Emergency Management						L
Police				L		
Public Safety Dispatch					L	
Public Works						L
Town Hall		L				
<b>External</b>						
MAGIC/ MAPC				X		
I-495	x	X				
MBTA					X	
<b>MART</b>						<b>Town Administrator</b>

**Board of Selectmen Committee/Liaison List  
FY 2017**

Current BoS Assignments/Positions  
X = Primary Member  
L = Liaison

Assignment	V. Amoroso	S. Bak	R. Barrett	L. Fox	R. Stemple
<b>BoS Chairmanship</b>					
<b>BoS Clerk</b>					
<b>Committees/Teams</b>					
Acton-Boxborough Cultural Council					
Acton-Boxborough Regional School Financial Oversight Committee					
Acton-Boxborough Regional School Committee					
Agricultural Commission					
BHB (Housing Board)					
BLF (2)					
Boxborough Affordable Housing Trust				X	
Cemetery Commission					
Community Preservation Committee					
Conservation Commission					
CoA (Council on Aging)					
Design Review Board					X
<b>Economic Development Committee</b>					
Energy Committee					
Finance Committee					
Board of Health					
Historical Commission					
Library					
Personnel Board					
Planning Board (including MPUC)					
Public Celebrations & Ceremonies Committee					
<b>Public Safety Building Committee</b>					
Recreation Commission					
Steele Farm					
<b>Town Meeting Study Committee</b>					
<del>Vocational Education Advisory Committee</del>					
(Civil) War Memorial(s)					
Well-Being Committee					
Zoning Board of Appeals					
<b>Departments</b>					
Fire/Emergency Management					
Police					
Public Safety Dispatch					
Public Works					
Town Hall (including Inspector of Buildings, or separate out?)					
<b>External</b>					
MAGIC/ MAPC				X (4/30/18 MAPC)	
I-495					
MBTA					
MART					



92

**Selina Shaw**

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**From:** Mitzi Garcia-Weil [REDACTED]  
**Sent:** Wednesday, April 27, 2016 10:48 AM  
**To:** Selina S. Shaw  
**Subject:** Recreation Commission

Good Morning Selina,

I just want to send you a confirmation of our conversation recently. I will be retiring from the Recreation Commission as of the end of June 2016.

I have had a blast volunteering for the town but after 16 years, I am feeling the need to sit back and enjoy my retirement. Perhaps the day will come that I am bored and need to join in again but for now I hope to leave it to younger folks!

Thank you for all your support over the years.

Sincerely,

Mitzi

9e

**BOXBOROUGH, MASSACHUSETTS**

**COMMUNITY PRESERVATION ACT  
GRANT AGREEMENT**

**Town of Boxborough Affordable Housing Trust**

This GRANT AGREEMENT is made on this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the **Town of Boxborough** (the "Town"), a Massachusetts municipal corporation acting by and through its Board of Selectmen, having its usual place of business at Boxborough Town Hall, 29 Middle Road, Boxborough, Massachusetts 01719, and the **Town of Boxborough Affordable Housing Trust** (the "Grantee"), having an address of \_\_\_\_\_, Boxborough, Massachusetts.

WITNESSETH:

WHEREAS, the Boxborough Community Preservation Committee (the "CPC") invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the "Act"); and

WHEREAS, the Grantee submitted a proposal in response thereto (the "Proposal"), and the CPC reviewed and approved the Proposal and recommended that Town Meeting vote to appropriate from the Community Preservation Fund the sum of Eleven Thousand Four Hundred Sixty-Five Dollars (\$11,465) for the purposes of procuring regional affordable housing monitoring services for the calendar years 2016 and 2017, as set forth more particularly in the Proposal (the "Project"); and

WHEREAS, the Boxborough Town Meeting thereafter appropriated the funds recommended by the CPC for the Project and the Town is authorized to enter into a grant agreement with the Grantee for the purposes set forth in the Proposal.

NOW THEREFORE, the Town and the Grantee, in consideration of the mutual covenants contained herein, agree as follows:

1. Funding. As recommended by the CPC under Article 8 of the May 9, 2016 Annual Town Meeting, and as appropriated by said Town Meeting, the Town shall grant to the Grantee the sum of Eleven Thousand Four Hundred Sixty-Five Dollars (\$11,465) (the "Funds" or the "Grant Amount") on the condition that the Grantee shall use the Funds only for the purposes of the Project, as set forth more particularly in the Proposal and documents attached thereto, and in accordance with the terms of this Grant Agreement (collectively, the "Project Documents"). A copy of the Proposal is attached hereto as Exhibit A.

2. Conditions.

- a) Funds transferred pursuant to this Agreement are to be utilized solely to procure regional affordable housing monitoring services as set forth more particularly in the Project Documents.
- b) Excess or unused Funds will be returned to the Community Preservation General Fund if the funds have not been expended by the December 31, 2017.

3. Contact. The Grantee shall identify in writing a contact person responsible for administration of the Project and a second person, authorized to act if the contact person is unavailable.

4. Budget/Contract. Prior to the funding of this Project, the Grantee shall submit to the Town a complete budget for the Project that accounts for the expenditure of all Funds awarded under this Agreement. Grantee shall further submit to the Town a copy of all agreements entered into by Grantee providing for the expenditure of the Funds.

5. Liability of the Town. The Town's liability hereunder shall be to make the payment specified in Section 1 of this Grant Agreement, provided that the conditions set forth in Sections 2 and 9 are followed, and the Town shall be under no further obligation or liability. Nothing in this Grant Agreement shall be construed to render the Town or any elected or appointed official or employee of the Town, or their successors in office, personally liable for any obligation under this Grant Agreement.

6. Reports. The Grantee shall provide the Town with such reports on the use of the Funds as the Town may reasonably request, from time to time, and shall notify the Town when the Funds have been fully expended.

7. Public Records; Contract Documents. All documents relating to the Project, including, but not limited to, photographs, videos, etc., submitted to the CPC or the Town shall become the property of the Town and shall be available for use by the Town and available by the public under the Massachusetts Public Records Law. The Contract Documents consist of this Grant Agreement, the Proposal, and all documents attached thereto. The Contract Documents constitute the entire agreement between the parties concerning the Project.

8. Record Keeping. The Grantee agrees to keep, for a period of five (5) years after the Project is completed, such records with respect to the utilization and the proceeds of this Grant Agreement as are kept in the normal course of business and such additional records as may be required by the Town. The Grantee further agrees to make these records available to the Town upon request.

9. Payments. The disbursement of the Funds shall be made as follows: One payment/transfer in the amount of Eleven Thousand Four Hundred Sixty-Five Dollars (\$11,465) to the Boxborough Affordable Housing Trust within seven days of execution of this Agreement.

10. Successors and Assigns. This Grant Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. The Grantee shall not assign, subcontract or otherwise transfer this Grant Agreement, in whole or in part, without the prior written consent of the Town.
11. Termination. In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement, as determined by the Town, and such failure is not cured within forty-five (45) days after the Town has given written notice to the Grantee specifying such failure, the Town shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to the Grantee. Upon receipt of said termination notice, the Grantee shall cease to incur additional expenses in connection with this Grant Agreement. Upon termination, the Town shall be free to pursue any rights or remedies provided within this Grant Agreement, including without limitation, recapture of Funds as set forth in Section 12 below. Upon the expiration or earlier termination of this Grant Agreement, all rights and obligations of the parties hereunder shall expire and be of no further force and effect, except that the provisions of Sections 5, 11, 12, and 16 shall survive said expiration or earlier termination.
12. Return of Funds. In the event the Grantee fails to fulfill all obligations under the terms of this Grant Agreement and this Grant Agreement is terminated pursuant to Section 11, any Funds granted to the Grantee under this Grant Agreement and not yet expended shall be returned forthwith to the Town without further expenditure thereof. If the Grantee fails to fulfill its obligations under the terms of this Grant Agreement as a result of negligent or intentional acts or omissions of the Grantee or its agents or employees, the Grantee shall be liable to repay to the Town the entire amount of the Funds provided under this Grant Agreement, and the Town may take such steps as are necessary, including legal action, to recover such funds. Any Funds so returned or recovered shall be placed in the Town's Community Preservation Fund. In the event that the Town takes legal action to enforce the terms of this Grant Agreement, the Grantee shall pay any and all costs, including reasonable attorneys' fees, expended for the enforcement of this Grant Agreement.
13. Compliance with Laws. The Grantee shall comply with all federal, state and local laws, rules, regulations and orders applicable to the Project, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary agreements and government approvals required, if any.
14. Notice. Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth above or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
15. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of

this Grant Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

16. Governing Law. This Grant Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Grant Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the day and year first written above.

TOWN OF BOXBOROUGH  
AFFORDABLE HOUSING TRUST

By: \_\_\_\_\_  
Name:  
Title: Chairman of Board of Trustees

TOWN OF BOXBOROUGH  
By its Board of Selectmen

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

EXHIBIT A



**BOXBOROUGH HOUSING BOARD**

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 264-1723 · Fax: (978) 264-3127

www.boxborough-ma.gov

January 6, 2016

Community Preservation Committee Members,

Based upon questions that arose at the December 9, 2015 meeting of the Community Preservation Committee (CPC), Town staff was asked to further investigate how Community Preservation Act (CPA) funds could be used to pay for the Regional Housing Services (RHS) provided by Metro West Collaborative Development. The Town Accountant was informed by the Division of Local Services (DLS) Law Department that CPA funds cannot be used to directly support non-CPA housing. Therefore, because the RHS supports housing that was not purchased or built with CPA funds, CPA funds cannot be used to directly fund the RHS. However, according to the DLS Law Department, CPA funds can be used to support the Affordable Housing Trust, so funds could be transferred to the Affordable Housing Trust and then used to pay for the RHS.

In view of this new guidance, the Housing Board would like to amend their RHS CPC application in the following manner. The Housing Board now requests the CPC recommend an article be placed on the May 2016 Annual Town Meeting warrant requesting a \$5,465 CPA appropriation be transferred to the Affordable Housing Trust under a Grant Agreement stipulating the funds only be used to pay for Year 3 of the RHS. The warrant article should ask that monies from either the Reserve FY16 CPA funds or the Community Housing 10% CPA Reserve be transferred to the Affordable Housing Trust, which would allow the funds to be accessed immediately after the Annual Town Meeting. The Affordable Housing Trust could then use these funds to pay the RHS invoices from Year 3, which runs from January 1, 2016 to December 31, 2016. *Spec w/in Annual*

The Housing Board would also like to request that an additional article be placed on the May 2016 Annual Town Meeting warrant for a transfer of \$6,000 of FY17 CPA monies to the Affordable Housing Trust under a Grant Agreement, to pay for the pending Year 4 of the RHS. The corresponding Intermunicipal Agreement would presumably run from January 1, 2017 to December 31, 2017.

I plan to attend the CPC meeting on Thursday, January 7<sup>th</sup> and will try to answer any questions you may have regarding this matter. Thank you for your time and consideration of this application.

Sincerely,

Al Murphy, Chair  
Housing Board

JR-12/19 RV/RG  
12/7 tabled +11  
from DOR



RECEIVED

OCT 29 2015  
2015-02  
Boxborough  
Planning Department OK  
ALD

TOWN OF BOXBOROUGH  
COMMUNITY PRESERVATION COMMITTEE  
FINAL APPLICATION FOR CPA FUNDING

Applicant: Al Murphy  
Applicant's Address: 411 Hill Rd.  
Applicant's Email: almur10@verizon.net  
Applicant's Phone: (978) 263-8666  
Town Committee (if applicable): Housing Board  
Project Name: Regional Housing Services

Purpose (select all that apply):

Open Space \_\_\_\_\_ Recreation \_\_\_\_\_ Community Housing X Historic Resources \_\_\_\_\_

Project Budget

CPA Funds Requested \$ 5,465  
Amount of Other Funding \$ \_\_\_\_\_  
Total Project Budget \$ 5,465

(If this is a multi-year project, present the costs for the first fiscal year.)

Estimated Date of Project Commencement: Jan. 1, 2016  
Estimated Date of Project Completion: Dec. 31, 2016

For Historic Resources Projects Only – Please check the box below to acknowledge the accompanying statement.

I/We have read the US Secretary of the Interior's Standards for the Treatment of Historic Properties and understand that planning for, and execution of, this project must meet these standards.

Signature of Applicant: Al Murphy Date: 10/29/2015

Signature of Property Owner (if different): \_\_\_\_\_ Date: \_\_\_\_\_

Submit Completed Final Applications To:  
Boxborough Community Preservation Committee, c/o Planning Department, Town Hall, 29 Middle Road, Boxborough MA 01719

**Community Preservation Committee**  
**2015 – 2016 Final Application for CPA Funding**  
*Regional Housing Services*

**I. Brief Project Summary**

For the past two years, Boxborough has been a part of a Regional Housing Services (RHS) collaboration that jointly provides services related to the monitoring and maintenance of affordable housing, as well as local resident support for those seeking affordable housing services. The Housing Board is requesting that \$5,465.00 of CPA money be used to fund Year 3 of the RHS contract (January 1, 2016 to December 31, 2016). The Town of Hudson serves as the lead entity in this Intermunicipal Agreement, which also includes the Towns of Bolton, Littleton, Stow, and Boxborough. The services are provided by Metro West Collaborative Development, Inc. (Metro West) of Watertown, MA and include the creation of a repository of project legal documents, maintenance of proper procedures, and assistance with refinancing, resales, and assessments. The services also include special projects that are needed by specific towns and local resident support. The RHS helped prepare Boxborough's Housing Production Plan, which was approved by the Department of Housing and Community Development (DHCD) in June of 2015. Its future activities may include administrative assistance for a rental voucher program and the registration of additional affordable housing units with DHCD.

**II. Narrative**

The RHS provide much needed administrative assistance for the monitoring of affordable units on Boxborough's Subsidized Housing Inventory (SHI), assistance in creating programs to generate new affordable units, valuation of affordable ownership units for assessment purposes, resolution of compliance violations, and community outreach and planning regarding affordable housing services. The Housing Board has been, and will continue to be, responsible for ensuring these services are carried out and both the Housing Board and Board of Selectmen are supportive of these services as indicated in their meeting minutes referenced below. As specified in the CPA legislation, the definition of community preservation includes "...the creation and preservation of community housing", which is exactly the type of services the RHS contract provides to the Town. The Town of Littleton, a community which is part of the Intermunicipal Agreement, is already using CPA funds to pay for their portion of the RHS contract.

Once affordable housing units are created there is a substantial amount of yearly monitoring work that needs to be performed in order to ensure these units do not drop off the Town's SHI which is monitored by DHCD. This is critical to advancing the Housing Board's and Town's goal of making at least 10% of the dwelling units in the community affordable to households with an Area Median Income (AMI) of 80% or less. Once this 10% goal is reached, the Town will have immunity from any future Chapter 40B development proposals until at least the 2020 Census. Metro West has been performing this work for the Town over the last two years and is also the primary point of contact for all affordable housing issues in town. Metro West's services help to minimize the amount of time Town staff needs to spend on these routine matters, which provides staff the ability to reallocate their time to work on other issues. The new Chapter 40B development, Jefferson at Beaver Brook, is currently under construction and in 2016 an affordable housing lottery will be held for the affordable dwelling units in the project. Metro

West will assist in handling the Town's responsibilities in this lottery process. Additionally, as each rental unit is completed in the project, the appropriate paperwork needs to be filed with DHCD in order for these units to be registered on the Town's SHL. The Housing Board and Board of Selectmen have already approved the renewal of the Intermunicipal Agreement for Year 3 of the RHS contract and the only remaining hurdle in carrying out the RHS contract during 2016 is securing a funding source to finance the work.

### **III. CPC Selection Criteria and Needs Assessment**

Funding Year 3 of the RHS contract (January 1, 2016 to December 31, 2016) will allow the town to maintain its community character by promoting and maintaining diversity in its housing stock. The community impact of funding the RHS addresses the unmet community need of providing enough affordable housing in town and meets the needs of multiple populations by helping to provide a variety of housing options. The RHS contract is also consistent with the Town's Housing Production Plan as it is consistent with all three of the Plan's identified goals and the following action items called out in the Plan:

1. Support the development of rental housing through the Comprehensive Permit process and identify strategies that would allow extremely low-income and very-low income households to access this housing through existing tenant based rental assistance programs.
2. Perform annual monitoring of units on the Town's Subsidized Housing Inventory to ensure compliance with affordability restrictions.

The RHS contract is also consistent with the Town's Master Plan, Boxborough2030 (currently still in draft form), in many areas. The RHS contract promotes Aspiration # 4 in the Plan, which reads,

“...to provide a balanced mix of housing, businesses, and services to enhance this high quality of life....”

It is also consistent with Aspiration # 6 of the Plan, which calls for making the town affordable and accessible. Aspiration # 6 states

“The community will ensure that local policies, housing supply, and housing prices support the ideal of a more inclusive, welcoming Boxborough so that current and prospective residents at all income levels, abilities, and in all stages of life can live here.”

The services provided by the RHS contract will help to achieve these items. More specifically, the RHS contract is consistent with individual Action Items in the Plan including 3.1.4.2., 3.4.3.1., 6.1.1.3., and 6.1.1.11., all of which call for exploring programs that support the creation of affordable housing units in town. The RHS contract is also directly consistent with Action item 6.1.1.10 which reads,

“Perform annual monitoring of units on the Town's Subsidized Housing Inventory to ensure compliance with affordability restrictions.”

Moreover, funding the RHS contract will directly contribute to the Housing Board's goal of making at least 10% of the Town's housing stock affordable to those below 80% AMI. The RHS help to ensure the long-term affordability of its current affordable units by implementing deed restrictions where needed and making certain existing affordable units stay on the Town's SHL.

Furthermore, although still in draft form, the RHS meet all three of the Housing Production Goals identified in the Needs Assessment of the Town's draft Community Preservation Plan, which are as follows:

1. Lead and support a more diverse mix of affordable and market-rate rental and homeownership housing that will allow older residents to downsize to smaller homes and will allow younger families and households to move to Boxborough.
2. Lead and support the development of affordable and market-rate housing that prioritizes housing quality while preserving Boxborough's open space resources.
3. Lead and support the preservation of housing that meets the needs of Boxborough residents across all income groups.

#### **IV. Budget**

The Housing Board is requesting CPA funds in the amount of \$5,465.00 for spending during FY 2017 to pay for the Town's portion of Year 3 of the RHS contract. It is anticipated that the Intermunicipal Agreement will continue beyond 2016 and the Housing Board will likely be back in the future with yearly CPA funding requests on the order of \$5,500.00 each year. The Town of Littleton, another community that is part of the Intermunicipal Agreement, already uses CPA funds to pay for their portion of the RHS contract. For a detailed description of how these CPA funds will be used in Year 3, please refer to the attached Final Consultant Hours & Pricing Chart.

#### **V. Feasibility**

Both the Board of Selectmen and the Housing Board have already approved the renewal of the Intermunicipal Agreement for Year 3 of the Regional Housing Services contract (January 1, 2016 to December 31, 2016). This is reflected in the Housing Board's meeting minutes of June 11, 2015 and the Board of Selectmen's meeting minutes of June 29, 2015. As such, the only remaining hurdle in carrying out the RHS during 2016 is securing a funding source to finance the work that will be performed by Metro West.

#### **VI. Sustainability**

The Regional Housing Services are sustainable in the sense they will assist in maintaining the existing affordable housing units on the Town's SHL. This will allow the Town to continue to move forward toward its goal of making at least 10% of the dwelling units in town affordable to households with an AMI of 80% or less. Once this goal is reached, the Town will be immune to any future Chapter 40B development proposals until at least the 2020 Census. Additionally, these funds will allow Metro West to continue to provide their services to the Town, which allows Town staff to reallocate their time to other projects and initiatives.

## **VII. Timeline**

The requested CPA funding for the RHS contract will pay for Boxborough's share of Year 3 (January 1, 2016 to December 31, 2016) of the Intermunicipal Agreement. The funding for the RHS contract will be needed as soon as possible to pay for Metro West's services in 2016. At some point in 2016, the communities involved in the Intermunicipal Agreement will need to determine if they would like to continue this arrangement beyond 2016, and it is anticipated this will be the case.

## **VIII. Letters of Support**

Both the Board of Selectmen and the Housing Board have already approved the renewal of the Intermunicipal Agreement for Year 3 of the RHS contract (January 1, 2016 to December 31, 2016). This is reflected in the Housing Board's meeting minutes of June 11, 2015 and the Board of Selectmen's meeting minutes of June 29, 2015.

## Final Consultant Hours & Pricing Chart

Years 2 - 3, If renewed			Bolton			Boxborough			Hudson			Littleton			Stow											
			SBI Units = 64, 3.7%			SBI Units = 24, 1.16%			SBI Units = 730, 9.17%			SBI Units = 291, 8.48%			SBI Units = 147, 5.88%											
	Methodology	Consultant's Estimated Hrs per Unit	Number per Year	Consultant's Estimated Hrs per Year	Cost	Number per Year	Consultant's Estimated Hrs per Year	Cost	Number per Year	Consultant's Estimated Hrs per Year	Cost	Number per Year	Consultant's Estimated Hrs per Year	Cost	Number per Year	Consultant's Estimated Hrs per Year	Cost	Total Hours	Total Cost							
<b>A. Monitoring</b>																										
1. Create Monitoring Database & Plan	One per non-public project & ownership unit	0.5	40	20	\$ 1,100.00	24	12	\$ 660.00	92	46	\$ 2,630.00	20	10	\$ 550.00	35	18	\$ 990.00	108	\$ 5,830.00							
2. Ownership Units: Annual Monitoring	One per ownership unit	0.6	36	18	\$ 980.00	24	12	\$ 880.00	87	44	\$ 2,420.00	16	9	\$ 495.00	33	17	\$ 935.00	100	\$ 5,800.00							
3. Rental Units: Tenant Compliance	One per unit, Town is Monitoring Agent	20	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	\$ -							
4. Rental Units: Compliance Report	One per non-public project & ownership unit	2	1	2	\$ 110.00	0	0	\$ -	5	10	\$ 550.00	2	4	\$ 220.00	2	4	\$ 220.00	20	\$ 1,100.00							
5. Resolve Discrepancies	One for each discrepancy	4	1	4	\$ 220.00	0	0	\$ -	1	4	\$ 220.00	0	0	\$ -	0	0	\$ -	8	\$ 440.00							
6. Assessor Valuation	One per ownership unit	0.25	36	9	\$ 495.00	24	6	\$ 330.00	87	22	\$ 1,210.00	16	5	\$ 275.00	33	8	\$ 440.00	50	\$ 2,750.00							
<b>B. Regional Activities</b>																										
All participate equally																										
7. Administration	Monthly advisory, status	1	12	12	\$ 660.00	12	12	\$ 660.00	12	12	\$ 660.00	12	12	\$ 660.00	12	12	\$ 660.00	60	\$ 3,300.00							
8. Resident Support	Resident Inquiries	1	3	3	\$ 165.00	3	3	\$ 165.00	3	3	\$ 165.00	3	3	\$ 165.00	3	3	\$ 165.00	15	\$ 825.00							
<b>8a. Base Contract</b>		Base Contract			\$ 3,740.00	Base Contract			\$ 2,475.00	Base Contract			\$ 7,785.00	Base Contract			\$ 2,385.00	Base Contract			\$ 3,410.00					
<b>8b. ADMIN FEE</b>		Admin Fee			\$ 350.00	Admin Fee			\$ 350.00	Admin Fee			\$ 350.00	Admin Fee			\$ 350.00	Admin Fee			\$ 350.00					
<b>9a. Minimum Contract Appropriation</b>		Min Contract			68	\$ 4,090.00	Min Contract			45	\$ 2,625.00	Min Contract			141	\$ 7,785.00	Min Contract			43	\$ 2,715.00	Min Contract			62	\$ 3,740.00
<b>C. Local Support</b>																										
9. Project Consultation	Per Project	12	1	12	\$ 660.00	1	12	\$ 660.00	1	12	\$ 660.00	0	0	\$ -	0	0	\$ -	36	\$ 1,980.00							
10. Program Development	Program guidelines, materials, implement	2	0	0	\$ -	0	0	\$ -	10	20	\$ 1,100.00	0	0	\$ -	0	0	\$ -	20	\$ 1,100.00							
11. On-site Support	Per meeting: visit, housing entities	3	12	36	\$ 1,980.00	12	36	\$ 1,980.00	18	54	\$ 2,970.00	12	36	\$ 1,980.00	12	36	\$ 1,980.00	198	\$ 10,890.00							
12. Community Outreach & Planning	HPP, policy, education	1	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	0	\$ -							
13. Locate Buyers/Renters	Ready buyer/renter list	20	0	0	\$ -	0	0	\$ -	1	20	\$ 1,100.00	0	0	\$ -	0	0	\$ -	20	\$ 1,100.00							
<b>14a. TOTAL Hourly Contract</b>		Hourly Contract			48	\$ 3,440.00	Hourly Contract			48	\$ 3,440.00	Hourly Contract			106	\$ 7,830.00	Hourly Contract			38	\$ 2,860.00	Hourly Contract			38	\$ 2,860.00
<b>14. TOTAL contract amount not to exceed</b>		Estimated Hrs per Week			2.2	\$ 8,730.00	Estimated Hrs per Week			1.8	\$ 5,485.00	Estimated Hrs per Week			4.8	\$ 13,935.00	Estimated Hrs per Week			1.5	\$ 4,695.00	Estimated Hrs per Week			1.9	\$ 5,740.00

Boxborough Housing Board  
Minutes, Thursday, 11 June 2015  
Town Hall, 29 Middle Road

**Housing Board Members Present:** Al Murphy, Chair, Michael Fetterman, Ron Vogel, Diane Friedman

**Invited Attendees:** Adam Duchesneau

The meeting was called to order at 7:30 PM

**I. Minutes**

Minutes for the 9 April 2015 BHB Meeting were approved

**II. Informational Items**

- A. The Housing Production Plan has been approved
- B. Abutters to Stow Road property Heather Fleming and husband Cord Awry want to save a large old magnolia tree on the property and are exploring the feasibility of doing so. Ron stated probably no CPA funding would be available for this. We discussed having the developer consider the issue.

**III. Old Business**

- A. The BHB discussed the use of CPA funding. Ron agreed that the cost of housing board members going to conferences could be supported. The BHB also discussed paying year 3 of the Regional Housing Services, paying for some needs of the Stow Road property and putting monies into the Affordable Housing Trust to buy land. Projects need to be discussed at our July meeting because the CPC needs to have the rough drafts of the proposals by Sept or Oct.
- B. Stow Road RFP - K & P recommended more quantitative criteria than did Susan Connelly of MHP. Al and Les Fox talked with a representative from the Inspector General's office to resolve the matter. In addition, we need to add auxiliary documents to the RFP.

**IV. New Business**

- A. The BHB discussed how tax assessments should be determined for affordable units that are monitored by the BHB. Al moved that our policy should be that affordable units will be assessed at the lowest of:
  - 1. The market-rate value (as determined by the assessor), discounted by 25%, or,
  - 2. The Maximum Resale Price, as specified by the Affordable Housing Restriction of the unit.Ron seconded the motion, and the motion passed unanimously.
- B. The BHB decided that the owner of the unit at 232 Swanson Road, Unit 628, will have 120 days to and sell the unit as an affordable unit. Adam will draft a letter to notify him, Nathan Robinson from Regional Housing Services will help.
- C. The BHB will use the \$4,209.45 from Affordable Housing Trust funds to help pay for the second year of Regional Housing Services
- D. Diane made a motion that the Town continue with the Year 3 services with Metro West Collaborative Development. Michael seconded the motion, and it passed unanimously.

The meeting was adjourned at 9:15 pm

Respectfully submitted by Diane Friedman



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**June 29, 2015**

**APPROVED: July 20, 2015**

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

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

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

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

**ANNOUNCEMENTS**

Chair Amoroso read the announcements

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

**NEW BUSINESS**

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

**APPOINTMENTS**

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

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

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

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

#### MINUTES

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

#### SELECTMEN REPORTS

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

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

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

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

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

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

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

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

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

#### **OLD BUSINESS**

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

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

#### **NEW BUSINESS (Continued)**

- The Selectmen took up several Reserve Fund Transfer Requests and Reserve Fund Transfers and Inter-departmental transfer pursuant to MGL Ch. 44 §33B:
  - In keeping with best practices an audit of the Tax Collector's "accounting system" was necessitated by Ms. Shemowat's retirement. Member Stemple moved to forward to the Finance Committee for approval the request to transfer \$1,400 from the Reserve Fund to account #001-135-5301-0000 (Accountant Audit). Seconded by Member Bak. **Approved 5-0.**
  - Member Fox moved to forward to the Finance Committee for approval the request to transfer \$111 from the Reserve Fund to account #001-145-5711-0000 (Treasurer Travel). Seconded by Member Bak. **Approved 5-0.**
  - Member Bak moved to forward to the Finance Committee for approval the request to transfer \$1,596.15 from the Reserve Fund to account #001-146-5110-0000 (Collector Salary). This is to cover accrued vacation time for the retiring Tax Collector and a minor year-end shortfall in the salary line. Seconded by Member Stemple. **Approved 5-0.**

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

**OLD BUSINESS (Continued)**

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

**NEW BUSINESS (Continued)**

- The Selectmen reviewed the input received from Town Counsel concerning the performance evaluation process. Current law governing these matters severely hinders us. It is not helpful or practical when dealing with the realities of the process. There was discussion as to how to manage the current performance evaluations and how to administer this process going forward. It was determined that more direction is needed from Town Counsel on this.
- TA Shaw reported on the status of the Selectmen's goals. She commented on the status of the Grange Meeting Room improvements and noted that residents at Town Meeting had voiced their desire that the improvements not be done in a piecemeal fashion. The Inspector of Buildings has been working on a comprehensive plan for the room. It was also noted that the status of the Local Emergency Planning Committee (LEPC) certification should be reviewed. The goals will be reviewed again in the next few months.

- The Selectmen took up the Employee Reappointments. Chair Amoroso moved to appoint the following for a term commencing July 1, 2015, and ending on June 30, 2016:

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

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

Seconded by Member Fox. Approved 5-0.

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

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

#### **CORRESPONDENCE**

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

#### **CONCERNS OF THE BOARD**

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

#### **ADJOURN**

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



**Internal Communications and Outgoing Communications**  
**May 23, 2016**

1. Email communication between Brian Riley, Town Counsel Kopelman & Paige, PC, and TA Shaw dated May 19, 2016 regarding Selectman Richard Barrett – potential conflict of interest. [Accompanied by form “*Disclosure of Appearance of Conflict of Interest as Required by G.L. c. 268A § 23(b)(3)*”]\*
2. Email communication between Debbie Kirkland of Bolton Walkers, Inc. and Conservation Comm. Chair Dennis Reip (and others) commencing May 3, 2016 to request the use of the Wolf Swamp, Red Trail’s access parking area on June 4, 2016 and matters related to the intended usage.\*
3. Email communication from John Fallon dated May 13, 2016, to TA Shaw, reporting on the second meeting of the A-B School District “Visioning Team.” [Meeting handout *Phase II of the Capital Study: “Educational Visioning & Master Plan Development”* – attached.]\*
4. Copy of letter from Minuteman School District Supt., Dr. Ed Bouquillon, dated May 18, 2106, to MSBA’s Chief Exec. Officer, Maureen Valente and Exec. Dir., John McCarthy, submitted pursuant to MSBA’s Failed Vote Policy. [Accompanied by schedules of 2016 District Communities’ Town Meeting Actions as to Bonding Article and the District’s Planned Activities during – Requested 180-Day Extension]\*
5. Letter from TA Shaw, dated May 12, 2016, to Maureen Giacchino of the Mass. Dept. of Health supporting the Community Outreach Initiative Network (COIN) Collaborative’s grant application for \$45,000.



Selina Shaw

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**From:** Brian Riley [REDACTED]  
**Sent:** Thursday, May 19, 2016 11:37 AM  
**To:** 'Selina Shaw'  
**Cc:** John Giorgio  
**Subject:** Selectman Richard Barrett - potential conflict of interest issues  
**Attachments:** disc-23b3-favor-or-influence-new.pdf, COI bos advisory\_001.pdf

Dear Members of the Board of Selectmen:

You have requested an opinion regarding any potential conflict of interest issues concerning Richard Barrett, who was just elected to the Board of Selectmen. Mr. Barrett's wife, Jennifer Barrett, serves as the appointed Town Accountant. The Town Accountant position is appointed by the Board of Selectmen on an annual basis. One of the Accountant's duties, in accordance with G.L. c.41, §56, is to prepare all payment and payroll warrants, some of which contain her own salary, for approval and execution by the Board of Selectmen. In addition, I am informed that Mr. Barrett teaches Tae Kwan Do for the Recreation Department. He is not compensated for this position, but participants pay a fee that goes to the Town.

In my opinion, Mr. Barrett will be prohibited from signing any payroll warrant that contains the Town Accountant's compensation and from having any participation in the reappointment or other personnel matters concerning the Accountant that may come before the Board. As a Selectman, Mr. Barrett is a "municipal employee" as defined in General Laws Chapter 268A, the Conflict of Interest Law. I note initially that in many cases, holding multiple positions with the Town would create issues under §20, which restricts the ability of a municipal employee to have a financial interest in a "contract" with the Town, which includes most paid positions. In this case, however, Mr. Barrett's position with the Recreation Department is not compensated, and elected offices are not considered to be "contracts" even if they are compensated, so I do not see any §20 issues for Mr. Barrett on the facts provided.

#### Sec. 19

Section 19 is the most significant section for Mr. Barrett's consideration. Section 19 prohibits a municipal employee from participating in any particular matter in which he, his immediate family or his business or employer has a financial interest. As stated above, Mr. Barrett's wife has a financial interest in the Board of Selectmen's approval of any payroll warrant that includes her own compensation. When any such warrant comes before the Board, Mr. Barrett will need to recuse himself and allow the other Board members to handle the approval of those warrants. The other issue that will be recurring is the annual appointment of the Town Accountant, as long as Mr. Barrett's wife holds that office. I understand that the Town Administrator generally proposes a candidate for a Town office and submits the name to the Board of Selectmen for approval of the appointment or reappointment. As long as Mr. Barrett's wife serves as Town Accountant and she is submitted for reappointment, he will have to recuse himself from any such appointment vote due to his wife's financial interest. In addition, Mr. Barrett would have to recuse himself from any personnel issues that could involve his wife's financial interest, such as hearing complaints, disciplinary matters, discussions of salaries for department heads, and the like.

#### Sec. 23(b)(3)

Another relevant section is §23(b)(3), which provides that it is a violation for a municipal employee to:

act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

This section essentially provides that it can be a violation if there is a reasonable appearance of bias or favoritism. Even if Mr. Barrett recuses himself from the matters discussed above, it is at least arguable that someone could complain of such an appearance based on the Selectmen's role of overseeing the various Town departments, including the Town Accountant's office. As noted in the underlined sentence, however, even if a "reasonable person" could conclude this, there is no violation if the municipal employee has filed a written public disclosure; elected officials should file the disclosure with the Town Clerk's office. It may be advisable, therefore, for Mr. Barrett to file such a disclosure, simply stating that he is on the Board of Selectmen, his wife serves as the Town Accountant, and he will act objectively on any matters that may involve or affect the Accountant's office. I have attached the Ethics Commission's disclosure form.

In addition, I recommend that Selectman Barrett review the Ethics Commission's summary of the law as it applies to Selectmen, which I have also attached. This covers a variety of other restrictions that all Selectmen should keep in mind, such as not revealing confidential information (§23), limitations on accepting gifts (§3), and other issues.

If Mr. Barrett has any additional questions, he can feel free to contact me.

Very truly yours,

Brian Riley

Brian W. Riley, Esq.  
**KOPELMAN AND PAIGE, P.C.**  
101 Arch Street, 12th Floor  
Boston, MA 02110



[www.k-plaw.com](http://www.k-plaw.com)

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

<b>PUBLIC EMPLOYEE INFORMATION</b>	
Name of public employee: :	
Title or Position:	
Agency/Department:	
Agency address:	
Office Phone:	
Office E-mail:	
	<p>I am expected to perform official duties as a state, county, or municipal employee, and I have a relationship or affiliation with a person or organization involved. A reasonable person would conclude that the person or organization can 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 someone's kinship, rank, position or undue influence.</p> <p>I am filing this disclosure to explain the facts about this relationship or affiliation and to dispel the appearance that I have a conflict of interest.</p>
<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>	
Describe the issue that is coming before you for decision or action.	
What responsibility do you have for taking action or making a decision?	
Describe your relationship or affiliation with someone involved.	
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	

<b>If you cannot confirm this statement, you should recuse yourself.</b>	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <input 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:	

**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.**

**Form revised February, 2012**



The Official Website of the State Ethics Commission

## State Ethics Commission

Home > Education & Training Resources > Educational Materials > Explanations of the Conflict of Interest Law > 5

### Selectmen

As a Selectman, you are a "municipal employee" and are covered by the conflict of interest law, G.L. c. 268A. <sup>(1)</sup>, elected or appointed, full or part time, paid or unpaid, must comply with the restrictions of the conflict law. The law and business partners of current and former employees. <sup>(2)</sup> The purpose of the law is to ensure that your private responsibilities as a public official.

#### I. RESTRICTIONS ON YOUR ACTIONS

##### A. Self-Dealing (Section 19)

The law generally prohibits you from taking any official action on matters affecting your own financial interests, or members (i.e., your spouse and the parents, siblings and children of either you or your spouse); partners; your employer; or organizations for which you are negotiating or have an arrangement concerning prospective employment; or organizations for which you are trustee. <sup>(3)</sup> As a Selectman, you may not act in any way that affects these interests, positively or negatively, nor within the foreseeable future. If a matter affecting one of these interests comes up for consideration at a Selectman meeting, you must leave the room during discussion, deliberation and the vote on the matter, and make sure that the minutes of the meeting reflect your absence.

The prohibition on acting in these matters is very broad. You may not participate as a selectman in any way: you may not moderate or chair discussions; you may not delegate these matters to a subordinate; you may not participate in any way that affects these interests, positively or negatively, nor within the foreseeable future. You may not take any other type of official action regarding these matters.

For example, if a budget line item includes the salary of an immediate family member, you may not discuss that item in public conversations. If a warrant includes payments to a family member or a business organization as described above, you may not participate as a Selectman in any hearings or deliberations about that project. If a public works project, you may not participate as a Selectman in any hearings or deliberations about that project. If an organization, you may not as a selectman direct the Town Administrator to act on that organization's application for a license or permit.

Note that there are some special cases, including:

**1. Acting on Budgets:** You must abstain from any action on budget items which include the salary of an immediate family member (i.e., your spouse and the parents, siblings and children of either you or your spouse) or the financial interests of one of the entities listed above). Although you are prohibited from acting on those particular items, you may participate in the discussion and vote on those items if the whole provided that those line items you abstained from have previously been voted on and approved separately by the Selectmen. See [Officials Voting on Budgets and Signing Payroll Warrants that Include Salaries for Family Members](#).

**2. Acting on Matters of General Policy:** You may act on municipal ordinances, bylaws and other matters of general policy if the financial interest of your immediate family members is shared by a "substantial segment" of your town's population. The State Ethics Commission defines a "substantial segment" of your town's population as a "substantial segment" for the purposes of the conflict law; therefore, you may act on matters of general policy if the financial interest is shared by at least 10% of your town's residents. For example, as a selectman, you may participate in setting the tax rate because that decision is a matter of general policy.

You also may act on matters of general legislation and certain home rule petitions including drafting, promoting or the state's General Laws), or legislation relating to your town government's organization, powers, duties, finances; legislation," do not fall within this exception.

**3. Acting on Matters Affecting Abutting or Nearby Property:** Property owners are presumed by the Commission to have a financial interest in matters involving abutting and nearby property. Therefore, you generally may not act in your official capacity on matters involving abutting property, or which is close enough that the outcome of the matter will affect your own property values. Also, you may not act on matters involving a business or property which abuts businesses or property owned by your immediate family member, prospective employers, or organizations for which you serve as an officer, director, partner or trustee. For more information, see Advisory 05-04: Voting on Matters Involving Competitors.

**4. Acting on Matters Affecting Competitors' Financial Interests:** Businesses and individuals may have a financial interest in matters involving competitors when the effect on the competition also affects themselves or their own business. For example, a liquor license application of a nearby establishment; a job applicant is presumed to have a financial interest in the liquor license application of a nearby establishment; a job applicant is presumed to have a financial interest in the liquor license application of a nearby establishment; a job applicant is presumed to have a financial interest in the liquor license application of a nearby establishment. Therefore, you generally may not act on matters affecting your own direct competitor, member, business partner, private employer, prospective employer, or organization for which you serve as an officer, director, partner or trustee. For more information, see Advisory 05-04: Voting on Matters Involving Competitors.

## **B. Appearances (Section 23)**

The law prohibits you from taking any type of official action that could create an appearance of impropriety, or that might lead an impartial observer to believe that your actions are tainted with bias or favoritism. Before taking any type of official action, you must file a full, written disclosure of all the relevant facts with your Town Clerk. We also recommend that you make the disclosure available to the public when the issue arises, and see that the minutes reflect your disclosure. Instances in which you should file such a disclosure include: actions involving a relative who is not an immediate family member, such as a son-in-law, a niece or a grandparent; actions involving a business or property which abuts businesses or property owned by your immediate family member, prospective employers, or organizations for which you serve as an officer, director, partner or trustee; actions involving with whom you have a significant personal or professional relationship. If you are in doubt as to whether there is a conflict of interest, contact your Town Counsel or the Legal Division of the State Ethics Commission prior to acting.

## **C. Acting on Behalf of Others and Private Employment (Sections 17 and 18)**

The law generally prohibits you from acting as agent or attorney for anyone other than your town in connection with the business of your town. For instance, you may not contact a town agency on behalf of a private individual, company, not-for-profit organization, or other interest. You may not appear before a town department or town employee on someone else's behalf. You may not be submitted to a town board or town employee by someone else. You may not serve as spokesperson or other representative for a private business.

Also, you generally may not receive pay or other compensation from anyone other than your town in connection with the business of your town. If you refuse yourself to comply with §§ 19 and 23, as discussed above, you may not represent a private party in the matter.

There are some exemptions to these general prohibitions, including:

**1. Legitimate constituency work:** You generally may act on behalf of a constituent who lives or does business in your town in the proper discharge of official duties. However, you may not be paid for such representation by the constituent or the constituent's attorney or agent. For example, you may contact the public works department to inquire about the status of a road project; you may not represent a constituent who is suing the town for damage to her property as a result of that paving project or lawsuit by the constituent. Note that you may not act on behalf of constituents who are members of your immediate family, prospective employers or organizations for which you serve as officer, director, partner or trustee in matters in which you have a financial interest (as defined above). Even if no financial interest exists, if you act on behalf of constituents who are members of your immediate family, prospective employers or organizations for which you serve as officer, director, partner or trustee, you must file a disclosure with your Town Clerk. You cannot ask anyone to do something unlawful or put undue pressure on them, as discussed in Section F below.

are constituent services, get advice from the Ethics Commission before acting. For more information, see Advisory Services.

**2. Acting in your Personal Capacity:** You may always act on your own behalf, and you may always state your name. You always make it clear that you are acting on your own behalf, not representing someone else and not acting in any official capacity before a town board (but remember that you may not take any type of official action on a matter that affects you). If you are asked to participate in a matter which affects your property, you should leave the table and sit in the audience while the board discusses the matter. You may participate in this matter only when other members of the public are invited by the board to participate. When you participate, you do so as a selectman but on your own behalf.

**3. Special Municipal Employees:** If you serve as a Selectman in a town which has a population of 10,000 or fewer, you may be a "special municipal employee" for the purposes of the conflict law. Selectmen who are "special municipal employees" may represent the town but may never act on the matter as a municipal official; the matter is not and has not been the subject of their official representation before the Board of Selectmen.

#### **D. Multiple Contracts and Holding Additional Offices (Section 20)**

You are generally prohibited from having a direct or indirect financial interest in a contract with your town or from holding more than one municipal position. This section of the law restricts municipal employees from actually having or appearing to have an "inside job." The law permits you to hold as many uncompensated appointed positions as you wish, so long as all of the positions you hold are elected positions as you wish even if you are compensated for one or more of these elected positions, so long as you do not have a financial interest in the contract. For information about other exemptions, see Ethics Primer: Financial Interests in Contracts for Municipal Employees.

There are many exemptions in this section of the law. For instance, you may own less than 1% of the stock of a corporation.

One exemption, known as the "selectman's exemption," permits a person already holding an appointed and paid municipal position to hold the additional municipal position of Selectman. However, for those selectmen who use this exemption, they receive only one municipal salary but have the ability to choose which salary they will receive. In addition, as a Selectman, you may not be appointed to any other municipal position within the purview of the municipal agency by which you are employed or over which you have official responsibility, including a job promotion, while serving as a Selectman.

Also, as discussed above, if you serve as a Selectman in a town which has a population of 10,000 or fewer, you may be a "special municipal employee" for the purposes of the conflict law. As a special municipal employee, you may have a financial interest in a town contract or position if (a) the Board of Selectmen has no jurisdiction over the contract or position or (b) if the Board has jurisdiction over the municipal agency with which you have the contract or position. (4)

For information about the application of these exemptions and other exemptions that may apply, contact your Town Clerk or the Ethics Commission.

#### **E. Appointments by the Board of Selectmen (Section 21A)**

As a Selectman, you generally cannot be appointed to any position, paid or unpaid, that is both appointed by the town and requires approval by the Board of Selectmen. You must wait 30 days after you finish serving as a Selectman before you are eligible to be appointed to a position. You may submit a resume or other information to the Board, but the Board may not take any actions regarding your expression of interest until after the 30-day waiting period. For this restriction, see Advisory No. 96-01: Municipal Officials Being Appointed to Positions under their own Boards.

Positions on Board subcommittees and positions held ex-officio by virtue of your Selectman's position are considered to be appointments by the Board of Selectmen and therefore do not trigger the restrictions of Section 21A. Generally, you may serve on a Board subcommittee, so long as you are not appointed to a position by the Board of Selectmen.

terminate if you were to resign as Selectman. Similarly, you may serve ex-officio on another municipal committee membership would automatically terminate should you resign as Selectman. For example, you may serve on the representative on that board, as required by the town's charter.

#### **F. Unwarranted Privileges (Section 23)**

The law prohibits you from using your official position to obtain any type of "unwarranted privilege" of substantial instance, you may not use official resources (e.g., office equipment, stationery, municipal cars, the town seal, sta may not use your official position to get any type of preferential treatment for yourself or anyone else. You may n or anyone under your authority for any personal or political purpose. You may not use your official title to endorse

For more information about this restriction, see Advisory No. 84-01: Political Activity and Advisory 05-01: The Sta

#### **G. Confidential Information (Section 23)**

The law prohibits you from publicly revealing confidential information, or from using it for private or political purpo Massachusetts Public Records Law is considered confidential. Remember that matters discussed while the Boar the Executive Session minutes are released as public records. For additional information on the Public Records I

#### **H. Bribes (Section 2)**

You may not ever accept anything that is given to you with an intent to corruptly influence your official actions or action. Anything, of any value , may be considered a bribe if it is given to you in exchange for your agreeing to ta take an official action you would otherwise take.

#### **I. Gifts and Gratuities (Section 3)**

You may not accept anything worth \$50 or more if it is given to you because of something you did, or might do, a anything from a private party, you must ask whether there is a link between the gift and an official act or act withi determines whether a link is established by reviewing all the circumstances. Such circumstances may include, fo the giver, the giver's and your expressed intents, the timing of the gift, whether you have acted or will act on matt your acts. In addition, the Commission will consider whether the gift is repeated, planned or targeted, whether it i friendship or reciprocity between the giver and you, the nature, amount and quality of the gift, and the location of parties. Because the prohibition applies to acts "performed or to be performed," a reward of substantial value for substantial value in anticipation of a future act might.

Note that multiple gifts from the same person or company with a total value of \$50 or more may be considered illl 04-02: Gifts and Gratuities. Note also that special rules apply to scarce tickets. See Advisory 04-01: Free Tickets

#### **J. Restrictions After You Leave Government Service (Section 18)**

You may never be paid by anyone except your town in connection with a particular matter in which you participat in the Selectmen's decision to award a town building contract, you may not then be paid by a private company to performing work under that contract.

In addition, there is a one-year "cooling off" period before you may personally appear before, or telephone or writ was under your official responsibility within two years prior to your leaving government service, even if you did nc professional stamp on documents submitted to your former agency.

For more information on these restrictions, see State Ethics Commission Advisory No. 90-01: Negotiating for Pro Interest Law 13: Former Municipal Employees.



**4. Section 23:** Among other restrictions, section 23 generally prohibits town employees from acting in a manner that anyone could unduly enjoy their favor in the performance of their official duties. However, section 23 allows to make a full, written disclosure of all the relevant facts to their appointing authority. As an appointing authority, you maintained as public records. While you do not have to take any action regarding them, it is recommended that you have the discretion to act in the town's interests and may prohibit an employee from acting in a matter even if the

The determinations and exemptions made by selectmen as discussed above are discretionary. It is the responsibility to determine what is in the town's best interests.

#### FOOTNOTES

<sup>1</sup>If your town population is 10,000 or fewer, you are a "special municipal employee;" if the town population is greater, you are a "municipal employee." Under certain circumstances you may be a "special municipal employee." As discussed below, the law places fewer restrictions on "special municipal employees."

<sup>2</sup>For additional information, see State Ethics Commission Summary 13: Former Municipal Employees and Advisors.

<sup>3</sup>Note that this prohibition applies both to for-profit and to charitable organizations.

<sup>4</sup>Note that G.L. c. 268A, section 19 would prohibit you from participating in this vote to grant yourself an exemption.

<sup>5</sup>Note that if you rely on the Selectmen's exemption to section 20 in order to hold a second municipal exemption, you must be a Selectman before you are eligible for appointment to any additional municipal position.

<sup>6</sup>"Immediate family" includes the employee's spouse, and the parents, siblings and children of both the employee and the spouse.

<sup>7</sup>Examples of fiduciary relationships include acting as guardian, executor or administrator.

\* \* \* \* \*

Summaries are prepared and issued by the Public Education Division of the State Ethics Commission. They are advisory in nature and do not constitute legal advice. For more information about the law, please contact the State Ethics Commission at (617) 371-9500.

ISSUED: September 1987

REVISED: March 1990

REVISED: September 2005

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The Conservation Commission has received a request for the use of Wolf Swamp Red Trail Access Parking area (across from 486 Old Harvard Road). Bolton Walkers, Inc., dba, Just 'Cause, a local 501(c)3, has organized a 3 day 60 mile fundraising walk in support of the Virginia Thurston Healing Garden in Harvard, MA and the Women's Cancer Center at MGH in Boston, which will pass through Boxborough on June 4. The group has requested the use of the parking area, which is halfway between two water stops in Bolton and West Acton) to locate a porta potty for the walk. The ConsComm has agreed to the short-term use; the Fire Chief and Board of Health agent are also agreeable. The group has provided a certificate of insurance.

Since this activity will be on conservation land, I have included the matter for informational purposes in correspondence; however, it may be taken up for discussion if desired.

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**From:** Reip, Dennis [REDACTED]  
**Sent:** Thursday, May 05, 2016 10:15 AM  
**To:** Selina Shaw; [mary.nadwairski@town.boxborough.ma.us](mailto:mary.nadwairski@town.boxborough.ma.us); Chief White; Tom Garmon  
**Cc:** Liz Markiewicz  
**Subject:** FW: Request for use of Wolf Swamp Red Trail Access Parking area across from 486 Old Harvard Road

Selina,  
The ConsCom is agreeable to this short term use of the parking area as proposed below.  
Other than ConsCom permission to use Cons land, please reply about what other permission/approvals may be required to conduct this activity on Town land.  
Once vetted by all with an interest, who is the preferred Town representative to reply back to Debbie Kirkland.

Mary,  
We discussed briefly as correspondence last night based on my memory only (I had left this message sitting in my draft folder until now).

Randy,  
FYI, this parking lot also provides access to the Fire Pond. Any concerns?

Tom,  
FYI - any concerns?

**From:** Debbie Kirkland [REDACTED]  
**Sent:** Tuesday, May 03, 2016 1:32 PM  
**To:** Reip, Dennis [REDACTED]  
**Cc:** Debbie Kirkland [REDACTED]  
**Subject:** Request for use of Wolf Swamp Red Trail Access Parking area

Dear Mr. Reip,

I am contacting you on behalf of Bolton Walkers, Inc., dba, Just 'Cause, a local 501(c)3, organizing a 3 day 60 mile fundraising walk in support of the Virginia Thurston Healing Garden in Harvard, MA and the Women's Cancer Center at MGH in Boston.

At the suggestion of Liz Markiewicz, Town Clerk, I am writing to request permission to place a portable toilet in the parking area of the Wolf Swamp Red Trail Access on Old Harvard Road in Boxborough.

We will be walking through Boxborough on Saturday morning, June 4, 2016. We currently have a 6.5 mile stretch without a bathroom stop. (The Wolf Swamp Conservation Area parking area is about halfway between two water stops - one in Bolton on East End Road, and one in West Acton). There will be approximately 35 to 40 walkers in our group on Saturday.

RM Ratta, Corp of Ayer is supplying our portable toilets, and would drop off the unit on Friday, June 3 and pick it up Monday, June 6. We can provide the town with a Certificate of Insurance if requested.

I appreciate your consideration of our request. Please feel free to call if you have any questions or require additional information.

Sincerely,  
Deborah Kirkland  
Board Member

[REDACTED]  
Bolton Walkers, Inc.  
dba Just 'Cause  
<http://www.justcausewalk.org/>

---

**From:** Fire Chief Randolph White [mailto:rwhite@boxborough-ma.gov]  
**Sent:** Thursday, May 19, 2016 12:10 PM  
**To:** 'Reip, Dennis'; 'Selina Shaw'; mary.nadwairski@town.boxborough.ma.us; 'Chief White'; 'Tom Garmon'  
**Cc:** 'Liz Markiewicz'  
**Subject:** RE: Request for use of Wolf Swamp Red Trail Access Parking area across from 486 Old Harvard Road

Hi Dennis,

Sorry, for not responding sooner. I don't foresee and problems with your request. Just make sure that, fire apparatus can access the dry-hydrant.

Regards,  
Randy

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

978-264-1770 Main  
978-264-1771 Admin  
978-263-0038 Fax

[www.boxboroughfire.com](http://www.boxboroughfire.com)

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**From:** James Garreffi [mailto:JGarreffi@nashoba.org]  
**Sent:** Thursday, May 19, 2016 4:09 PM  
**To:** mnadwairski@boxborough-ma.gov; sshaw@boxborough-ma.gov  
**Cc:** Cannon, Marie [REDACTED]  
**Subject:** Portable toilets

Mary and Selina,

The Board would not have a problem with the use of the portable toilet(s) for the proposed Walk a thon (6/3-6). The portable toilet needs to be placed on level, solid ground and be removed once the event is over.

Jim

Selina Shaw

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**From:** John Fallon [REDACTED]  
**Sent:** Friday, May 13, 2016 8:14 AM  
**To:** Selina shaw  
**Subject:** Update #2: Phase II Working Group of the ABRSD Capital Study  
**Attachments:** Outline of Phase II Capital Study Memo.pdf

- 1) The second meeting of the "Visioning Team" was held Thursday April 28. This whole day meeting involved a group of about 70-80 people. The meeting focused on two major topics: (a) key structural master plan issues, e.g. grade configuration, and (b) examples of current trends in school/classroom design. There were 6-7 people from the Blanchard School Community (mix of staff and parents) in attendance. The third and last Visioning Team meeting will take place in September.
- 2) This purpose of the April 28 meeting was to create input and set the stage for the consultant's activities over the summer (see attached May 11 memo). The Working Group will be meeting during the summer with the consultants.
- 3) In early April the Region submitted Statement of Interest (SOI) to Massachusetts School Building Authority (MSBA) for the Douglas, Gates and Conant Schools. This is the first step in the State aid funding process. By submitting what I would call "placeholder" SOI's now the Region saved 12 months in any future application process. These SOI are non-binding on either party.

John

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**From:** Karen Coll [<mailto:kcoll@abschools.org>]

**Sent:** Wednesday, May 11, 2016 3:18 PM

**To:** Adam Klein; Amy Bisiewicz; Amy Maciel; Andrew Shen; Andy Gatesman; Anne Spalding; Astrid Trostorff; Atharva Kasar; Beth Baker; Bobby Matthews; Brandon ODonoghue; Brendan Hearn; Brian Gentile; Buster O'Brien; Camille Smokelin; Catherine Centrella; Christy Nealon; Cindy Patton; Clare Jeannotte; Connie Long; Damian Sugrue; David James; Deborah Bookis; Emma Bowe-Shulman; Glenn Brand; Heather Matthews; Jack Fahey; Jack Kline; James Marcotte; Jenna Larrenaga; Jill Maxwell; Joe Gibowicz; Judith OBrien; Juliana Schneider; June Montepeluso; Karen Tower; Kate Crosby; Kathleen Neville; Kerrie Stewart; Kim Ward; Kristina Rychlik; Larry Dorey; Lisa Franklin; Louisa Latham; Lynne Newman; Mac Reid; Madeleine Heavey; Maksim Emelyanov; Margot Dushin; Marilyn Bisbicos; Mark Carlson; Mark Saganich; Mary Emmons; Matthew McDowell; Meghan Giannetto; Melissa Gaudette; Michael Liuzzo; Pam Fleming; Parindar Miller; Regina Fitek; Ruairi Sweeney; Sara Wilcox; Sean Peng; Spencer Harvey; Srinivas Anantha; Tammy Costello; Vanessa Mann; Wendy Gomez; Amy Krishnamurthy; Brigid Bieber; Chris Whitbeck; Doug Tindal; Erin Bettez; JD Head; John Fallon; Marie Altieri; Maya Minkin

**Subject:** Phase II Capital Study Overview

Hi all -

The attached document was prepared to provide an overview of the second phase of our capital study and the development of our district master plan. It will also be posted to our website.

Karen

Karen Coll  
 Assistant to the Superintendent and Director of Finance  
 Acton-Boxborough Regional School District  
 978-264-4700, x3211



*Acton-Boxborough Regional School District*  
*Superintendent's Office*  
16 Charter Road  
Acton, MA 01720  
978-264-4700 [www.abschools.org](http://www.abschools.org)

**Glenn A. Brand, Ed.D.**  
*Superintendent of Schools*

**PHASE II OF THE CAPITAL STUDY:**  
**"EDUCATIONAL VISIONING & MASTER PLAN DEVELOPMENT"**

The firm of Dore & Whittier is currently working with the Acton-Boxborough Regional School District (the District) to develop a Master Facilities Plan. Their charge in this study is to provide the District with a series of options based on information garnered during the physical assessments of each building (Phase 1 of the study), combined with feedback provided by the District and community during Phase 2 of the study regarding the desired educational approach.

Based upon their knowledge, district and community input, and the current state of our capital needs, Dore & Whittier's team will develop a range of options over the upcoming summer that include:

- Maintaining the status quo in terms of the continued operation of our current school buildings and attending only to prioritized items identified within our Capital Improvement Plan;
- Possible additions and/or renovations to each school;
- Smaller focused interventions to improve educational space and infrastructure needs at individual schools,
- Potential new construction to replace buildings that are deemed obsolete and cost prohibitive to rehabilitate to serve the long-term needs of the District.

The development of options will also include reviewing scenarios of school consolidation with additions and/or renovations to existing facilities or new construction, grade realignment(s) and potential school closures and repurposing. Options for consolidating one or more schools will be developed and reviewed. Each option will be vetted with pros/cons including, but not limited to:

- Desired educational approach in the district and our vision for the future;
- The viability of possible solutions (i.e. the ability of buildings and sites to accommodate option(s));
- Capital costs and affordability for the community (Will our communities financially support certain options and will MSBA participate in the cost?);
- The impacts and disruptions to education delivery in the district to implement an option (i.e. how exactly can or will renovations at occupied buildings occur?);
- How current district policies, including but not limited to, 'school choice,' impact considerations.

*Our Mission is to prepare all students to attain their full potential as life-long learners, critical thinkers, and productive citizens of our diverse community and global society.*



# MINUTEMAN

A REVOLUTION IN LEARNING

May 18, 2016

Ms. Maureen G. Valente  
Chief Executive Officer  
Mr. John K. McCarthy  
Executive Director  
Massachusetts School Building Authority (MSBA)  
40 Broad Street – Suite 500  
Boston, MA 02109

**Sent via email**

Dear Ms. Valente and Mr. McCarthy:

This letter is submitted to you pursuant to MSBA's Failed Vote Policy.

**Overview:**

- Project funding was approved by the Minuteman District School Committee on March 15, 2016.
- The District secured affirmative action (or non-disapproval) by 15 of the District's 16 member Town Meetings (in one case subject to a Proposition 2½ debt exclusion vote on June 14).
- The bond funding was disapproved by the Belmont Town Meeting on May 4, 2016.

Absent further action, by operation of M.G.L. Chapter 71, Section 16(d), this circumstance constitutes a failed vote.

The Minuteman project was unanimously endorsed by the MSBA Board of Directors on August 6, 2015. Our Final Schematics were approved unanimously by the MSBA Board on January 27, 2016. With the 120-day deadline for local approval approaching on May 27, 2016, the District is required to inform the MSBA of the failed vote, provide reasons for it, and outline its plans for securing approval under its Regional Agreement and statute.

Based upon the extraordinary support for the project shown by 15 member towns, and their recognition of the adverse consequences of a failed vote, community leaders throughout the district are willing to assist us in efforts to further engage the Town of Belmont and reverse the decision in that town. Failing that desired outcome, the district would move forward with a district wide referendum under M.G.L. Chapter 71, Section 16(n).

If MSBA grants us more time to do this work, I am confident that we will achieve the same success in Belmont as we have had throughout the District.

1. District Voting Results

Attached is a chart showing the results of 16 member towns meetings. As you can see, the Minuteman project has received broad support in the District communities, with several endorsing the project by unanimous votes at Town Meeting. The vote at Belmont Town Meeting on May 4, 2016 was the single exception. By a vote of 81 in favor and 141 against, Town Meeting failed to endorse the District School Committee's decision to bond for the project. Assuming an affirmative vote on a debt exclusion to be held in the Town of Arlington on June 14, 2016, we would have gained full local approval, except for Belmont.

2. Reasons for the Failed Vote in Belmont

During the Belmont Town Meeting debate, speakers repeatedly expressed concerns regarding the school size, cost differences between building a new school vs. renovating the existing one, the credibility and longevity of the new state-approved capital fee, and competition with other key capital projects in the town, particularly plans for a new Belmont High School.

a. School Size

Some Belmont officials still question the target enrollment of 628 students. We have prepared lengthy documentation to support the enrollment: Why We Will Fill the New School.

The 628 enrollment number is based on facts which were discussed at multiple public meetings. We came to the number, over time, based on our comprehensive review of enrollment trends, labor market data on occupational demand, the specific needs of the Chapter 74 career and vocational technical programs offered, and input from our member towns. The district school committee agrees with MSBA that 628 is the smallest sized school that allows us to retain the quality of education our communities expect.

b. Project Costs: Costs of Renovations v. Building New

Some Belmont town officials have stated publicly that the new school is too expensive. Despite extensive communication efforts, including the publication of all analyses and options required in Module 3 and Module 4, Belmont town officials stated that we have not fully vetted the alternatives, including renovations.

We have prepared numerous documents to address the cost of not pursuing the MSBA project and instead undertaking years of renovations. These documents are posted on our website at [www.minuteman.org](http://www.minuteman.org). We have pointed our member towns to The "Go It Alone" Option and to Cost Breakdown for Go It Alone Option.

All of the member towns, except Belmont, were satisfied with the recommendations of the district School Building Committee and the explanatory documents provided.

c. Out-of-District Students and the Capital Fee

Some Belmont officials doubt that the Massachusetts Department of Elementary and Secondary Education (DESE) will implement its new regulations resulting in a capital fee to be paid by non-member communities.

On February 23, 2015, the Board of Elementary and Secondary Education approved Chapter 74 regulations allowing a capital fee be added to the base tuition rate set by DESE. Unfortunately, despite assurances from DESE, some Belmont officials continue to question whether the fee will actually be implemented at all and, if it is implemented, how long it will stay in effect.

d. Belmont High School and Other Competing Capital Projects

The Minuteman project appears to have been the victim of some very unfortunate timing: (1) our need to secure local approval (Module 5) for this project and (2) Belmont's recent entry into the MSBA pipeline and its need to fund a Feasibility Study and perhaps a new Belmont High School (Module 1).

Belmont Town Meeting overwhelmingly voted to approve funds for a Feasibility Study. When Town Meeting reached the Article discussing Minuteman, some of the Town Meeting members explicitly or implicitly pitted the two MSBA projects against one another. The issue was compounded by the fact that there are several other capital needs in the Town of Belmont that also need to be addressed, including a library, public works building, a police station, and module classrooms for overcrowded middle schools. We were disappointed that Belmont Town Meeting decided to reject the Minuteman project partly because of the potential MSBA/Belmont High School project.

e. Limitations on Our Ability to Present the Facts

At most Town Meetings in the District, as Superintendent, I have been invited to make presentations and answer questions in advocacy of the Minuteman project. Unfortunately, this privilege was not granted to me at the Belmont Town Meeting. I was only allowed to respond, factually, to two questions posed to me by members of Town Meeting. I did not have an opportunity to address specific assertions that arose during debate.

Several members of the District School Committee have urged me to provide you with a link to the Belmont Media Center's taped Cable TV coverage of the meeting so that you can draw your own conclusions. The discussion about Minuteman (Article 1) is filed as "Town Meeting 5-4-16 - Part 2" under "Videos." Here is the link:

<http://vp.telvue.com/preview?id=T02787&video=275385>

Based on our experience on the evening of May 4, 2016, we now know that we will need to make a more extensive communication and outreach effort to Belmont Town Meeting members and town officials.

### 3. The District's Plan to Remedy the Failed Vote

The Minuteman School Committee and Administration will address and resolve Belmont's concerns. We are actively engaging local officials, Town Meeting members, and the community at large on the value and need for the project, the consequences of not moving forward, and the specific factual issues involved.

We believe this effort can succeed. Elsewhere in the District, even in towns with multiple pending capital projects – one example is Arlington which endorsed the project 84%-16% at Town Meeting – the arguments in favor have won majority support after full discussion and review.

There is substantial support for the work of Minuteman within Belmont. The need for a major capital project at Minuteman is undisputed. We are confident that, once the facts are clear, Belmont's Town Meeting will support this project.

Members of the District School Committee, including its representative from Belmont, stand united in seeking this extension from the MSBA. Along with my Administration, School Committee members are committed to re-engaging the Town of Belmont in an attempt to get this project to "yes." Collectively, we are persuaded to do so because only one town has voted "no".

As the votes demonstrate, we have achieved the necessary support for this project in 9 of the 10 non-departing member towns in the Minuteman District, including "non-disapproval" from the 6 departing communities. In addition, wide margins in Town Meeting votes and associated debt exclusion ballot question votes were achieved.

Given overall support across the District, and our confidence in being able to work with Belmont's leadership and citizenry to improve understanding of the merits of the project, the District is proposing the following plan to secure local approval within the framework of Chapter 71 and our revised Regional Agreement:

1. The District proposes to reauthorize bonding and seek local approval. As of this writing, the District School Committee is keeping its options open to proceed under Chapter 71, Section 16(d) again, conduct a District-wide referendum under Chapter 71, Section 16(n), or possibly do both. The matter was discussed at a School Committee meeting on May 17, 2016. No vote was taken but the consensus was to keep all options open.
2. In order for this plan to be fully executed within a reasonable timeframe, the District is seeking a 180-day extension of its Feasibility Study Agreement with the MSBA. (I hope that I will be able to talk with you further about the precise length of time that may be needed and the type of time extension that MSBA would consider reasonable.) The District fully

understands that the Project Scope and Budget Agreement will not be adjusted in any manner as a result of this extension.

Over the next few months, I look forward to working with District stakeholders, including the Town of Belmont and its residents to provide further information, answer questions, and build support for this much-needed project. We will be enlisting the support of MSBA, DESE, NEASC and others to help focus and reinforce our messaging.

I thank you for your ongoing support for Minuteman High School. I look forward to hearing from you soon.

Very truly,

A handwritten signature in black ink, appearing to read "Edward A. Bouquillon", with a long horizontal flourish extending to the right.

Edward A. Bouquillon, PhD  
Superintendent-Director  
Minuteman High School

cc: District School Committee  
Boards of Selectmen in Member Towns  
Town Managers and Town Administrators  
State Treasurer Deborah Goldberg, MSBA Chair  
State Senators and State Representatives  
Deputy Commissioner Jeffrey Wulfson, DESE

**TOWN MEETING ACTION ON BONDING FOR A NEW MINUTEMAN HIGH SCHOOL - 2016**

	<b>Bonding Under M.G.L. Chapter 71, Section 16(d)</b>	<b>Debt Exclusion Vote</b>
<b>Acton</b>	Approved by nearly unanimous vote on 4/4/16	
<b>Arlington</b>	Approved by 165-31 vote (84%-16%) on 5/9/16	To be held on 6/14/2016
<b>Belmont</b>	Not approved by 81-141 vote on 5/4/2016	
<b>Bolton</b>	Approved by estimated 181-9 vote (95%-5%) on 5/2/16	Approved 237-146 (62%-38%) on 5/9/16
<b>Boxborough</b>	Non-disapproval	
<b>Carlisle</b>	Non-disapproval	
<b>Concord</b>	Approved by nearly unanimous vote on 4/5/16	Approved 745-259 (74%-26%) on 4/14/16
<b>Dover</b>	Approved by estimated 900-15 vote on 5/2/16	
<b>Lancaster</b>	Approved by unanimous vote on 5/2/16	Approved 251-153 (62%-38%) on 5/9/16
<b>Lexington</b>	Approved by vote of 152-0 on 4/25/16	
<b>Lincoln</b>	Non-disapproval	Approved 174-112 (61%-39%) on 3/28/16
<b>Needham</b>	Approved by unanimous vote on 5/9/16	
<b>Stow</b>	Approved by estimated vote of 177-12 (94%-6%) on 5/2/16	Approved 284-160 (64%-36%) on 5/10/16
<b>Sudbury</b>	Non-disapproval	
<b>Wayland</b>	Non-disapproval	
<b>Weston</b>	Non-disapproval	

Town votes within 60 days of School Committee's 3/15/16 bonding authorization vote.  
Absence of a vote / "non-disapproval" is deemed a "yes" vote.

**Planned Activities during the Requested 180-Day Extension  
(July 30, 2016 – December 30, 2016)**

Projected Dates, Milestones & Actions	Comments
May 4, 2016 – Belmont Town Meeting votes to disapprove the project by a vote of 141-81.	Given the discussion on May 4 <sup>th</sup> and subsequent statements from Belmont officials, it appears that Belmont believes the school is too large, that non-member communities will not contribute to capital costs, and that Belmont’s own high school should take priority over the Minuteman project.
May 4, 2016 and Ongoing – The District meets with District stakeholders to confirm Belmont’s reasons for disapproval and work to re-engage Belmont in the process.	Officials from the remaining district communities have been speaking with Belmont stakeholders to encourage reconsideration.
May 17, 2016 – The District School Committee meets to discuss the Belmont vote and agrees to continue to pursue local approval by seeking an extension of MSBA’s Feasibility Study	No votes were taken, but there appeared to be unanimous consensus to submit a request to MSBA for an extension of the deadline to secure local approval.
May 18, 2016 – District officially requests an extension from MSBA	The District seeks the extension to secure local approval by (1) engaging the Belmont stakeholders and (2) simultaneously preparing for School Committee votes under either Chapter 71, Sections 16(d) or 16(n).
May-June 30, 2016 – The District continues meeting with Belmont officials and Town Meeting members to clarify and overcome objections, laying the groundwork for another effort to secure approval from the Town of Belmont via Chap 71 16(d)	This work is critical. Time is needed to help improve chances for success.
By July 15, 2016 – School Committee votes to reauthorize debt under Chapter 71, Section 16(d)	Member towns have 60 days in which to hold a Town Meeting to disapprove.
September 1, 2016 – The District holds meetings with Town Clerks in the District’s member towns to prepare for a possible district-wide referendum.	Only two similar elections have ever been held before, one at Bay Path Regional Vocational Technical High School in Charlton, the other at Franklin County Technical School in Turners Falls. From what we have been told, the planning process will take 45-60 days.

<p>By September 15, 2016 – If no town disapproves the debt or makes it contingent on a subsequent Proposition 2½ debt exclusion vote, the project is <u>approved</u>.</p>	<p>If a Town Meeting vote is contingent on a related Prop 2½ vote, we might not know the final outcome for a few days (or possibly weeks) later. This fact adds a further bit of uncertainty to this calendar. That is why we have believe 180 days allows the district to respond as noted below.</p>
<p>By October 15, 2016 <i>(or earlier if Belmont remains in opposition)</i> – The District School Committee votes to call for a district-wide referendum to approve debt under Chapter 71, Section 16(n) and sets the date for the district-wide referendum</p>	<p>If Belmont reaffirms its opposition to the project, the District School Committee will call for a District-wide election under 16(n). While the district is reluctant to subject the towns that supported the project to a district-wide referendum, it may occur earlier and be the only option available should outreach efforts to Belmont fail.</p>
<p>By December 30, 2016 – District-wide referendum held on one day in all member communities</p>	<p>The aggregate vote total will determine whether the debt is approved or rejected. Given the overall support for the project as confirmed in votes to date, the district believes the majority of voters will support this project.</p>



**Minutes, Notices and Updates**  
**May 23, 2016**

**Minutes**

1. Conservation Commission minutes for the meetings of April 6, 2016 and April 20, 2016

**Notices**

1. Notice of ABR School District Negotiations Subcommittee related meetings:
  - a. [Executive Session] held May 16, 2016
  - b. [Executive Session] held May 17, 2016
  - c. Held May 18, 2016
  - d. Held May 23, 2016
2. Notice of a Recreation Commission meeting held May 17, 2016
3. Notice of a Cemetery Commission meeting to be held May 25, 2016
4. Board of Selectmen Notice of Public Hearing to be held June 6, 2016 to consider the transfer of the Innholder alcoholic beverages licenses from Hotel Boxborough Lessee, LLC to Driftwood Special Servicing, LLC. #
5. Certificate of Compliance issued by the Conservation Commission on March 28, 2016, to Samuel Paolini of Deergrass R.E. Trust for the project at the property located at 530 Mass. Ave.
6. Order of Conditions issued by the Conservation Commission on May 18, 2016, regarding the application filed by Boxborough Town Center, LLC [James Fenton] on the property located at 700 & 800 Mass. Ave.

10c



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**General Correspondence**  
**May 23, 2016**

1. Schedule of A-B elementary schools' field trips to Boxborough One Room Schoolhouse #2.
2. Notice of the Boxborough Harvest Fair – September 10, 2016.

May 23, 2016

TO:

Glenn Brand, Superintendent, ABRSD  
Dana Labb, Principal, Blanchard Elementary School  
J D Head, Director of Facilities, ABRSD  
Christina Rychlik, Chair, ABRSC  
Brigid Bieber, Boxborough member, ABRSC  
Maria Neyland, Boxborough member, ABRSC  
Mary Brolin, Boxborough member, ABRSC  
Kathleen Neville, Boxborough member, ABRSC  
Maureen Strapko, Director, Sargent Memorial Library  
Jennifer Campbell, Chair, Board of Library Trustees  
Chief Warren Ryder, Boxborough Police Department  
Chief Randolph White, Boxborough Fire Department  
Tom Garmon, Director, Boxborough DPW

As many of you are aware from regular updates at Board of Selectmen meetings over the past year, we have been monitoring reports of increased levels of certain mineral compounds in the Hager Well public water supply. The water does not present a risk for public health according to Mass DEP guidelines. But, the ongoing detections indicate deficiencies in the treatment and filtration system that should be remedied. At the 2016 Boxborough Annual Town Meeting under Article 35, the Selectmen requested funding to develop system engineering designs, procure and install the requisite components and obtain the necessary DEP permits. Town meeting passed the article so funds are available to proceed with corrective actions.

As a result of continued detections on regular testing on April 27, DEP sent us a letter on May 18 requesting that we provide them with a status report by June 10 indicating the actions to be taken or scheduled.

We will be working with Whitewater, our PWS system operator, as well as engineering consultants to prepare a formal and responsive status report to DEP by June 10, as requested. We will also provide everyone on this list with the report to DEP, and keep you all updated on progress.

Chair, Boxborough Board of Selectmen