



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**October 3, 2016**

**APPROVED: October 31, 2016**

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

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

**EXECUTIVE SESSION**

- At 6:31 PM, Chair Fox moved to adjourn to executive session to discuss strategy with respect to litigation and to reconvene in open session at 7:00 PM in the Grange Meeting Room to consider the regular business on the agenda. Further stating that an open meeting may have a detrimental effect on the negotiating position of the Board. Seconded by Member Bak. **Approved 4-0 by Roll Call Vote: Fox “aye,” Amoroso “aye,” Bak “aye,” and Barrett “aye.” (Member Stemple not present for vote.)**

Chair Fox reconvened the meeting at approximately 7:00 P.M. in the Grange Meeting Room of Boxborough 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 Fox read the announcements.

**PUBLIC HEARING**

- Chair Fox opened the FY 2017 Tax Classification Hearing - Adoption of Residential Factor at 7:09 PM. Though some residents were in attendance none were present to participate in this hearing. Town Assessor, Ruth Anderson spoke to the Power point that she presented. It was noted that what residents vote to spend money on at Town Meeting has the most impact on the tax levy. The Selectmen provided their input; including the pros/cons of splitting the rate between commercial and residential and what is commercial “personal” property. As there was no further discussion the hearing was closed. Chair Fox moved to adopt a residential factor of one, i.e. a single tax rate, and to authorize the Town Assessor to digitally sign the LA-5 form on behalf of the Board for submission to the Department of Revenue. Seconded by Member Bak. **Approved 3 (Bak, Barrett & Fox) -2 (Amoroso & Stemple).**

*The Board took up two items that were recently brought to their attention.*

- It was recently determined that a professional commercial property appraisal is required in an Appellate Tax Board matter and there are not sufficient funds in the Assessor’s Consulting budget to cover this unanticipated expense. Chair Fox moved to approve and forward to the Finance Committee, for their approval the Request to Transfer \$7,500 from the Reserve Fund to Assessor Consulting, Account # 001-141-5306-0000. Seconded by Member Bak. **Approved 5-0.**
- There was a follow up discussion on the Notice of non-exercise of the Town’s Ch. 61 Option on the “Vorce” property. It has been determined that specific title references need to be added to the Notice of non-exercise that the Town previously issued. Chair Fox moved to revise the Notice of Non-exercise of Option pursuant to MGL. Ch. 61B, §9, which was executed on September 26, 2016, to include references to Book 14822; Page 561, and Book 26793; Page 415. Seconded by Member Bak. **Approved 5-0.**

**APPOINTMENTS**

- Fire Chief Randolph White and Police Chief Warren Ryder were present to discuss the public safety radio system update and plans. The Town has been struggling with public safety communication issues for over 20 years. In 2014, a consultant was tasked with determining the Town’s current and future public safety communication needs through effective and cost efficient updates to our public safety communications system. Chief Ryder referred to a report on these efforts. Based on these recommendations the Town installed a three site transmission system. For the most part, the current system is functioning as it should; however height restrictions are hampering communication. The Chiefs are present to advise that they would like to bring in testing equipment to see if additional height will address these communication issues. The cost for this testing was discussed.

- Sharon Garde, a candidate for appointment to the Acton-Boxborough Cultural Council was present. (ABCC) Chair, Sunanda Sahay, and member Nancy Evans had been in attendance but were unable to remain for this item. Garde spoke to her desire to join the ABCC. Further to the recommendation of the Acton-Boxborough Cultural Council, Chair Fox moved to appoint Sharon Garde to the ABCC for a term effective immediately and ending on June 30, 2019. Seconded by Member Bak. **Approved 5-0.**

- There were no Citizens concerns.

## MINUTES

- Chair Fox moved to accept the minutes for the regular session of September 26, 2016, as written. Seconded by Member Bak. **Approved 5-0.**

## SELECTMEN REPORTS

- Member Amoroso reported on the Minuteman School District. The District obtained majority support for the building project through the recent Districtwide vote and Boxborough voters came out strongly in support. He also advised that Belmont one of the towns in which the majority of town residents voted down the project and reviewed the possible avenues that Belmont may now take including initiating the withdrawal process. The anticipated project completion date is Fall 2020.
- Member Barrett reported on efforts concerning the formation of a Veterans Memorial Committee. There will be a meeting on Tuesday to continue to refine the organizational structure and charge. He intends to bring the potential appointments forward soon.
- Chair Fox reported on Hager Well facilities. They are waiting responses from DEP on several matters. For now, the systems are getting the job done; however, they require constant checking and manual “backwashing” when necessary.
- He also reported that many residents have voiced concern about the lack of water conservation during the current drought and that the Town should be doing more to promote conservation. It was suggested that the Public Safety’s NIXLE or Reverse 911 communication systems could be used to get the word out to residents on this.

## OLD BUSINESS

- The Board reviewed the FY 18 Budget and Annual Town Meeting proposed guidelines and timeline. Chair Fox moved to adopt the FY 18 Budget and Annual Town Meeting proposed guidelines and timeline as presented. Seconded by Member Bak. **Approved 5-0.**
- There was a review of the list of proposed Special Town Meeting articles.
- Chair Fox spoke to requests to use the Boxborough Town Seal or components of the Seal.
  - He reviewed the previous discussion that had taken place concerning the A-B Rotary Club’s request to use the Town Seal and possible use of a disclaimer. MGL Ch. 268 § 35 and the input received from Town Counsel was discussed. The Board provided their input. The consensus was not to approve this request. Chair Fox moved not to authorize use of the town seal on AB Rotary letterhead. Seconded by Member Bak. **Approved 5-0.**
  - It was related that the True West Brewery has also made a request, not to use Town Seal per se; but rather to use of a component from the town seal, specifically, Luther Blanchard, in their logo. The Blanchard image in the center of the Seal is what makes it distinctive. Concern was also voiced that this would be used in a “for profit” enterprise. The consensus was not to approve this request. The True West Brewery Co. was encouraged to develop their own art work depicting Minuteman Luther Blanchard that does not closely resemble image on the Town Seal. Chair Fox moved not to allow True West Brewery to use the Town’s original art work depicting the likeness of Luther Blanchard for the True West Brewery logo. Seconded by Member Bak. **Approved 5-0.**

## NEW BUSINESS

- The Board opened discussion on entering into a Training Reimbursement Agreement for Firefighter/EMT Zachary Broderick and how the terms of the current Collective Bargaining Agreement relate to this request. Chair Fox moved to execute the Fire Academy and Training Reimbursement Agreement between the Town of Boxborough and Zachary Broderick **Approved 4-0-1 (Member Stemple recused himself).**
- Chair Fox moved to accept and place on file the Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268A, §23(b)(3), submitted by Lonnie Weil. He then read said Disclosure into the record. Seconded by Member Bak. **Approved 5-0.**

- There was a brief discussion of the November 8, 2016 Election Warrant. Chair Fox moved to notify and warn the inhabitants of the town of Boxborough who are qualified to vote in the State Election to vote at Boxborough Town Hall, 29 Middle Road, Boxborough, MA on Tuesday, the eighth day of November 2016 from 7:00 AM to 8:00 PM to cast their votes in the State Election. He then read the Election Warrant into the record. Seconded by Member Bak. **Approved 5-0.**

#### **CORRESPONDENCE**

- Member Amoroso was asked to expand on the Mass. Dept. of Elementary & Secondary Ed. (DESE) letter regarding capital assessment for non-member towns and how it may impact to Boxborough after we leave the Minuteman District next year.

#### **ADJOURN**

- The meeting was adjourned at approximately 9:55pm.

**SELECTMEN'S ANNOUNCEMENTS**  
**OCTOBER 3, 2016**

- **Selectmen Agenda packets** are available from links on the Town's website, from the calendar or the Selectmen's webpage.
  
- In observance of **Columbus Day** Town Offices will be closed next Monday, October 10<sup>th</sup>.  
Also because of Columbus Day holiday closure the Treasurer/ Collector, Assessor and Building Department will hold evening hours on Wednesday, October 12<sup>th</sup> and will be open until 7 PM
  
- **November 8<sup>th</sup> Election** - October 19, 2016 is the last day to register to vote in the November 8<sup>th</sup> Election. You can register to vote by mail OR on-line. Please note mailed forms must postmarked no later than October 19<sup>th</sup> to be eligible to vote.  
Also, starting Monday, October 24<sup>th</sup> **Early Voting** will be available to all registered voters. Visit the Town's website for more information or contact Town Clerk Liz Markiewicz with questions or if you are unsure of your voter status.
  
- Save the Date....  
Boxborough will be holding a **Special Town Meeting** on Monday, December 12<sup>th</sup> at 7PM in the Blanchard School Gym. Preliminary information is available on the Town website and more details shall follow.
  
- The **Town Meeting Study Committee** is looking into ways to increase participation in Annual Town Meeting. Whether you are a longtime resident and faithful Town Meeting attendee, or have just moved to town and have never heard of town meeting, they want to hear from you, by completing a brief survey on your experience with town meeting which can be downloaded from the link of the Town's webpage or picked up at Town Hall or the Sargent Library.
  
- This year's **Household Hazardous Waste Day** will be Saturday, Oct. 29, 2016 from 9:00 AM – 1:00 PM. This will be held at the DPW Highway Barn, 577 Mass Ave. Notices have been posted around Town and on the town website. There is no charge and you do not need to a transfer station sticker however, Proof of residency is required. The cost to the town is based on number of vehicles so please consider consolidating with your neighbors to keep our cost down. For further information contact the DPW at 978-264-1790.

- **Drought.** The Commonwealth continues to experience historic below average rainfall, resulting in significant state-wide drought conditions. As we have previously announced the Commonwealth had declared a **Drought Warning** in numerous areas of the Commonwealth including Boxborough. The Massachusetts Dept. of Agriculture has provided the agricultural community a list of water tanker companies. The Commonwealth is calling for the **elimination of all outdoor watering** by residents and businesses. The Selectmen continue to encourage everyone in Boxborough to be mindful of their consumption of our shared water resources and to be sparing with discretionary uses. We have added a section to the town website with links to useful information resources on the drought and some water conservation tips.
- Come see Boxborough's Treasures at the **Boxborough Museum** at 575 Middle Road from 2:00 to 4:00 PM Sunday, October 9<sup>th</sup>. Contact John Fallon at 978-264-0069 for more information or to arrange for a private tour.
- You may have noticed the recent appearance of the National Park Service logo on the signage for the capital campaign for the **Levi Wetherbee Farmhouse** at Steele Farm. That's because the Boxborough Historical Society is working with Freedom's Way Heritage Assoc. and the National Parks Service seeking matching funds for its Capital Campaign Project. We hope their efforts are successful. The results should be known within the next month or so.
- The **2016 Deer Hunting Season opens October 17<sup>th</sup>**. Please be aware that, in Boxborough, hunting is only allowed on private land with permission of the owner and not allowed on any town-owned property. For everyone's safety and enjoyment please remember to exercise trail safety commonsense during Hunting Season. A list of suggested Trail Safety Rules and other resources may be found in Links to "Helpful Information" on the Conservation Commission's webpage.
- 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.
- These Selectmen's meetings and other events can be viewed by the following link from the Town website's homepage on the left-hand side under Resources: **BXB-TV On Demand**. Also, Improvements have been made to our **broadcast systems** and our **Video On-Demand services**. We hope that residents have found these changes improved the quality of their viewing experience. If you have comments or suggestions that can help us make further improvements, please send email to the Town Administrator, Selina Shaw or call her Assistant, Cheryl, at 978-264-1714.

- 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 Board of Selectmen continues to look for volunteers willing to serve on the various **Town boards and committees**, many of which have openings: Acton-Boxborough Cultural Council (1), Conservation Commission (1), Design Review Board (2 at-large members), Energy Committee (1), Historical Commission (2), Housing Board (1), Public Celebrations & Ceremonies Committee (2), Recreation Commission (3), Steele Farm Advisory Committee (2) and the Well-Being Committee has (2 at-large vacancies). Also, the Town Moderator is seeking two (2) volunteers to serve on the Finance Committee. Please consider participating on a Town board. You will find it to be a worthwhile and rewarding experience. No matter what your knowledge or interest is, we can use your help in making Town government work.
  
- The **Selectmen want to hear from you**, and we invite residents to contact them regarding issues of concern. The Board can be contacted via email from the link on the Selectmen's webpage.



## BOARD OF SELECTMEN

Meeting Agenda

October 3, 2016

Boxborough Town Hall

Grange Meeting Room

### 1. CALL TO ORDER, 6:30 PM

### 2. EXECUTIVE SESSION

*Move to adjourn to executive session to discuss strategy with respect to litigation and to reconvene in open session at 7:00 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 negotiating position of the Board.

### Re-convene in the Grange Meeting Room, 7:00 PM

### 3. ANNOUNCEMENTS

### 4. PUBLIC HEARING, 7:05 PM

FY 2017 Tax Classification Hearing - Adoption of Residential Factor (Ruth Anderson, Town Assessor will present)

*Move to adopt a residential factor of one, i.e. a single tax rate, and to authorize the Town Assessor to digitally sign the LA-5 form on behalf of the Board for submission to the Department of Revenue*

VOTE:

### 5. APPOINTMENTS

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

a) Fire Chief Randolph White and Police Chief Warren Ryder, to discuss public safety radio system update and plans, 7:20 PM

b) Sunanda Sahay, Chair of the Acton-Boxborough Cultural Council (ABCC) and Sharon Garde, candidate for appointment to the ABCC, 7:40 PM

*Further to the recommendation of the Acton-Boxborough Cultural Council, move to appoint Sharon Garde to the ABCC for a term effective immediately and ending on June 30, 2019*

VOTE:

c) Citizens concerns

### 6. MINUTES

a) Regular session, September 26, 2016

ACCEPT & POF

### 7. SELECTMEN REPORTS

### 8. OLD BUSINESS

a) FY 18 Budget and Annual Town Meeting proposed guidelines and timeline

*Move to adopt the FY 18 Budget and Annual Town Meeting proposed guidelines and timeline as presented (or, as revised)*

VOTE:

b) Special Town Meeting

Proposed articles

c) Use of Town Seal

i. Acton-Boxborough Rotary

*Move to authorize the use of the town seal on AB Rotary letterhead pursuant to the conditions established by the Board of Selectmen*

**VOTE:**

ii. True West Brewery [this is not a request for the use of the seal per se; the request is for the use of a component from the town seal, specifically, Luther Blanchard, in their logo]

*Move to allow True West Brewery to use the likeness of Luther Blanchard in their logo*

**VOTE:**

**9. NEW BUSINESS**

a) Training Reimbursement Agreement for Firefighter/EMT Zachary Broderick

*Move to execute the Fire Academy and Training Reimbursement Agreement between the Town of Boxborough and Zachary Broderick*

**VOTE:**

b) Disclosure of Appearance of Conflict of Interest as required by G.L. c. 268A, §23(b)(3), submitted by Lonnie Weil

**ACCEPT & POF**

[Please read into the record and then accept and place on file]

c) Warrant for State Election to be held on Tuesday, November 8

[Tentative, awaiting warrant from Town Clerk]

*Move to notify and warn the inhabitants of the town of Boxborough who are qualified to vote in the State Election to vote at Ward 0/precinct 1, Boxborough Town Hall, 29 Middle Road, Boxborough, MA on Tuesday, the eighth day of November 2016 from 7:00 AM to 8:00 PM to cast their votes in the State Election*

**VOTE:**

**10. CORRESPONDENCE**

**ACCEPT & POF**

a) Internal Communications

b) Minutes, Notices & Updates

c) General Communications

**11. PRESS TIME**

**12. CONCERNS OF THE BOARD**

**13. ADJOURN**

**Upcoming Board of Selectmen Meetings**

10/17; 10/29 (Goal Setting WS); 10/31; 11/14; 11/28; 12/5; 12/19; 1/9/17

**BLF:** 10/25

**STM:** 12/12

LEGAL NOTICE  
BOXBOROUGH BOARD OF SELECTMEN  
PUBLIC HEARING  
FISCAL 2017 TAX CLASSIFICATION HEARING

Pursuant to MGL Chapter 40 §56, the Board of Selectmen will hold a Public Hearing in the Grange Meeting Room, Town Hall, 29 Middle Road, Boxborough, Massachusetts, on Monday, October 3, 2016 at 7:05 pm on the adoption of a Residential Factor, thereby determining the percentages of the tax burden borne by each class of real and personal property for Fiscal Year 2017. At said hearing, the Assessor shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives.

Per order,  
Board of Selectmen

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TAX HEARING 10/3/16  
LEGAL NOTICE  
BOXBOROUGH BOARD OF  
SELECTMEN  
PUBLIC HEARING  
FISCAL 2017 TAX CLASSIFICATION  
HEARING

Pursuant to MGL Chapter 40 §56, the Board of Selectmen will hold a Public Hearing in the Grange Meeting Room, Town Hall, 29 Middle Road, Boxborough, Massachusetts, on Monday, October 3, 2016 at 7:05 pm on the adoption of a Residential Factor, thereby determining the percentages of the tax burden borne by each class of real and personal property for Fiscal Year 2017. At said hearing, the Assessor shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives.

Per order,  
Board of Selectmen

AD#13480131  
Acton Beacon 9/22, 9/29/16

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Boxborough, Massachusetts  
Fiscal Year 2017  
Classification Hearing  
Monday, October 3, 2016

Prepared for:

Boxborough Board of Selectmen

Leslie Fox, Chair  
Susan Bak, Clerk  
Vincent Amoroso  
Richard Barrett  
Robert Stemple

and

Selina S. Shaw, Town Administrator

Prepared by:

Ruth Anderson, MAA  
Town Assessor

October 3, 2016

To the Board of Selectmen and the Citizens of Boxborough:

Please accept the attached presentation as information and options for the Board of Selectmen to determine whether there shall be a single tax rate for all classes of property within the Town for Fiscal Year 2017. This process is known as the adoption of a residential factor.

As Town Assessor, I am pleased to announce that the Commissioner of Revenue has certified values for Fiscal Year 2017. This was an Interim Year for Boxborough, meaning that property data was analyzed and adjusted as warranted per the real estate market in Calendar Year 2015.

The Commissioner of Revenue has certified that the locally assessed values of real and personal property in Boxborough represent full and fair cash valuation as of January 1, 2016 for Fiscal Year 2017. Values were approved by the Department of Revenue on September 1, 2016. The Board will recall that last year (Fiscal 2016) was a triennial certification year. Typically, this is followed by two interim year adjustments, which will include this year and Fiscal 2018, and our next full revaluation would occur in Fiscal 2019. Governor Baker's recently signed Municipal Modernization Bill includes language to extend the certification schedule to five years instead of three. These changes will take three years to fully implement, so it is unknown at this time if our next certification will take place in Fiscal 2019, 2020, or 2021.

The purpose of this Classification Hearing is to determine the percentage share of the tax levy that each class of property will bear. The Board of Selectmen does not set the tax rate; rather, they vote whether to split the tax rate among property classes. The adopted percentage is then used by the Assessor to determine which proportion of the tax levy will be paid by each class of property and calculate the tax rate. Once a vote is taken, I will ask the Board to sign the LA-5 form, and also to grant me authorization to digitally sign the LA-5 form in the Division of Local Services Gateway program.

Pursuant to Massachusetts General Laws, Chapter 40, Section 56, a classification hearing allows a community to have different tax rates for different classes of property, and allows the Board of Selectmen to make the decision as to whether or not to shift the tax burden from one class of property to another. The statute provides a maximum allowable portion of the tax levy to be borne by the commercial, industrial and personal property classes (CIP). In Boxborough, the maximum allowable shift is 150%. The CIP property classes account for 23.17% of our total tax base. Boxborough has maintained a single tax rate since Fiscal Year 1986, at which time the CIP property classes made up 29% of the tax base.

Included in this packet, you will find information on historic rates and values for the Town of Boxborough, including various hypothetical scenarios for your consideration in whether or not to split the tax rate. I have also included a copy of the proposed Tax Rate Recapitulation Sheet that will be submitted to the Department of Revenue if the Board votes to maintain a singular tax rate, the Classification Tax Allocation (LA-5), and the Assessment Classification Report (LA-4).

## GLOSSARY OF IMPORTANT TERMS

TERM	DEFINITION
<b>Levy</b>	The revenue a community can raise through real and personal property taxes
<b>Levy Limit / Maximum Allowable Levy</b>	The maximum amount a community can levy in a given year, equal to last year's levy plus 2.5% plus new growth plus debt exclusion or override if applicable
<b>Levy Ceiling</b>	Equal to 2.5% of the total full and fair cash value of all taxable real and personal property in the community
<b>New Growth</b>	The increase in the tax base over last year due to new construction, parcel subdivisions, condo conversions and property renovations, but not due to revaluation; It is calculated by multiplying the increased assessed value by the prior year's tax rate for the property class.
<b>Debt Exclusion</b>	A temporary increase to the levy limit for the payment of a specific debt service item over a specified period of time
<b>Capital Exclusion</b>	A temporary increase to the levy limit for the purpose of raising funds for specific capital projects
<b>Override</b>	A permanent increase to a community's levy limit
<b>Excess Levy Capacity</b>	The difference between the actual levy and the levy limit
<b>Override Capacity</b>	The difference between the levy ceiling and the levy limit; It is the maximum amount by which a community may override its levy limit.

**TOWN OF BOXBOROUGH  
GENERAL DATA AND STATISTICS**

The assessment date for Fiscal Year 2017 is January 1, 2016. New growth is calculated through June 30, 2016 per Section 40 of Chapter 653 of the Acts of 1989, which was accepted by Town Meeting vote on May 11, 1989.

Property Classifications

- Class 1 – Residential**
- Class 2 – Open Space**
- Class 3 – Commercial**
- Class 4 – Industrial**
- Class 5 – Personal Property**

Under a single tax rate, each class of property is taxed at the same rate per thousand dollars of value. Under a split tax rate option, the residential rate is applied to residential and open space property, and the commercial rate is applied to commercial, industrial and personal property classes, which also include those forestry, agricultural/horticultural, and recreational properties classified under Chapters 61, 61A and 61B.

For Fiscal 2017, we have 17 properties classified as Forestry under Chapter 61, 22 properties classified as Agricultural or Horticultural under Chapter 61A, and 29 properties classified as Recreational under Chapter 61B.

We have gained 12 houses or condominiums, either completed or under construction on June 30, 2016.

Under the generous guidelines established by the Town, we granted 37 Statutory or CPA Exemptions in the amount of \$16,160.46, and 29 Senior Tax Work-off Abatements in the amount of \$11,915.45. We also granted 24 abatements on appeal in the total amount of \$26,148.56, which included settlement of one of the telecommunications cases at the Appellate Tax Board that spanned several fiscal years.

## **PARCEL COUNT CHANGES**

Cumulative (net) changes to parcel counts from Fiscal 2016 to 2017 are as follows:

- Added 7 single family properties
- Added 3 condo units
- Added 1 apartment complex
- 1 less two-family property
- 1 less three-family property

## **TOWN-WIDE VALUATION CHANGES**

Cumulative (net) changes to assessed values from Fiscal 2016 to 2017 are as follows:

- Single families up 3.2%
- Two-families down 6.6%
- Condominiums up 13.4%
- Apartments (4+ units) up 158.1%
- Commercial & Industrial down 1%
- Personal Property up 7.5%

ADJUSTMENTS  
TO  
VALUE

## THE REAL ESTATE MARKET

The real estate market in Boxborough saw significant changes during the 2015 calendar year, which forms the basis for values in Fiscal 2017. Below is a sales comparison for calendar years 2014, 2015 and 2016 (through August 31) which shows number of sales, average sale prices, number of days properties were on the market, and price per square-foot for both single family properties and condominiums. You will note that the number of valid sales increased in each category, the average price per square-foot rose significantly, and average days on the market dropped. The decrease in average sale price of single family homes is due to seven sales that occurred for less than \$450,000. If those sales are removed from the calculation, the average jumps to \$655,044.

### Single Family Home Sales

	<b># of Valid Sales</b>	<b>Average Days on Market</b>	<b>Average Sale Price</b>	<b>Average Price/SF</b>
<b>Fiscal 2016 (Calendar Year 2014)</b>	33	99.97	\$644,912	\$217.00
<b>Fiscal 2017 (Calendar Year 2015)</b>	49	56.86	\$617,645	\$251.71
<b>Fiscal 2018 (Calendar Year 2016) [Through 08/31/16]</b>	42	62.17	\$613,869	\$230.00

### Condominium Sales

	<b># of Valid Sales</b>	<b>Average Days on Market</b>	<b>Average Sale Price</b>	<b>Average Price/SF</b>
<b>Fiscal 2016 (Calendar Year 2014)</b>	37	54.51	\$154,722	\$137.00
<b>Fiscal 2017 (Calendar Year 2015)</b>	38	48.97	\$168,845	\$153.22
<b>Fiscal 2018 (Calendar Year 2016) [Through 08/31/16]</b>	23	32.70	\$176,433	\$164.00

You will note that sales remain steady, with slight drops in pricing for single family homes in calendar year 2016 so far. Sales occurring in 2016 will form the basis for analysis of values for Fiscal 2018.

For Fiscal 2017, Boxborough saw an overall increase in value over Fiscal 2016 of 3.68%. The following charts represent the changes in total valuation by property class, including market adjustments and new growth:

**CLASS 1 RESIDENTIAL**

	<b>ADJUSTED FISCAL 2016 VALUE</b>	<b>MARKET ADJUSTMENT</b>	<b>NEW GROWTH</b>	<b>FISCAL 2017 VALUE</b>	<b>VALUE CHANGE</b>	<b>PERCENTAGE CHANGE</b>
<b>SINGLE FAMILY</b>	\$653,918,136	\$15,838,364	\$3,053,000	\$672,809,500	\$18,891,364	3.20%
<b>CONDOMINIUM</b>	\$92,715,000	\$11,251,718	\$13,800	\$103,980,519	\$11,265,519	13.50%
<b>MULTI- FAMILY</b>	\$10,248,500	-\$917,800	\$4,007,400	\$13,338,100	\$3,089,600	30.15%
<b>VACANT LAND</b>	\$4,669,444	\$491,356	\$0	\$5,160,800	\$491,356	10.52%

**CLASS 3, 4, 5  
COMMERCIAL, INDUSTRIAL, PERSONAL PROPERTY**

	<b>ADJUSTED FISCAL 2016 VALUE</b>	<b>MARKET ADJUSTMENT</b>	<b>NEW GROWTH</b>	<b>FISCAL 2017 VALUE</b>	<b>VALUE CHANGE</b>	<b>PERCENTAGE CHANGE</b>
<b>COMMERCIAL</b>	\$83,108,974	(\$2,371,075)	\$457,816	\$81,195,715	(\$1,913,259)	-2.30%
<b>INDUSTRIAL</b>	\$124,355,397	\$74,500	\$168,093	\$124,597,990	\$242,593	0.20%
<b>PERSONAL PROPERTY</b>	\$35,694,786	\$0	\$7,965,432	\$38,367,652	\$2,672,866	7.49%

**OVERALL CHANGE**

	<b>ADJUSTED FISCAL 2016 VALUE</b>	<b>MARKET ADJUSTMENT</b>	<b>NEW GROWTH</b>	<b>FISCAL 2017 VALUE</b>	<b>VALUE CHANGE</b>	<b>PERCENTAGE CHANGE</b>
<b>TOTAL TOWN</b>	\$1,016,552,746	\$26,956,011	\$15,759,833	\$1,053,976,024	\$37,423,278	3.6814%

“Adjusted Fiscal 2016 Value” relates to the total value of the prior fiscal year after taking into account certain adjustments over the course of the year, such as conversions from one use to another and abatements processed.

“New Growth” is a term that applies to increases in assessed value that are not due to market adjustments. New Growth figures are reported to and approved by the Department of Revenue and are part of the calculation to determine our Maximum Allowable Levy.

## LA-4 COMPARISON

The chart below shows the changes in the LA-4, which is the DOR form that shows detailed values by class.

USE CODE	DESCRIPTION	FY 2106 PARCEL COUNT	FY 2017 PARCEL COUNT	FY 2016 ASSESSED VALUE	FY 2017 ASSESSED VALUE	% CHANGE VALUE
101	SINGLE FAMILY	1,188	1,195	\$652,200,700	\$672,809,500	3.16%
102	CONDOMINIUM	809	812	\$91,680,800	\$103,980,519	13.42%
104	TWO FAMILY	13	12	\$5,938,900	\$5,549,300	-6.56%
105	THREE FAMILY	1	0	\$1,034,200	\$0	-100.00%
109	2 OR MORE RESIDENCES/1 LOT	2	2	\$1,033,300	\$1,035,500	0.21%
111-125	APARTMENTS 4+ UNITS	5	6	\$3,017,600	\$7,788,800	158.11%
130-132, 106	VACANT RESIDENTIAL LAND	138	127	\$7,127,900	\$5,160,800	-27.60%
300-393	COMMERCIAL	81	80	\$82,770,158	\$80,336,862	-2.94%
400-452	INDUSTRIAL	43	44	\$124,411,197	\$124,597,990	0.15%
012-043	MIXED USE	21	19	\$12,641,220	\$13,490,248	6.72%
016-018, 601-899	CHAPTERLAND / MIXED USE CHAPTERLAND	64	68	\$551,645	\$858,853	55.69%
501-508	PERSONAL PROPERTY	80	78	\$35,694,786	\$38,367,652	7.49%
<b>TOTAL REAL &amp; PERSONAL PROPERTY VALUE (TAXABLE)</b>		2,445	2,443	\$1,018,102,406	\$1,053,976,024	3.52%
900-990	EXEMPT REAL ESTATE	161	169	\$101,821,700	\$108,729,400	6.78%

VALUATION  
AND  
LEVY

**TOWN OF BOXBOROUGH**  
**HISTORIC ASSESSED VALUES BY CLASS**

<b>FISCAL YEAR</b>	<b>CLASS 1 RESIDENTIAL</b>	<b>CLASS 3 COMMERCIAL</b>	<b>CLASS 4 INDUSTRIAL</b>	<b>CLASS 5 PERSONAL PROPERTY</b>	<b>TAX RATE</b>
<b>2017</b>	<b>\$809,814,667</b>	<b>\$81,195,715</b>	<b>\$124,597,990</b>	<b>\$38,367,652</b>	<b>\$16.81</b>
2016	\$774,674,620	\$83,321,803	\$124,411,197	\$35,694,786	\$16.36
2015	\$739,270,008	\$74,982,861	\$129,891,560	\$32,854,874	\$16.64
2014	\$708,315,134	\$75,493,992	\$129,656,875	\$30,266,632	\$17.69
2013	\$711,136,122	\$77,494,492	\$126,975,375	\$29,343,438	\$17.69
2012	\$711,519,586	\$75,754,031	\$128,070,575	\$28,972,060	\$17.87
2011	\$716,783,627	\$74,329,816	\$129,915,715	\$22,556,930	\$17.38
2010	\$722,063,119	\$81,176,198	\$138,354,394	\$19,737,030	\$16.53
2009	\$784,289,120	\$90,390,037	\$145,949,404	\$18,360,190	\$14.84
2008	\$811,347,716	\$85,080,563	\$141,119,639	\$14,647,710	\$14.14
2007	\$796,389,798	\$80,697,358	\$141,013,607	\$9,994,460	\$13.87
2006	\$782,105,788	\$84,876,375	\$142,770,314	\$10,044,100	\$13.24
2005	\$708,686,571	\$80,829,539	\$128,815,714	\$8,866,140	\$13.10
2004	\$668,458,861	\$81,433,421	\$123,734,762	\$8,577,870	\$13.32

Based upon a residential factor of one (a single tax rate), the anticipated Fiscal 2017 tax rate would be \$16.81 per \$1,000 of value, an increase of \$0.45.

**TOWN OF BOXBOROUGH  
PROPERTY TAX LEVY**

**TAX RATE RECAPITULATION**

The levy is the amount of money a community can raise through taxation of real and personal property after all other revenue sources are accounted for. The following chart shows the historic assessments, levies, and tax rates for the Town of Boxborough.

<b>FISCAL YEAR</b>	<b>AVERAGE SINGLE FAMILY TAX BILL</b>	<b>% CHANGE FROM PRIOR YEAR</b>	<b>AVERAGE SINGLE FAMILY ASSESSMENT</b>	<b>TOTAL VALUE ALL PROPERTY</b>	<b>TAX LEVY</b>	<b>TAX RATE</b>
<b>2017</b>	<b>\$9,464</b>	<b>5.37%</b>	<b>\$563,020</b>	<b>\$1,053,976,024</b>	<b>\$17,715,395</b>	<b>\$16.81</b>
2016	\$8,982	1.51%	\$548,990	\$1,018,102,406	\$16,656,155	\$16.36
2015	\$8,848	-1.02%	\$531,407	\$976,999,303	\$16,253,518	\$16.65
2014	\$8,939	-0.92%	\$505,250	\$940,732,633	\$16,641,560	\$17.69
2013	\$9,022	-0.64%	\$510,000	\$944,949,427	\$16,719,808	\$17.69
2012	\$9,080	2.96%	\$508,136	\$944,316,252	\$16,875,732	\$17.87
2011	\$8,819	5.38%	\$507,184	\$943,586,088	\$16,403,457	\$17.38
2010	\$8,369	3.31%	\$506,349	\$961,330,741	\$15,894,409	\$16.53
2009	\$8,101	1.29%	\$545,872	\$1,038,988,751	\$15,418,593	\$14.84
2008	\$7,998	3.72%	\$565,637	\$1,052,195,628	\$14,878,046	\$14.14
2007	\$7,711	5.62%	\$554,000	\$1,028,095,223	\$14,259,680	\$13.87
2006	\$7,301	9.62%	\$551,921	\$1,109,796,577	\$13,502,106	\$13.24
2005	\$6,660	2.92%	\$508,396	\$927,197,964	\$12,146,293	\$13.10

The average single family tax bill will see an increase this year over Fiscal 2016, due to the higher levy combined with the increase in values. However, the construction of the Jefferson at Beaver Brook project will continue to prove beneficial to taxpayers of Boxborough. The expectation is that the increase in overall valuation the project will bring will allow additional flexibility in setting the levy and controlling the rate.

The question often arises of how the tax rate is calculated. Contrary to one school of thought, neither the Selectmen nor the Assessor can arbitrarily raise or lower a tax rate in order to increase disbursements. Spending is determined and approved by the voting public through Town Meeting, creating a total amount required to meet the accepted budget. The amount required to be raised through taxation to meet the needs of the approved budget is called the levy. There is a limit to the amount of money that can be levied in any given year, based on the prior year's levy limit, new growth, and any voted overrides.

Values are established by the Assessor and approved by the Department of Revenue after extensive review. Calculation of the tax rate is then a mathematical equation of dividing the total amount required for the levy by the total assessed value of all taxable property in Boxborough.

The following pages illustrate the determination of the levy, the levy limit, and the tax rate, as well as how the overall value of property in Boxborough affects taxes.

## DETERMINING THE LEVY

		% OF TOTAL \$\$ NEEDED	<u>MONEY COMES FROM</u>
HOW MUCH MONEY DO WE NEED (Total Town Budget)?	<b>\$ 20,805,302</b>		Budget and other articles approved by voters at Town Meeting
OTHER SOURCES (BESIDES TAXES) OF REVENUE			
State Receipts	\$ 554,708	2.67%	School distribution, lottery apportionment, etc., less Cherry sheet assessment
Town Receipts	\$ 1,325,000	6.37%	Motor vehicle excise tax, permit fees, etc.
Free Cash	\$ 631,640	3.04%	Savings
Other	\$ 577,000	2.77%	Stabilization Fund, Overlay Surplus, Unexpended funds from prior year
HOW MUCH REMAINS TO BE COLLECTED FROM TAXPAYERS?	<b>\$ 17,715,395</b>	<u>85.15%</u>	[76.83% residential, 7.70% commercial, 11.82% industrial, 3.64% personal property]
		100.00%	

## Levy Limit Calculation

### TO CALCULATE THE FY2017 LEVY LIMIT

A.	FY2016 Levy Limit	\$18,468,545	
A1.	ADD Amended FY2016 Growth	\$0	
B.	CALCULATE (A + A1) x 2.5%	\$461,714	
C.	ADD FY2017 New Growth	\$257,831	
D.	ADD FY2017 Override	\$0	
E.	FY2017 Subtotal	\$19,188,090	
F.	FY2017 Levy Ceiling (Total assessed value x 2.5%)	\$26,349,401	\$19,188,090
			<b>FY2017 Levy Limit</b>

### TO CALCULATE THE FY2017 MAXIMUM ALLOWABLE LEVY

A.	FY2017 Levy Limit	\$19,188,090	
B.	FY2017 Debt Exclusion(s)	\$582,075	
C.	FY2017 Capital Expenditure Exclusion(s)	_____	
D.	FY2017 Stabilization Fund Override	_____	
E.	FY2017 Other Adjustment	_____	
F.	FY2017 Water/Sewer	_____	
G.	FY2017 Maximum Allowable Levy	\$19,770,165	\$19,770,165
			<b>FY2017 Maximum Levy</b>

## Maximum Allowable Levy

The maximum allowable levy for Fiscal Year 2017 is \$19,770,165

The actual levy for Fiscal Year 2017 is \$17,715,395

The excess levy capacity is \$2,054,770

The override capacity is \$6,579,236

# SETTING THE TAX RATE

The tax rate is derived from a simple mathematical equation involving the total value in the community, as certified by the Department of Revenue, and the total amount of the levy as required through the vote of the community at Town Meeting.

Total Levy Required		Total Taxable Value		Result		Tax Rate
\$ 17,715,395	÷	\$ 1,053,976,024	=	0.01681 x 1,000		\$16.81

A property's overall tax burden is affected more by the levy than the value. Below is a chart showing how overall property assessment correlates to the average tax bill.

		Amount to be raised by taxation (constant)		Total Assessed Value	Tax rate / 1000	Home Value			TAX BILL
HOW IS THE TAX RATE SET?	Current (FY2017)	\$17,715,395	DIVIDED BY	\$1,053,976,024	\$16.81	\$500,000	500,000 X .01681	=	\$8,405

WHAT IF PROPERTY VALUES GO UP?	30% increase in valuation	\$17,715,395	DIVIDED BY	\$1,370,168,831	\$12.93	\$650,000	650,000 x .01293	=	\$8,405
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WHAT IF PROPERTY VALUES GO DOWN?	30% decrease in value	\$17,715,395	DIVIDED BY	\$737,783,217	\$24.01	\$350,000	350,000 x .02401	=	\$8,404
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<p><b>IF ....</b></p> <p>TOTAL AMOUNT TO BE RAISED REMAINS CONSTANT, AND ALL PROPERTY APPRECIATES AT THE SAME RATE</p>
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<p><b>THEN ....</b></p> <p>TAX BILL ESSENTIALLY STAYS THE SAME</p>
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# SPLITTING THE TAX RATE

## TOWN OF BOXBOROUGH

### RELATIONSHIP OF CLASS VALUES

This chart shows the historic relationship of values between classes of property in Boxborough. The ratio of Residential to Commercial/ Industrial/ Personal Property has remained fairly constant in the last five fiscal years. A general rule-of-thumb when contemplating a split in the tax rate is to consider a split when the CIP properties hold **more** than 25% of the total value of a municipality.

<b>FISCAL YEAR</b>	<b>RESIDENTIAL/OPEN SPACE Class 1</b>	<b>COMM/IND/PERS PROP Class 3, 4, 5</b>	<b>TOTALS</b>
<b>2017</b>	<b>76.83%</b>	<b>23.17%</b>	<b>100.00%</b>
2016	76.09%	23.91%	100.00%
2015	75.67%	24.33%	100.00%
2014	74.98%	25.02%	100.00%
2013	75.25%	24.75%	100.00%
2012	75.35%	24.65%	100.00%
2011	75.96%	24.04%	100.00%

This hearing requires a vote on the adoption of a residential factor pursuant to Massachusetts General Law Chapter 40 § 56.

Below are options to consider for the residential factor and the accompanying tax rate implications. The tax burden CIP shift can be up to 150%.

**FISCAL YEAR 2017 TAX RATE OPTIONS**

<b><u>Single Tax Rate - Residential Factor of 1</u></b>		
	<b>TAX RATE</b>	
		\$16.81
Average Single Family House Value		\$563,020.00
Average Single Family Tax Bill		\$9,464.37
Average Commercial/Industrial Value		\$1,094,647.37
Average Commercial/Industrial Tax Bill		\$18,401.02

<b><u>Split Rate with CIP Shift of 105% - Residential Factor of 98.6432</u></b>		
	<b>TAX RATE</b>	
		RESIDENTIAL \$16.58
		CIP \$17.56
Average Single Family House Value		\$563,020
Average Single Family Tax Bill		\$9,334.87
<b>Average Residential Savings</b>		<b>\$129.49</b>
Average Commercial/Industrial Value		\$1,094,647
Average Commercial/Industrial Tax Bill		\$19,222.01
<b>Average Commercial/Industrial Increase</b>		<b>\$820.99</b>

<b><u>Split Rate with CIP Shift of 110% - Residential Factor of 97.1357</u></b>		
	<b>TAX RATE</b>	
		RESIDENTIAL \$16.33
		CIP \$18.40
Average Single Family House Value		\$563,020
Average Single Family Tax Bill		\$9,194.12
<b>Average Residential Savings</b>		<b>\$270.25</b>
Average Commercial/Industrial Value		\$1,094,647
Average Commercial/Industrial Tax Bill		\$20,141.51
<b>Average Commercial/Industrial Increase</b>		<b>\$1,740.49</b>

**Split Rate with CIP Shift of 130% - Residential Factor of 91.1057**

	<b>TAX RATE</b>	RESIDENTIAL \$15.31 CIP \$21.77
Average Single Family House Value		\$563,020
Average Single Family Tax Bill		\$8,619.84
<b>Average Residential Savings</b>		<b>\$844.53</b>
Average Commercial/Industrial Value		\$1,094,647
Average Commercial/Industrial Tax Bill		\$23,830.47
<b>Average Commercial/Industrial Increase</b>		<b>\$5,429.45</b>

**Split Rate with CIP Shift of 150% - Residential Factor of 85.0756**

	<b>TAX RATE</b>	RESIDENTIAL \$14.30 CIP \$25.31
Average Single Family House Value		\$563,020
Average Single Family Tax Bill		\$8,051.19
<b>Average Residential Savings</b>		<b>\$1,413.18</b>
Average Commercial/Industrial Value		\$1,094,647
Average Commercial/Industrial Tax Bill		\$27,705.52
<b>Average Commercial/Industrial Increase</b>		<b>\$9,304.50</b>

### **SPLIT RATE TAX IMPLICATION**

With the ratio of Residential to Commercial/Industrial properties in Boxborough being 3:1 (roughly 77% Residential to 23% Commercial/Industrial/Personal Property), it is important to note that for every dollar saved by the Residential taxpayer, CIP taxpayers will pay an additional three dollars in tax. Depending on the rate of the shift, the average Residential taxpayer would save between \$122.49 and \$1,413.18, while the average CIP taxpayer would pay an additional \$820.99 to \$9,304.50.

The adoption of a Residential Factor is strictly a policy decision, which is why it rests with the elected policy makers of the community. While it would be helpful for all concerned parties to have a crystal ball that would let us know the long-range repercussions of splitting the tax rate, no such tool exists. Communities in Massachusetts that have a split rate have maintained that custom for several years, or even decades. The decision before the Board is how they wish to regard the commercial and industrial taxpayers that have chosen to establish their businesses here at this time. It is impossible to predict whether businesses will relocate from Boxborough if they are taxed at a higher rate. However, it is worth noting that a shift in the taxes payable by local businesses will not necessarily remain in a vacuum. The additional expense will likely be assumed by local consumers as it is passed on to the rest of the community through higher prices.

Below is a list of the Top Fifteen Taxpayers in Boxborough. These taxpayers are all commercial or industrial entities, and would bear the burden of significantly higher taxes if the rate is split.

<b>Owner</b>	<b>Type</b>	<b>Value</b>	<b>Tax</b>
Cisco Systems, Inc.	RE	\$ 78,876,800	\$ 1,325,919.01
Piedmont Oper. Partnership	RE	\$ 17,368,400	\$ 291,962.80
Fairland Properties, Inc.	RE	\$ 16,280,600	\$ 273,676.89
Piedmont 80 Central, LLC	RE	\$ 13,206,800	\$ 222,006.31
Lighttower Fiber Networks	PP	\$ 10,113,652	\$ 170,010.49
RFP VI Hotel Boxborough-O, LLC	RE	\$ 8,830,800	\$ 148,445.75
Billchelm Realty, LLC	RE	\$ 7,728,100	\$ 129,909.36
85 Swanson Road, LLC	RE	\$ 6,835,500	\$ 114,904.76
Billchelm Realty 70, LLC	RE	\$ 5,372,000	\$ 90,303.32
Jefferson at Beaver Brook LLC	RE	\$ 5,258,600	\$ 88,397.07
Drake G. Behrakis	RE	\$ 5,025,700	\$ 84,482.02
Advanced Micro Devices	PP	\$ 4,221,587	\$ 70,964.88
NTS Technical Systems, Inc.	PP	\$ 4,032,886	\$ 67,792.81
Intertek Testing Services	PP	\$ 4,011,189	\$ 67,428.09
MCLW, LLC	RE	\$ 3,264,200	\$ 54,871.20
<b>TOTALS</b>		<b>\$ 190,426,814</b>	<b>\$ 3,201,074.74</b>
<b>PERCENTAGE OF WHOLE</b>		<b>18.07%</b>	<b>18.07%</b>

# COMPARISON OF NEIGHBORING COMMUNITIES

In comparing the Town of Boxborough with each of its immediate neighbors, the Selectmen and the citizenry through Town Meeting, have historically not spent to the allowable levy limit. This practice has enabled the Town to maintain necessary services while not seeing a large jump in the average single family tax bill over the past several fiscal years. The following chart illustrates the number of single family homes, the average value, tax rates, the average tax bill on a single family home, and the excess levy capacity for each fiscal year for our bordering communities, as well as statewide averages. Comparatively speaking, the Town of Boxborough average tax bills have remained fairly static.

#### BOXBOROUGH

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE	EXCESS LEVY CAPACITY
2012	1,172	\$508,136	\$17.87	\$9,080		\$74,693
2013	1,174	\$509,984	\$17.69	\$9,022	-0.64%	\$666,455
2014	1,175	\$505,250	\$17.69	\$8,938	-0.93%	\$1,266,773
2015	1,179	\$531,407	\$16.65	\$8,848	-1.01%	\$2,208,855
2016	1,188	\$548,990	\$16.36	\$8,981	1.50%	\$2,423,214

#### ACTON

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE	EXCESS LEVY CAPACITY
2012	4,889	\$499,163	\$18.55	\$9,259		\$519,781
2013	4,906	\$505,237	\$19.10	\$9,650	4.22%	\$15,623
2014	4,916	\$505,494	\$19.45	\$9,832	1.89%	\$441,410
2015	4,923	\$531,639	\$19.05	\$10,128	3.01%	\$985,069
2016	4,939	\$539,896	\$19.23	\$10,382	2.51%	\$999,192

#### HARVARD

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE	EXCESS LEVY CAPACITY
2012	1,666	\$545,679	\$16.24	\$8,862		\$2,894
2013	1,667	\$547,036	\$16.68	\$9,125	2.97%	\$8,328
2014	1,680	\$546,598	\$17.09	\$9,341	2.37%	\$3,710
2015	1,759	\$522,835	\$17.79	\$9,301	-0.43%	\$6,251
2016	1,756	\$531,669	\$18.05	\$9,597	3.18%	\$7,142

#### LITTLETON

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE	EXCESS LEVY CAPACITY
2012	2,827	\$370,625	\$16.08	\$5,960		\$2,660
2013	2,838	\$366,412	\$16.98	\$6,222	4.40%	\$10,884
2014	2,863	\$367,397	\$17.41	\$6,396	2.80%	\$10,208
2015	2,870	\$371,489	\$18.10	\$6,724	5.13%	\$6,566
2016	2,896	\$395,635	\$17.69	\$6,999	4.09%	\$28,047

**STOW**

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE	EXCESS LEVY CAPACITY
2012	2,057	\$429,156	\$17.90	\$7,682		\$989,900
2013	2,055	\$423,931	\$18.37	\$7,788	1.38%	\$1,488,481
2014	2,047	\$424,668	\$19.17	\$8,141	4.53%	\$1,441,070
2015	2,075	\$428,160	\$19.98	\$8,555	5.09%	\$1,164,016
2016	2,078	\$442,300	\$19.98	\$8,837	3.30%	\$1,230,243

**FY 2016**

TOWN	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL
<b>BOXBOROUGH</b>	<b>1,188</b>	<b>\$548,990</b>	<b>\$16.36</b>	<b>\$8,981</b>
ACTON	4,939	\$539,896	\$19.23	\$10,382
HARVARD	1,756	\$531,669	\$18.05	\$9,597
LITTLETON	2,896	\$395,635	\$17.69	\$6,999
STOW	2,078	\$442,300	\$19.98	\$8,837

**STATEWIDE**

FISCAL YEAR	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	% CHANGE
2012	1,301,555	\$358,687		\$4,711	
2013	1,304,680	\$354,292		\$4,846	2.87%
2014	1,307,697	\$355,315		\$5,020	3.59%
2015	1,311,494	\$369,113		\$5,214	3.86%
2016	1,411,722	\$371,758		\$5,247	0.63%

**FY 2016**

TOWN	# SINGLE FAMILY HOMES	AVERAGE SINGLE FAMILY VALUE	TAX RATE	AVERAGE SINGLE FAMILY TAX BILL	STATE RANK
<b>BOXBOROUGH</b>	<b>1,188</b>	<b>\$548,990</b>	<b>\$16.36</b>	<b>\$8,981</b>	31
ACTON	4,939	\$539,896	\$19.23	\$10,128	16
HARVARD	1,756	\$531,669	\$18.05	\$9,301	24
LITTLETON	2,896	\$395,635	\$17.69	\$6,724	55
STOW	2,078	\$442,300	\$19.98	\$8,555	35

This chart shows where Boxborough has stood in statewide ranking of the average single family tax bill since Fiscal 2005.

Single Family Tax History								
Fiscal Year	Single Family Assessed Values	Single Family Parcels	Single Family Average Value	Tax Rate	Avg Single Family Tax Bill	% Change	Change in Tax Amount	State Rank
2005	580,625,000	1,142	\$508,428	\$13.10	\$6,660			21
2006	637,469,100	1,155	\$551,921	\$13.24	\$7,307	9.71%	\$647	16
2007	645,975,300	1,166	\$554,010	\$13.87	\$7,684	5.16%	\$377	15
2008	656,705,700	1,161	\$565,638	\$14.14	\$7,998	4.09%	\$314	16
2009	636,487,100	1,166	\$545,872	\$14.84	\$8,101	1.29%	\$103	18
2010	590,909,600	1,167	\$506,349	\$16.53	\$8,370	3.32%	\$269	19
2011	594,419,900	1,172	\$507,184	\$17.38	\$8,815	5.32%	\$445	18
2012	595,535,800	1,172	\$508,136	\$17.87	\$9,080	3.01%	\$265	17
2013	598,721,000	1,174	\$509,984	\$17.69	\$9,022	-0.64%	-\$58	21
2014	593,668,200	1,175	\$505,250	\$17.69	\$8,938	-0.93%	-\$84	23
2015	626,528,700	1,179	\$531,407	\$16.65	\$8,848	-1.01%	-\$90	30
2016	652,200,700	1,188	\$548,990	\$16.36	\$8,981	1.50%	\$133	31
2017	672,809,500	1,195	\$563,020	\$16.81	\$9,464	5.38%	\$483	



AS I CONTINUE TO MOVE THROUGH MY FOURTH YEAR AS TOWN ASSESSOR IN BOXBOROUGH, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK THE BOARD OF SELECTMEN, THE TOWN ADMINISTRATOR AND THE REST OF THE STAFF AT TOWN HALL, AS WELL AS THE RESIDENTS, FOR CONTINUING TO PROVIDE A SUPPORTIVE WORK ENVIRONMENT THAT MAKES IT A PLEASANT PLACE TO COME TO WORK EVERY DAY. I AM FORTUNATE TO BE ABLE TO MAKE THIS COMMUNITY MY PROFESSIONAL HOME.

**THANK YOU!**



Finance Committee



Reserve Fund Transfer Request

Date: October 3, 2016

It is requested by the undersigned that the sum of \$7,500.00 be transferred from the Reserve Fund to:

UMAS Acct. #001-141-5306-0000

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

Description (e.g. Selectmen's expenses) Assessor Consulting

The balance in the line item as of October 3, 2016 is \$7,120.00. An amount of \$7,800.00 was originally budgeted/appropriated. Additional funds are now requested for the reasons explained below. (Detailed explanation should include reasons for lack of funds, breakdown of known or estimated costs to be expended prior to June 30<sup>th</sup>, and any other pertinent information). Also, please list any previous requests for transfer during the fiscal year for this line item.

These additional funds are required to obtain an appraisal of commercial property currently under appeal at the Appellate Tax Board in relation to the Fiscal 2015 assessment. A professional appraisal will provide the Assessor and Town Counsel with the ability to negotiate a reasonable settlement or proceed to trial to defend the current assessment on the property. The funds currently budgeted in this account will be expended by valuation work already completed by Patriot Properties, Inc., in relation to the Fiscal 2017 values, which has not yet been billed, leaving no balance to pay for the appraisal. There was no way to anticipate that these funds would be needed during the budgetary process of prior fiscal years, because it is impossible to know how far into an appeal a taxpayer will be willing to proceed after the case is filed. I contacted three certified appraisers, and received quotes from two of them, one for \$7,500 and the other for \$9,500. If the case proceeds to trial, there will be additional funds needed for the appraiser to prepare to testify and actually appear before the Court. While the Assessor is certified as a Massachusetts Accredited Assessor, she is not a licensed appraiser able to produce the type of reported needed in this situation.

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

<u>[Signature]</u>	(Signature)	<u>Town Assessor</u>	(Title)
<u>[Signature]</u> 10/2/16	(Signature)	<u>Town Administrator</u>	(Title)
_____	(Signature)	_____	(Title)
_____	(Signature)	_____	(Title)

On the dates listed below, it was voted by the Board of Selectmen/Finance Committee to transfer the sum of \$ \_\_\_\_\_ from the Reserve Fund to UMAS Acct. #001-141-5360-0000 to be used for the purposes and in the amounts indicated above.

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

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

Filter by: Segment 1: 001  
 Segment 2: 141

Parameters: Fiscal Year: 2017 Start Date: 7/1/2016 end: 6/30/2017

## Ledger History - Variance - Expenditure Ledger

Account Number	Budget	Transfer:	Journal Entry:		Receipt:	Payment:	Ending	% Var.
	Encumbered	This Period To Date						
001-141-5112-0000	69,609.00	0.00		0.00	0.00	-15,731.76		
Assessor Salary	0.00	0.00	69,609.00	0.00	0.00	-15,731.76	53,877.24	22.60
001-141-5154-0000	1,000.00	0.00		0.00	0.00	-1,000.00		
Assessor Certification Stipend	0.00	0.00	1,000.00	0.00	0.00	-1,000.00	0.00	100.00
001-141-5305-0000	4,000.00	0.00		0.00	0.00	-4,000.00		
Assessor Software Support	0.00	0.00	4,000.00	0.00	0.00	-4,000.00	0.00	100.00
001-141-5306-0000	7,800.00	0.00		0.00	0.00	-680.00		
Assessor Consulting	0.00	0.00	7,800.00	0.00	0.00	-680.00	7,120.00	8.72
001-141-5312-0000	150.00	0.00		0.00	0.00	0.00		
Assessor Legal Notices	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
001-141-5420-0000	500.00	0.00		0.00	0.00	-221.40		
Assessor Office Supplies	0.00	0.00	500.00	0.00	0.00	-221.40	278.60	44.28
001-141-5711-0000	575.00	0.00		0.00	0.00	-154.36		
Assessor Mileage	0.00	0.00	575.00	0.00	0.00	-154.36	420.64	26.85
001-141-5712-0000	1,200.00	0.00		0.00	0.00	-204.50		
Assessor Training/Conferences	0.00	0.00	1,200.00	0.00	0.00	-204.50	995.50	17.04
001-141-5730-0000	765.00	0.00		0.00	0.00	-137.00		
Assessor Dues	0.00	0.00	765.00	0.00	0.00	-137.00	628.00	17.91
	85,599.00	0.00		0.00	0.00	-22,129.02		
9 Account(s) totaling:	0.00	0.00	85,599.00	0.00	0.00	-22,129.02	63,469.98	25.85

**Thomas J. Mulhern and Associates**

4 Mechanic Street, Suite 201

Natick, MA 01760

(508) 653-5555 • Fax (508) 653-9055

September 26, 2016

Ms. Ruth T. Anderson, MAA  
Town Assessor  
Town of Boxborough  
29 Middle Road  
Boxborough, MA 01719

RE: Appraisal and valuation of the property known as [REDACTED]  
[REDACTED] Boxborough, MA

Dear Ms. Anderson:

Pursuant to your request, I am pleased to submit this proposal to estimate the market value of the fee simple interest in the above referenced property located in Boxborough, MA. It is my understanding that the properties consist of a [REDACTED] located at the address cited above. This appraisal was requested for use in conjunction with real estate assessment appeals at the Appellate Tax Board for Fiscal Years 2015 and 2016.

Our study will include a personal inspection of the property and environs. A detailed investigation of the surrounding district, zoning bylaws and other land use controls and the area real estate market will also be conducted. Our valuations will consider the Income Capitalization Approach, Sales Comparison Approach and Cost Approach but I anticipate that the only meaningful valuation method will be the Income Capitalization Approach.

The Income Capitalization Approach will entail reviewing the history of [REDACTED] in question as well as other profit centers [REDACTED]. In addition, we will review other competitive properties in the area in order to determine stabilized revenues for the property. This information will be analyzed in order to arrive at estimates of stabilized income for the space within the subject [REDACTED] as of the effective date of valuation offered by the subject property.

Allowances for stabilized occupancy and rent loss will be estimated based on review of the vacancy history at the subject property [REDACTED]. Stabilized operating expenses based on a review of these costs for the subject and similar properties, as well as reserves and other cost considerations for return of and return on the personal property will also be analyzed. The resulting net operating incomes will then be converted into indications of value for the property via direct capitalization for Fiscal Years 2015 and 2016.

***Report and Fee Compensation***

The final appraisal report will be presented in a narrative fashion. The narrative report will be written in conformance with the Uniform Standards of Professional Appraisal Practice. The report is subject to the conditions outlined below.

Phase 1 of this assignment will involve inspecting the property, analyzing the surrounding market area, identifying, verifying and analyzing comparable [REDACTED] information during the timeframe of the date of valuation and estimating the approximate value for the properties as of the valuation date. The fee for this portion of the assignment, which will include preparation of market data and valuation exhibits, but not an appraisal report, will be \$5,500 with authorization to proceed on Phase 1 outlined above for the properties analysis. The delivery of the Phase 1 report will be on or about November 20<sup>th</sup> with a verbal report of the concluded values reported sooner if possible.

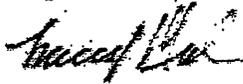
Payment in full will be required upon completion of the Phase 1 analysis.

Phase 2 which will not be undertaken until we are authorized to do so by the client and will entail finalizing review and analysis of market data and the value conclusions as well as completing the appraisal report. The fee for this phase will be an additional \$2,000 which will result in a total fee for the appraisal portion assignment of \$7,500.

Meetings with counsel and/or the client as well as litigation support, pretrial preparation and testimony at the Appellate Tax Board will be an additional cost billed at \$150 per hour as needed.

We look forward to assisting you with this real estate matter; if you have any questions concerning this scope of services letter or if you require further information, please contact me.

Respectfully Yours,



Thomas J. Mulhern, MA Cert. Gen. Lic. R.E. App. #1522

Accepted:



Thomas J. Mulhern  
SSN # 019-44-8712  
July 20, 2016

Accepted:

Town of Boxborough Assessors' Office

Approved:

Phase 1

Phase 2

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF BOXBOROUGH

**NOTICE OF NONEXERCISE OF OPTION  
PURSUANT TO M.G.L. CH. 61B, SEC. 9**

The Boxborough Board of Selectmen on behalf of the Town of Boxborough, a Massachusetts municipal corporation with a place of business at 29 Middle Road, Boxborough, Middlesex County, Massachusetts 01719, has irrevocably waived the option pursuant to Massachusetts General Laws Chapter 61B, Section 9 to purchase that portion of the land subject to the Recreational Land Tax Lien recorded with the Middlesex South Registry of Deeds in Book 67094, Page 108, Book 14822, Page 561 and Book 26793, Page 415, included within that parcel of land depicted as "Lot 1A" (the "Premises"), on a plan entitled: "Plan of Land in Boxborough Mass. Owner: Raymond M. Vorce Jr. Estate," dated February 23, 2016, prepared by R. Wilson and Associates, and recorded with the Middlesex South Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

[Signatures on following page]

Executed as a sealed instrument this \_\_\_\_ day of \_\_\_\_\_, 2016.

TOWN OF BOXBOROUGH

BY: THE BOXBOROUGH BOARD OF  
SELECTMEN

\_\_\_\_\_  
Leslie R. Fox, Chairman

\_\_\_\_\_  
Susan M. Bak, Clerk

\_\_\_\_\_  
Vincent M. Amoroso

\_\_\_\_\_  
Richard M. Barrett

\_\_\_\_\_  
Robert T. Stemple

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as Selectman of the Town of Boxborough.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

5a

**Selina Shaw**

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**From:** Les Fox <lesfox@comcast.net>  
**Sent:** Tuesday, September 20, 2016 5:34 PM  
**To:** Selina Shaw  
**Cc:** 'Chief White'; Warren Ryder; 'Susan Bak'; Rick Barrett  
**Subject:** Agenda item for 10/3

Selina,

Please put an agenda item under New Business for the Oct 3 meeting: "Public safety radio system update and plans"

We will announce the positive news of successful acceptance testing of the new radio system that was recently attended by Warren and Randy. We will also review some of the known deficiencies in coverage, and plans to conduct some diagnostic tests in the near future. Warren and Randy should both plan to attend.

Les



56

Resident Interest Form

Received  
9-14-2016

Name: Sharon Garde Phone: [Redacted]

Address: [Redacted] Boxboro

Occupation: Software Engineer

Special Training/Education: trumpet player for 40 years, in many community

Experience/General Interest: previously on Public Celebrations, board member

Amount of time available: 1-2 hrs / week

Date submitted: 9/10/16 E-mail Address: [Redacted]

Yards  
AB  
Friends  
of  
Music

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

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

**\*Indicates an elected board**





**BOARD OF SELECTMEN  
Meeting Minutes  
September 26, 2016**

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

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

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 Fox convened the meeting at 7:00 P.M. in the Grange Meeting Room.

**OLD BUSINESS**

The Board took up two outstanding items:

- 1) The option to purchase the property known as 94 Chester Road, Assessors Map 19, Parcel 10 from Patrick T. and Harriet M. Moran.

Chair Fox moved to provide notice to Patrick T. and Harriet M. Moran of non-exercise of option pursuant to M.G.L. Ch. 61, Sec. 8; i.e., **not** to purchase property known as 94 Chester Road, Assessors Map 19, Parcel 10. Seconded by Selectman Stemple. **Approved 5-0.**

- 2) The option to purchase property located at Summer Road and Massachusetts Avenue, depicted as "Lot 1A" on a plan entitled: "Plan of Land in Boxborough Mass. Owner: Raymond M. Vorce Jr. Estate," dated February 23, 2016, prepared by R. Wilson and Associates.

Chair Fox moved to provide notice to Kathleen A. Vorce, Attorney for the Estate of Raymond M. Vorce Jr. of non-exercise of option pursuant to M.G.L. Ch. 61B, Sec. 9; i.e., not to purchase property depicted as "Lot 1A" on a plan entitled: "Plan of Land in Boxborough Mass. Owner: Raymond M. Vorce Jr. Estate," dated February 23, 2016, prepared by R. Wilson and Associates. Seconded by Selectman Stemple. **Approved 5-0.**

**NEW BUSINESS**

Chair Fox moved to accept the Chapter 90 reimbursement funds for \$73,840.24. Selectman Stemple seconded the motion. **Approved 5-0**

**SELECTMAN UPDATES**

Selectman Bak updated the Board on the status of the record keeping system implemented at Town Hall. Member Bak indicated that after a 30-day trial period, the Town Administrator shut down the initiative.

Member Bak also updated the Board on the recent Personnel Board meeting. Several Town Hall employees presented two suggestions for the Personnel Board to consider. The first was a recommendation to change the hours at Town Hall so that the public had access to services on Fridays without having to make an appointment to do so. Member Bak explained that this was not a Personnel Board decision, but rather a decision of the Town Administrator and the Board of Selectmen. While no vote was taken, there was general agreement that the BoS supports this initiative. Rick Barrett recused himself from this discussion.

The second suggestion made by Town Hall employees was to create a Paid-Time- Off (PTO) policy to replace the existing policies of Sick Leave, Vacation and Personal Days. Member Bak reported that the Personnel Board would review and take this matter into consideration.

**ADJOURN**

The meeting was adjourned at 7:49 PM.

Susan Bak  
Clerk, BoS

8a  
**Budget & Warrant Article Timeline**  
FY 2018

- September 19 BoS discusses budgetary guidelines:
- **Prepare a zero-based budget.** Budget managers (i.e. dept heads/committee chairs) should prepare their budgets from the bottom up, starting from **zero**. (The prior year's budget should **NOT** be used as the base).
  - Define the level of budget necessary for the operation of the department/board and identify the key underlying assumptions. Be prepared to provide a rationale for your budgetary decisions identifying how the funding requested relates to the level of service proposed. Itemized or summarized line-by-line expenditures will help reduce the need for further explanation by reviewing committees.
  - Salaries will be tied to contractual obligations, or for those employees under the Personnel Plan, to the Classification and Compensation Schedule. For the purposes of preparing the first pass at the budget, Compensation Schedule wages should be calculated with a **1.5%** COLA increase and a step increase where appropriate. Please note that this percentage is only a placeholder and may decrease or increase as recommended by the Personnel Board to the BoS.
- September 22 *CPA Step 1 Preliminary Applications Due to CPC*
- October 4 Staff Meeting:
- Relate budget message
  - Review budget process and timeline
  - Accountant distributes budget packages (hard and soft copies) to all departments and committees
- October 21 Capital Plan submissions Due to Finance Committee. Absent an emergency, all warrant articles for capital items must be included in the Capital Plan in order to appear on the Warrant.
- October 18 – November 21 Budget Managers prepare budgets with assistance provided by TA and Accountant if requested. Questions regarding growth, operations, etc. and clarifications on budget guidelines, should be directed to TA. Mechanical issues and historical data questions should be directed to the Accountant. Please be sure to budget in whole dollars, rounding where necessary.
- October 27 *CPA Step 2 Final Applications Due to CPC*
- November 22 – December 9 BoS liaisons, along with respective FinComm liaisons, meet individually with primary department heads (Police, Fire, Dispatch, DPW, and TA) to begin first review of budgets, ensuring consistency with budget guidelines and working with department heads to make reductions or other changes as necessary.  
Budget Managers revise budgets accordingly
- November 21 *Dept & Committee Comments on Proposed Projects Due to CPC*
- December 1 (& 15?) *CPC Public Hearing*
- December 13 Deadline for returning budget packages to Accountant (hard and soft copies). Any budgets submitted without summary document will be returned to preparer. Please follow sample documents for summary details.  
*Budget managers shall also submit intent and scope of proposed capital warrant articles for Annual Town Meeting (soft copy to TA and Accountant). Please follow directions in Article Submission paperwork.*

## Budget & Warrant Article Timeline FY 2018

December 14	Accountant assembles budget books for TA, BoS & FinComm
December 19	BoS and FinComm receive budget books/electronic files
December 19	BoS perform cursory review of budgets (& <i>warrant articles</i> ). Selectmen note “red flag issues” and determine which board/departments they would like to invite in for further discussion. BoS liaisons work with those budget managers to revise budgets as necessary and to schedule appointment with full BoS in January and February as needed. FinComm starts review of budgets, receiving additional input/clarification as necessary from TA and budget preparers. If needed, FinComm will prepare additional analyses and run scenarios. [N.B. BoS will determine appropriate service levels]
January 5	<i>CPC Final Votes on all CPA Projects moving forward</i>
January 9	BoS and FinComm meet with Police Chief and Fire Chief on an alternating basis, or jointly, to review budgets.
January 23	BoS and FinComm meet with Town Administrator and DPW Director on an alternating basis, or jointly, to review budgets.
February 6	FinComm meets with Library Trustees and School Committee to review budgets.
February 6 (TBD)	<i>Planning Board Public Hearing</i>
February 8	<i>Departments/Committees submit final details for warrant articles in electronic format to TA &amp; Accountant.</i>
February 13	BoS and FinComm meet with boards/committees as necessary to review budgets BoS and FinComm take final votes on budgets <i>BoS closes warrant to any new articles. [BoS liaison to the committee/department will work with sponsor of article and will be responsible for writing the recommendation on behalf of the BoS, as well as presenting at ATM. If liaison is away, Chair will assign responsibility to another member].</i>
March 6	BoS & Personnel Board Joint Public Hearing on any proposed Personnel Plan changes (may try to move this up, depending upon other proposed changes to Personnel Plan). Public hearing on any other proposed general bylaws
March 8	<i>Departments/Committees submit final language for summaries of warrant articles in electronic format to TA.</i>
March 15	<i>Final deadline for All written recommendations. Committees submit recommendations in electronic format to TA. (Recommendations should apply only to the scope and responsibility of the board).</i>
March 20	<i>BoS finalizes language for warrant articles. BoS meet with FinComm and determine funding sources for articles. BoS/FinComm take final votes on warrant articles.</i>
March 28	FinComm deadline for the FinComm Report

## Budget & *Warrant Article* Timeline FY 2018

April 3	BoS signs warrant
April 21	Last possible date for warrant to be posted by Constable and mailed to town's residents
May 1	All Presentation Materials Due to TA
May 8	Town Meeting Begins
May 16	Town Election

“Committee,” “Board,” and “Commission” are used synonymously.  
Budget manager and dept head/committee chair used synonymously as well.

# Budget & Warrant Article Timeline

FY 2018

**Communication is key to a successful Town Meeting process. Budget managers must communicate to the Board of Selectmen and Finance Committee through their liaison and likewise, the BoS and FinCom must ensure that budget managers are fully apprised of any and all proposed changes to their submitted budgets and Articles. Changes to the Budget will be made through the revision process by the *Budget Manager, not the FinComm or BoS or liaisons.***

## BUDGET PROCESS

- In order to maintain control of the master budget, only the Accountant will update the electronic master file.
- **After the initial submission of budgets to the Accountant by December 13, any and all proposed revisions will be handled as detailed below.**
  1. Revisions must be submitted to Accountant in order to be included in the next revision. Revisions may not be published every week. Accountant will have discretion to publish bi-weekly depending on the quantity and timeliness of information.
  2. Each time that a budget manager proposes revisions to the department/board budget, the budget manager will complete and email to the Town Accountant two documents to detail the proposed revisions:
    - a) **Budget worksheet.** Budget manager will ensure that all numbers tie out to any subsidiary salary worksheets.
    - b) **Budget revision form.** The budget revision form will be provided after original budget submission to the Town Accountant. The spreadsheet for each department will be used to keep a running total and explanation of **all** changes submitted since the original budget.
      - i. The starting point for the first revision will be the original submitted department budget. The budget manager will list proposed revisions line by line, listing amounts and the explanation for each proposed revision. The worksheet will then sum the total of the revisions and the original submitted budget to arrive at a “New Total Dept. Budget.”
      - ii. The starting point for subsequent revisions will be the last “New Total Dept. Budget.”
  3. Town Accountant will ensure that proposed revisions are properly reflected on budget worksheet and that budget worksheet is in balance with subsidiary salary worksheets.
- Accountant will update electronic budget file and will
  1. include revision and date on the budget and any supplemental worksheets as updated
  2. distribute an electronic file (paper copies will be provided by request) of all changes included in the revision to the BoS, FinCom and TA
  3. distribute electronic copies (paper copies will be provided by request) of individual revised department/committee budgets to the affected department heads and committees
  4. provide electronically a public display version of the budget file (excluding salary worksheets) to Town Clerk, for placement on the town’s website

## WARRANT ARTICLE PROCESS

- All Warrant Article information must be sent to both the Accountant for inclusion in the Financial Model and to the Town Administrator for inclusion in the Warrant. In order to maintain control of the financial totals, only the Accountant will update the electronic master file. Any revisions will follow the revision process outlined in the article packet.
- Articles have three stages that must be followed: Intent and Scope (December 13); Details, Specifications & Quotes (February 8); and Final Summaries (March 8). Once *all three* steps are complete, Votes and Funding Sources will be determined.
- A new form/instruction packet is available for Warrant Articles. Please let the Accountant know if you intend to submit any articles, there are new steps to follow.

Town Meeting Budget Warrant Article Calendar  
FY 2018

October

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3	4 Budget Docs distributed by Accountant	5	6 CPC Prelim Application Review	7	8
Holiday	11	12 STM Proposed Articles Due	13	14	15
17 STM Warrant Closed BoS meet w Article Presenters?	18	19	20	21 Deadline for Capital Plan Requests	22
24	25	26 STM Final Article Language & Recommendations Due	27 CPC Final (ATM) Applications Due	28	29 BoS Goal Setting
31 STM Final Votes & Warrant Signed					

November

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5
7	8 Presidential Election	9	10	Holiday	12
14	15	16	17	18	19
21 CPC Committee Reviews Due	22 Liaisons begin Budget meetings with Dept Heads	23	Holiday	25	26
28 STM Warrant Mailed	29	30			

Town Meeting Budget Warrant Article Calendar  
FY 2018

December

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 CPC Public Hearing	2	3
5 STM Presentations Due	6	7	8	9	10
12 STM Begins	13 Budgets Due to Accountant ATM Articles Due (Scope)	14	15	16	17
19 Budget Books Distributed to FinComm & BoS	20	21	22	23	24
Holiday	27	28	29	30	31

January

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Holiday	3	4	5 CPC Votes on Projects to Recommend	6	7
9 BoS & FinComm review budgets w Fire & Police	10	11	12	13	14
Holiday	17	18	19	20	21 School Budget Workshop
23 BoS & FinComm review budgets w TA & DPW	24	25	26	27	28
30	31				

Town Meeting Budget Warrant Article Calendar  
FY 2018

February

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 CPC Draft Articles	3 Calendar/FY 2016 Annual Reports Due	4
6 FinComm review budgets w Library & School	7	8 Final Article Details, Specifications & Quotes Due	9	10	11
13 *BoS & FinComm review budgets w Committees as need *Final Votes on Budget *BoS Closes Warrant	14	15	16 School Committee Budget Hearing	17	18
Holiday	21	22	23	24	25
27	28				

March

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4
6 BoS Public Hearings (incl Personnel)	7	8 Final Article Summaries Due	9	10	11
13	14	15 All Recommendations Due on All Articles	16	17	18
20 BoS / FinComm joint Funding Sources & Final Article Votes	21	22	23	24	25
27 FinComm Report Due	28	29	30	31	

Town Meeting Budget Warrant Article Calendar  
FY 2018

April

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3 BoS Signs Warrant	4	5	6	7	8
10	11	12	13	14	15
17	18	19	20	21 Warrant Mailed	22
24	25	26	27	28	29

May

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Presentations Due	2	3	4	5	6
8 ATM Begins	9	10	11	12	13
15	16 Town Election	17	18	19	20
22	23	24	25	26	27
Holiday	30	31			

8c

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**Selina Shaw**

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**From:** Selina Shaw <sshaw@boxborough-ma.gov>  
**Sent:** Thursday, September 22, 2016 5:17 PM  
**To:** 'Les Fox (lesfox@comcast.net)'; rick barrett; 'Robert Stemple (bstemple@verizon.net)'; Susan Bak (smbak55@gmail.com); 'Vincent Amoroso (amorosovm@gmail.com)'  
**Subject:** Rotary request for use of seal  
**Attachments:** Town Clerk Handbook\_seal.pdf

Good afternoon.

At the BoS meeting on August 30, the matter of using the Town seal by the AB Rotary was discussed. It had been suggested by one of the Rotary members that perhaps the BoS would consider allowing the use of the seal, if a disclaimer was provided. I asked counsel for input. While I was abroad, Attorney Brian Riley provided the following:

**“Use of the Boxborough Town Seal is authorized by the Board of Selectmen. The Town of Boxborough neither sponsors nor endorses the activities of the Rotary Club of Acton-Boxborough.”**

Brian also said, “Use of the Town Seal without the Board’s approval violates G.L. c.268, §35, but the Board could authorize the use as it feels appropriate. “

Liz Markiewicz has also provided some information regarding the use of the town seal, which is included with this email.

Les, please let me know if you would like to take this matter up under “old business” on the 3<sup>rd</sup> October agenda.

Selina

Selina S. Shaw  
Town Administrator  
29 Middle Road  
Boxborough, MA 01719  
(978) 264-1700 general  
(978) 264-1712 direct  
(978) 264-3127 fax  
<http://www.boxborough-ma.gov>

***Boxborough: A Rural, Engaged Community for All***

***\*\*Please note new email address: [sshaw@boxborough-ma.gov](mailto:sshaw@boxborough-ma.gov)\*\****

*When writing or responding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.*

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**K&P suggested disclaimer:**

**“Use of the Boxborough Town Seal is authorized by the Board of Selectmen. The Town of Boxborough neither sponsors nor endorses the activities of the Rotary Club of Acton-Boxborough.”**

**Alternate disclaimer suggested:**

**“Use of a facsimile image of the Boxborough Town Seal is authorized by the Board of Selectmen subject to the following:**

- 1. A facsimile or image of the Boxborough Town Seal may be used only when the Acton Town Seal image and Rotary International symbols are also displayed.**
- 2. The Boxborough and Acton town seal images must be displayed at smaller and equal sizes subordinate to the Rotary International symbol which must be larger and have the dominant placement.**
- 3. The Boxborough and Acton town seal images and Rotary International symbol may be displayed together only when accompanied by the text “Rotary Club of Acton-Boxborough.”**
- 4. The following text must appear in conjunction with the use of the Boxborough seal facsimile: “The Town of Boxborough neither sponsors nor endorses the activities of the Rotary Club of Acton-Boxborough.” This restriction may be waived upon written request to the Boxborough Board of Selectmen – for example for use on commemorative plaques or club banners.**
- 5. Use is restricted to printed materials for communications or promotional activities.**
- 6. Use is not authorized on consumer items for sale.”**

# TOWN BUSINESS

## I. TOWN SEAL

### A. HISTORY

While many towns in Massachusetts designed and adopted official town seals fairly early in their existence, the first statutory requirement that a town do so appeared under Chapter 389 of the Acts of 1898. The official seal was to be provided for the use of the town clerk and was to include the name of the town, the date of incorporation and a general design approved by the selectmen. The town clerk was required under this Act to furnish copies of birth, death or marriage records "under the official seal" of the town.

The requirement that a town adopt an official seal was further specified by Chapter 256 of the Acts of 1899. The Act required every town not already having a seal to adopt one within one year. The method of adopting the seal was to be specified by town meeting vote and the seal "shall be in the custody of the town clerk." The use of the seal was expanded so that "any paper or document emanating from any officer or board of a town shall, whenever it seems necessary or desirable, be attested with the town seal."

In 1902, under Chapter 25, section 28 of the Revised Laws, the provisions relating to the town seal were somewhat changed to read as follows:

Each town shall have a seal, established at a meeting called for that purpose, which shall be in the custody of the town clerk. Papers or documents issued from any office or board of the town may be attested therewith.

These provisions now appear as the first two sentences of Chapter 40, section 47 with the first sentence slightly modified to read: Each town shall have a seal, established at town meeting, to be kept by the town clerk.

### B. CUSTODY OF THE TOWN SEAL

There is no question, under the wording of both past and present law, that the town clerk has custody of the town seal which is used to impress a raised seal on official town papers, records or documents and therefore, the town clerk is the person who must authorize its use.

However, the law is not so specific with respect to custody of the printed or facsimile town seal and who authorizes its use. In some towns, the town clerk has such custody and authority by tradition and practice. In other towns, the bylaws specify that the town clerk has custody of or authority over the use of the printed or facsimile town seal. An example of such a bylaw is:

The town seal, or any reproduction or facsimile thereof, shall not be used, unless authorized by law, without the written authorization of the town clerk.

### C. CARE AND USE OF TOWN SEAL

#### 1. The Raised Seal

As the impressed raised town seal on any paper signifies that such a paper is an authentic and official one issued by a town officer, board or committee, the seal used for this purpose should be guarded carefully. The seal should be kept under lock when your office is closed. When your office is open, it should be placed

in a location inaccessible to unauthorized persons. Your employees should be carefully instructed in the proper use of the town seal and its use strictly regulated.

Generally, the raised town seal is used on papers which need to be certified as true copies of official records. In a town clerk's office, the most common of these would be copies of birth, death and marriage records, copies of town meeting votes, copies of board of appeals decisions, and copies of documents or papers which are required to be filed in your office under sections of the General Laws or your town bylaws. The raised seal would also be used on a certificate prepared by you from your official records, such as a residence certificate or voter registration certificate.

From time to time, you will receive requests from other town officers, boards or committees for the use of the raised seal. These requests should be carefully processed as other officers, boards or committees of the town do not always understand the significance of affixing the raised seal.

Clearly, official papers or documents issued by town officers or boards, or certified copies of these, may have the raised town seal affixed. Certificates prepared and attested to by another town officer or by the clerk of a town board or committee may also have the raised seal affixed. It is also often required on contracts signed by the selectmen or another town board on behalf of the town but it would not be used on regular correspondence or memos.

## 2. Printed or Facsimile Seal

The most common use of the printed seal is on letterhead paper used by town officers, boards or committees. It is often used on town publications, such as the Annual Town Report, town meeting warrants and special reports prepared and issued by various town boards or committees. Many towns place the town seal on town vehicles, on plaques prepared under the auspices of the town historical commission for placement in or on town buildings, in public parks or at historic sites. These are all appropriate uses of the printed or facsimile seal.

The decision, under other circumstances, as to whether or not to authorize the use of the printed or facsimile town seal is not always easy or clear cut and considerable thought should be given before authorization is granted. It should be remembered when making such a decision that any publication or item which bears the town seal will be considered by the public as having an official character or as having been sponsored by the town.

Requests from private organizations such as the local historical society, parent-teachers associations, civic groups, or employee collective bargaining units, etc. should generally not be approved. Even though these groups may be engaged in activities which benefit the town, their use of the town seal might lead the public to believe that the activity or publication had the official sanction of the town which is not usually the case.

Usually a copy of the printed town seal will be provided to individuals who are engaged in historical research or making a collection of seals for their own enjoyment or to school children, particularly if it is being used in connection with a school project.

Widespread opinion, among lawyers and others, is that private individuals may obtain and reproduce a printed copy of the town seal as long as there is no intent on the part of the individual to represent himself or the item on which the seal may appear as being official.

Many clerks decide the question of whether or not to provide a copy of the printed town seal on the basis of whether or not the individual requesting it is making such a request for personal profit. As a practical matter, complete control over the printed town seal is extremely difficult since whenever you send out a letter

using your town letter head you will be sending out a copy of the seal and there is no guarantee that the person to whom the letter is sent will not reproduce the seal.

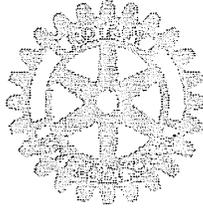
### **3. Penalty for Unauthorized Use of the Town Seal [268:35]**

Even though you cannot completely control the use of the printed seal, you can strictly control the use of the raised seal and there is a penalty of not more than \$50.00 on any person who uses the town seal without being "duly authorized." This penalty applies to anyone who prints, stamps, engraves or affixes (or causes this to be done) to any paper or other article, a representation of a seal of a town, with intent to give to such paper or article an official character it does not possess.



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**Rotary Club of Acton-Boxborough**  
P.O. BOX 2161, ACTON, MASSACHUSETTS 01720-6161



May 2, 2016

Dear Business Owner,

**2016-17**  
**BOD**

Joseph Badenhoff  
President

Karen Rivero  
President-Elect

Karen Rivero  
Secretary

Geoffrey Kerr  
Treasurer

You are being contacted because you do business in the Acton/Boxborough towns. AB Rotary is having its 24<sup>th</sup> annual Presidents Golf Tournament at the Woods of Westminster on August 17. This is our major fundraiser of the year and we are requesting your support.

We are asking that you do anything you can to support our effort. Tee/pin sponsorship starts at \$150. Silver sponsorship is \$650 (includes a foursome) and if you have the means to become a Gold sponsor, \$1100 or more also provides two foursomes. Other sponsorships are also available. Know that this is not a gift to Rotary, but a gift to the community, your neighbors, the world, your family.

If you can take the day off, we would love to have you join us in a round of Golf (\$150 per player). We would be truly delighted to have your company. You could even consider using this as an employee appreciation event and sponsor 4 staff members for \$650.

You can be assured that any contribution made to the AB Rotary Charity is completely distributed. There are no overhead charges. The Rotary Club membership is comprised of business people like you; we take our fiduciary responsibility very seriously.

I hope you will think carefully about this request. You can look at the back of this letter for many of the events that you will be supporting by your contribution. (If you want your funds channeled to a specific activity, let us know.)

With gratitude for your support,

Joseph Badenhoff  
President 2016-17  
[jbadenhoff@hotmail.com](mailto:jbadenhoff@hotmail.com)

PS: If all you can contribute is \$25 or provide a gift certificate, it helps our cause. We are grateful for any support. You can find us at <https://www.facebook.com/actonboxboroughrotary/> or go to our web site: <http://www.actonboxboroughrotary.org/> and sign up there using PayPal™.

# ROTARY CLUB OF ACTION-BOXBOROUGH FUND RAISERS AND SUPPORTED ACTIVITIES

Best of Times Wine and Food Tasting  
High School Reality Fair  
Hank Phillippi Ryan Fundraiser for Food Pantry  
Veteran's Day Breakfast  
Senior BBQ  
Masquerade Ball for Shelter Box/Food Pantry  
Wings & Wheels Weekly Car & Air Show  
Rotary Youth Leadership Award  
Winter Carnival – Human Dog Sled Race  
Life Care Center Holiday Party  
Safety Training Grant for HGRM  
Hearts for Heart {provide 501(c)-3 Umbrella}  
Holiday Bell Ringing for Salvation Army  
Past Presidents Golf Tournament  
SERVE Fuel Assistance  
SAFE Program  
DARE Program  
World Wide Eradication of Polio  
Acton & Boxborough Libraries  
Vocational Student Grants  
Fifer's Day  
Domestic Violence Education  
Construction of Outdoor Classroom  
Interact – High School Rotary Program  
Elementary School Dictionary Project  
United Nations Day  
(Rotary is the only non-governmental agency with a chair in the general assembly.)  
Meet & Greet Informational Meetings  
Annual Thanksgiving/Football lunch with Westford  
International Youth Exchange

As an active member of Rotary International, we help sponsor a wide variety of worldwide service projects including health, housing, education and water purification

For more information, visit us at <http://www.actonboxboroughrotary.org/>  
or on Facebook: *"Rotary Club of Acton-Boxborough"*

**Selina Shaw**

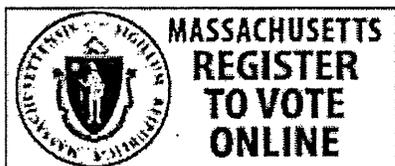
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**From:** Elizabeth Markiewicz <emarkiewicz@boxborough-ma.gov>  
**Sent:** Friday, September 16, 2016 12:22 PM  
**To:** sshaw@boxborough-ma.gov  
**Subject:** FW: True West Sample Logo  
**Attachments:** USE tw boxborough luther only.pdf; 201609161217.pdf

Hi Selina,  
I just got this request from the owner of True West brewery in West Acton. He wants to use a modified version of the printed version of our town seal. I have also sent you some background on the use of printed and facsimile seals from my Town Clerk Handbook.

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

*Hours:*  
*Mon-Thurs: 9am-2pm*  
*Monday evenings: 6pm-8pm*



**From:** Pete Henry [<mailto:pete@brewtruewest.com>]  
**Sent:** Friday, September 16, 2016 11:43 AM  
**To:** [emarkiewicz@boxborough-ma.gov](mailto:emarkiewicz@boxborough-ma.gov)  
**Subject:** True West Sample Logo

Hi Elizabeth,

Thanks for the chat today, I appreciate the time and consideration. As discussed I am asking permission to use components of the Boxborough seal for some graphics for True West. Growing up in Acton, graduating from ABRHS and settling my family in Boxborough is at the core of our local, family owned business model and we would love to be able to graphically incorporate both Boxborough and Acton into some of our imagery for the Brewery.

The True West logo uses 13 stars and 13 bayonets as our primary logomark. 13 stars as a nod to the colonies and the bayonets are a tribute to the minutemen of Acton who were the first to engage and die in the Revolutionary war, in part due to the fact that they were up front because they had bayonets on their muskets. You can see that logo on our sign and other places as well.

I have attached a mock up of our proposed "Luther Blanchard" True West logo for your reference regarding how it would be represented. Possible uses of this graphic would be getting a large stitched flag with this on one side and a similar version with the Acton town seal on the other, and possibly as etching on certain glassware. We love the look and think it would be a very nice and appropriate touch to pay tribute to our home towns.

Of course, I am reaching out to Acton to get the same approval from them.

Thanks again for your consideration, and please call me if you have any questions.  
Pete

--

pete henry

[pete@brewtruewest.com](mailto:pete@brewtruewest.com)  
[www.brewtruewest.com](http://www.brewtruewest.com)  
mobile: 978 509 8527

Headed north? Visit our award winning brother brewery!

7th Settlement || 47 Washington Street || Dover, NH

WINNER OF NEW HAMPSHIRE MAGAZINE'S BEST NEW RESTAURANT OF 2015

WINNER OF THE GREAT AMERICAN BEER FESTIVAL GOLD MEDAL FOR AMERICAN BROWN ALE

[www.7thsettlement.com](http://www.7thsettlement.com)





aa

**Selina Shaw**

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**From:** Fire Chief Randolph White <rwhite@boxborough-ma.gov>  
**Sent:** Thursday, September 22, 2016 1:11 PM  
**To:** 'Selina Shaw'  
**Cc:** 'Susan Bak'  
**Subject:** Training Reimbursement Agreement

Hi Selina,

The new full-timer started today. I need another Training Reimbursement Agreement for, Zachary Broderick. The cost for covering his shifts while attending the 10 week Massachusetts Firefighting Academy, Full-Time Recruit Program is \$13,925.48.

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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Thank you.

**FIRE ACADEMY**  
**AND**  
**TRAINING REIMBURSEMENT AGREEMENT**  
**BETWEEN**  
**TOWN OF BOXBOROUGH**  
**AND**  
**Zachary Broderick**

This agreement is made this \_\_\_\_\_ day of October, 2016 by and between the Town of Boxborough, acting by and through its Board of Selectmen (“Town”) and Zachary Broderick (“Firefighter Candidate”).

1. The Firefighter Candidate understands that the Town is committing resources to send the Firefighter Candidate to the Massachusetts State Fire Academy (“Fire Academy”) and/or to provide the Firefighter Candidate with various other training at the Town’s expense as a result of the Town’s hiring of said Firefighter Candidate as a Firefighter/EMT. In consideration of the Firefighter Candidate’s attendance at the Fire Academy and the other training costs incurred by the Town, the Firefighter Candidate agrees to remain in the Town’s employ as a Firefighter/EMT for a minimum of three (3) years from the Candidate’s date of hire.
2. In the event the Firefighter Candidate voluntarily resigns his/her position prior to the completion of three (3) years of service with the Town as a Firefighter/EMT, the Firefighter Candidate will issue payment to the Town in the prorated amounts set forth below as reimbursement for the Fire Academy and/or other training costs incurred by the Town with respect to the Firefighter Candidate. Said payment shall be due and payable to the Town within thirty (30) days from the date of the Firefighter Candidate’s separation of employment.

• Less than one (1) year of service:	100%	(\$13,925.48)
• More than one (1) year, but less than two (2)	66.67%	(\$9,284.12)
• More than two (2) years, but less than three (3)	33.33%	(\$4,641.36)
• Three (3) or more years	0%	(\$0.00)
3. This Agreement is being entered into by the parties pursuant to the terms of the agreement between the Town and the Boxborough Professional Firefighters, PFF Local 4601.
4. The Firefighter Candidate acknowledges that, by this Agreement, he/she has been advised, in writing, that he/she may consult legal counsel prior to signing the Agreement and that to the extent he/she has wanted to consult with legal counsel, he/she has done so.
5. The Firefighter Candidate acknowledges that he/she has thoroughly read this Agreement, that he/she understands it and that he/she is entering into it of his/her own free will.

6. This Agreement will be interpreted and construed for all purposes under the laws of the Commonwealth of Massachusetts.

For the Town of Boxborough,  
By its Board of Selectmen,

For Zachary Broderick

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

\_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

493237v.2/03700/0153



9b

Received  
9-27-2016  
cm

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

PUBLIC EMPLOYEE INFORMATION	
Name of public employee:	Lonnie Weil
Title or Position:	ZBA member
Agency/Department:	Boxborough, MA
Agency address:	29 Middle Rd Boxborough MA
Office Phone:	978-264-1722
Office E-mail:	MNadwairski@Boxborough-MA.gov
	<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>
APPEARANCE OF FAVORITISM OR INFLUENCE	
Describe the issue that is coming before you for decision or action.	Appeal of non action on vi law violations.
What responsibility do you have for taking action or making a decision?	member of ZBA
Describe your relationship or affiliation with someone involved.	Mark White is a friend of mine and his brother Larry White, is the applicant of the above action.
Optional: Additional facts - e.g., why there is a low risk of undue favoritism or improper influence.	my friendship with Mark White will not affect my ability to perform my official duties objectively and fairly.

<p>If you cannot confirm this statement, you should recuse yourself.</p>	<p><b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b></p> <p><input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.</p>
<p>Employee signature:</p>	<p><i>Louise Weil</i></p>
<p>Date:</p>	<p>9/27/16</p>

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

received  
9-27-16  
cm

9c

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

**WARRANT FOR THE NOVEMBER 8 STATE ELECTION**

**SS.**

To the Constables of the Town of **BOXBOROUGH**

**GREETINGS:**

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

29 MIDDLE ROAD  
BOXBOROUGH, MA 01719

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

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT. . . . .FOR THIS COMMONWEALTH  
REPRESENTATIVE IN CONGRESS. . . . . THIRD DISTRICT  
COUNCILLOR . . . . . THIRD DISTRICT  
SENATOR IN GENERAL COURT . . . . . MIDDLESEX & WORCESTER DISTRICT  
REPRESENTATIVE IN GENERAL COURT . . . . . 37<sup>TH</sup> MIDDLESEX DISTRICT  
SHERIFF. . . . . MIDDLESEX COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines. The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A **YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A **NO VOTE** would make no change in current laws regarding gaming.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

**A YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

**A NO VOTE** would make no change in current laws relative to charter schools.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

**A YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

**A NO VOTE** would make no change in current laws relative to the keeping of farm animals.

### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

#### **SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

**A YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

**A NO VOTE** would make no change in current laws relative to marijuana.

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

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

Selectmen of BOXBOROUGH

\_\_\_\_\_  
(Indicate method of service of warrant.)

\_\_\_\_\_, 2016.  
Constable (month and day)

Warrant must be posted by **November 1, 2016**, (at least *seven days prior* to the **November 8, 2016** State Election).





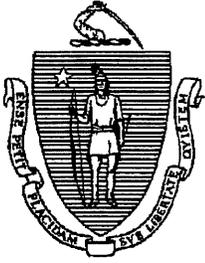
**Internal Communications and Outgoing Communications**  
**October 3, 2016**

1. Copy of letter from Mass. Dept. of Elementary & Secondary Education (DESE) dated September 15, 2016, to Minuteman School Dist. Supt. Ed Bouquillon regarding DESE approval of a "Capital Construction & Renovation Increment" *aka Non-member Town's Capital Contribution.* \*
2. Planning Dept.'s Review Request Notifications#:
  - a. Application filed by Rita McCarthy, 863 Depot Road regarding removal of a "Public" Shade Tree [*on a Scenic Roadway*].
  - b. Concerning properties owned by Phaneuf Realty Trust dba Lawn Barber:
    - i. Application of Phaneuf Realty Trust dba Lawn Barber for a Special Permit to expand a pre-existing nonconforming building (garage) at the 1034 Mass. Ave.
    - ii. Application of Phaneuf Realty Trust dba Lawn Barber appealing the BICAO's Cease & Desist Order of 8/17/16 (use of "hoop house building" at 1034 Mass. Ave.)
    - iii. Application of Phaneuf Realty Trust dba Lawn Barber appealing the BICAO's Decisions cited in 8/10/16 letter to abutter regarding 1034 & 1102 Mass. Ave.
    - iv. Application of Larry White appealing the BICAO's Decisions cited in 8/10/16 letter regarding 1034 & 1102 Mass. Ave.
3. Copy of correspondence from Town Counsel, Atty. Jonathan Eichman KPLaw, dated September 9, 2016, to Land Court Clerk's Office in the matter of Phaneuf, etal V. Town of Boxborough. \* [*Previously included in 9/19/16 List*]

# Previously distributed

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





# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000  
TTY: N.E.T. Relay 1-800-439-2370

Mitchell D. Chester, Ed.D.  
Commissioner

September 15, 2016

Superintendent Edward Bouquillon  
Minuteman Regional Vocational Technical School District  
758 Marrett Road  
Lexington, MA 02421

Dear Superintendent Bouquillon:

I am writing in response to your letter requesting the calculation and approval of a capital construction and renovation increment ("increment") to support Minuteman's proposed new building project. The Board of Elementary and Secondary Education's regulations on career and technical education provide the authority for this increment. The relevant regulatory language reads as follows:

*603 CMR 4.03(6)(b)(4). In instances where there is no tuition agreement in place between sending and receiving districts, the commissioner shall establish tuitions rates for the purposes of M.G.L. c.74, s.7C. In calculating and establishing said tuition rates the commissioner: ... (c) May, in instances where the receiving district has been authorized to operate a facility that serves a high percentage of non-resident students, establish a capital construction and renovation increment to be added to the tuitions paid on behalf of non-resident students attending the school. In calculating any such increments, the Commissioner shall use the actual expenditures for this purpose, as reported by the district for the year for which the non-resident tuition was calculated, divided by the total school enrollment. Students who reside in a city or town that is a member of a district which offers at least five approved vocational technical programs shall not be required to pay more than 75% of the calculated per pupil amount. The capital construction and renovation increment shall not be subject to the cap established in pursuant to 603 CMR 4.03 (6)(b)4.b.*

An approved increment is added to the regular tuition rate for non-resident students admitted under the provisions of G.L. c.74, s.7.

This regulation was adopted in response to a growing demand for high quality career and technical education programs for high school students. There are many such programs currently being offered in comprehensive high schools and regional career and technical high schools, but

because towns are not required to offer career and technical education classes, there are many students who do not have access to a full range of program offerings in their town's high schools. The high cost of building and operating career and technical education facilities; the need for a critical mass of students to efficiently operate many career and technical programs; and the political barriers to the expansion of regional career and technical schools are among the factors that inhibit the growth of quality career and technical programs.

We proposed the capital construction and renovation increment as one possible tool to increase the availability of career and technical programs. The Commonwealth provides significant financial support for the construction and renovation of school buildings through the school building assistance program administered by the Massachusetts School Building Authority (MSBA). In most cases, MSBA projects are sized to accommodate only the expected enrollment from the city or town (in the case of municipal schools) or from the member cities and towns (in the case of regional schools). As a result, most schools can accept only a small number of non-resident students, who occupy empty seats created by normal enrollment fluctuations over time.

We believe that there are some circumstances when it would make sense for a career and technical program to serve a larger geographic area than just the cities and towns comprising its membership. Our current system of school funding discourages such innovative approaches, because the local share of the capital cost is borne entirely by the member towns. The increment is intended to redress that inequity. If we decide that it is in the public interest to build a larger school to accommodate a significant number of non-resident career and technical students – a decision that must be ratified by the district, by the MSBA, and by this Department – then the capital construction and renovation increment provides a mechanism for the non-member municipalities to pay their fair share of the costs.

To be clear, the application of this regulation is intended to be extremely narrow. It does not apply to every school that enrolls some non-resident students and undertakes ordinary building maintenance and improvement projects. It is only relevant in cases where a district undergoes a major new building construction or addition/renovation project *and* is specifically sized to accommodate a *significant* number of non-resident students. As I had previously written to you, I have determined that the proposed Minuteman building project meets this threshold requirement and is eligible for an increment.

Because this is the first project for which an increment has been authorized, I would like to set out the parameters which will govern the calculation of the increment:

- The increment will take effect in the fiscal year in which the new school opens.
- The increment will remain in effect for the duration of the debt service payments, provided that the building remains in use for career and technical education.
- The increment will be calculated for each fiscal year based on the district's scheduled debt service payment for the project for that year. The debt service payment in turn will

depend on the actual amount borrowed for the local share of the project and on the terms of the securities issued for the project.

- The enrollment data used to calculate each fiscal year's increment will be based on the prior year's October 1<sup>st</sup> SIMS report. For the purpose of this calculation, the non-resident enrollment shall only include students admitted pursuant to G.L. c.74, s.7.
- The full increment applies to students from municipalities that do not offer, either in a local high school or through membership in a regional career and technical district or collaborative, at least five approved chapter 74 programs (referred to as "Type A"). Municipalities that do offer at least five approved chapter 74 programs will be charged 75% of the full increment ("Type B").
- The increment is calculated using the following formula:

$$I = D / (R + N_A + .75N_B)$$

where I = full increment

D = annual debt service

R = number of resident students

N<sub>A</sub> = number of non-resident students from Type A municipalities

N<sub>B</sub> = number of non-resident students from Type B municipalities

- The receiving district shall, no later than March 1<sup>st</sup> of each year, submit to the Department its proposed increment calculation for the following fiscal year. The district shall notify all prospective sending municipalities of the amount of the increment no later than one week following the Department's approval of the increment calculation.

As noted above, this calculation will be based on the final borrowing costs for the project as well as the actual enrollment figures reported each year. For this reason, I am unable to definitively say what the increment will be for your project. However, in an effort to provide some additional information in advance of the district vote scheduled for later this month, I have made an *estimate* of the increment based on current project plans and enrollment patterns.

Assuming:

Annual debt service	\$3,450,188
Total school enrollment	624
Number of resident students	371
Number of non-resident students (type A)	75
Number of non-resident students (type B)	178

Then the increment would be:

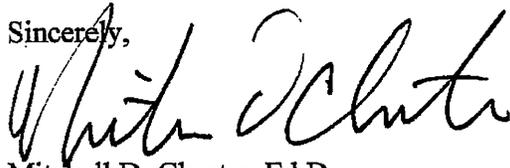
\$5,953 for students from type A municipalities

\$4,465 for students from type B municipalities (75% of the type A increment)

Readers are cautioned that the final calculation will likely vary from this estimate after the project is completed.

I hope this information is helpful to you and to the members of the Minuteman community. If you have any additional questions, please contact me or Deputy Commissioner Jeff Wulfson. I would also appreciate it if you would forward copies of this letter to the members of your school committee and to the boards of selectmen of your member towns. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell D. Chester". The signature is written in a cursive style with a large initial "M".

Mitchell D. Chester, Ed.D.  
Commissioner

# KP | LAW

*The Leader in Public Sector Law*

September 9, 2016

Clerk  
Land Court  
Three Pemberton Square  
Boston, MA 02108

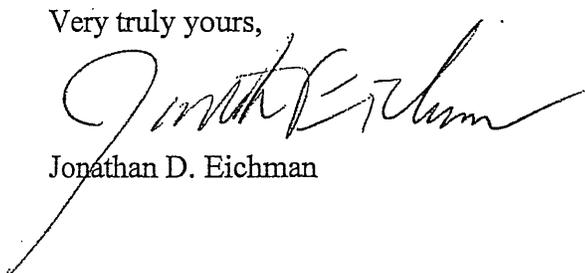
Re: Neil H. Phaneuf, Jr., et al. v. Town of Boxborough  
Land Court No. 16 MISC 000490

Dear Sir/Madam:

Enclosed for filing, please find Answer of Defendant Town of Boxborough and a Certificate of Service in the above-referenced matter.

Please contact me if you have any questions.

Very truly yours,

  
Jonathan D. Eichman

JDE/smm

Enc.

cc: Board of Selectmen  
Louis N. Levine, Esq.  
F. Alex Parra, Esq.

563488/BOXB/0159

BOS-IC \*  
Planner  
BICAO  
TAFite  
101 Arch Street, Boston, MA 02110  
Tel: 617.556.0007 | Fax: 617.654.1735  
www.k-plaw.com  
(10/3)

Jonathan D. Eichman  
jeichman@k-plaw.com

Received  
9-16-2016

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

LAND COURT  
CASE NO. 16 MISC 000490

NEIL H. PHANEUF, JR. and KERSTIN A.  
PHANEUF, TRUSTEES OF PHANEUF  
REALTY TRUST,

Plaintiffs

v.

TOWN OF BOXBOROUGH,

Defendant

ANSWER

Now comes the above-named defendant, the Town of Boxborough (hereinafter, "Town") and answers the numbered paragraphs of the Plaintiffs' Complaint ("Complaint") as follows:

1. The Town is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of the Complaint.
2. Admitted.
3. The Town is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 3 of the Complaint.
4. The Town is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 4 of the Complaint.
5. The Bylaw speaks for itself. Otherwise denied.
6. Denied as to the allegations made in Paragraph 6 of the Complaint.
7. Denied as to the allegations made in Paragraph 7 of the Complaint.

FIRST DEFENSE

The Complaint fails to state a cause of action against the Town upon which relief can be granted.

SECOND DEFENSE

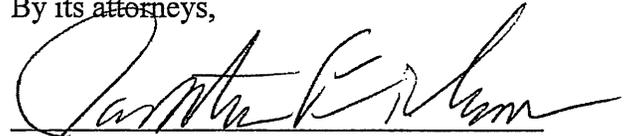
The Plaintiffs' proposed interpretation of the Bylaw is incorrect as a matter of law.

WHEREFORE, the Town demands that the Complaint be dismissed and that judgment be entered in its favor.

DEFENDANT,

TOWN OF BOXBOROUGH,

By its attorneys,



Jonathan D. Eichman (BBO# 641227)

David W. Waterfall (BBO# 657549)

KP Law, P.C.

Town Counsel

101 Arch Street, 12<sup>th</sup> Floor

Boston, MA 02110

(617) 556-0007

[jeichman@k-plaw.com](mailto:jeichman@k-plaw.com)

[dwaterfall@k-plaw.com](mailto:dwaterfall@k-plaw.com)

Date: \_\_\_\_\_

9/8/16

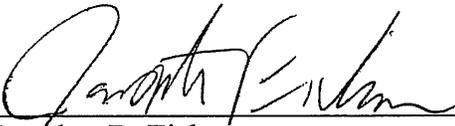
CERTIFICATE OF SERVICE

I, Jonathan D. Eichman, hereby certify that on the below date, I served a copy of the foregoing Answer, by first class mail, postage prepaid, to the following counsel of record:

Louis N. Levine, Esq.  
F. Alex Parra, Esq.  
D'Agostine, Levine, Parra & Netburn, P.C.  
268 Main Street  
Acton, MA 01720

Dated: \_\_\_\_\_

8/8/16

  
\_\_\_\_\_  
Jonathan D. Eichman



## Minutes, Notices and Updates June 6, 2016

### Minutes

1. Conservation Commission minutes for the meeting held August 16, 2016
2. Zoning Board of Appeals minutes for the meeting held September 13, 2016

### Notices

1. Notice of Finance Committee meetings to be held:
  - a. October 3, 2016
  - b. October 17, 2016
  - c. November 14, 2016
  - d. November 28, 2016
  - e. December 5, 2016
  - f. December 19, 2016
2. Town Meeting Study Committee meeting to be held October 5, 2016
3. Legal Notices from the Zoning Board of Appeals for Public Hearings to be held October 4, 2016 concerning the subject property 1034 (Phaneuf R.T.) & 1102 (Smith, et al) Mass. Ave. [Phaneuf dba Lawn Barber]:
  - a. 7:20 PM - To consider an application for a Special Permit to expand a pre-existing non-conforming structure.
  - b. 7:30 PM - To consider an application appealing a BICAO's Aug. 17, 2016 Cease & Desist Order.
  - c. 7:40 PM - To consider an application appealing a BICAO's Decisions issued in his letter of Aug. 10, 2016
4. Enforcement Order issued by the Conservation Commission on September 23, 2016, to Phaneuf Realty Trust regarding the discharge of stone dust contaminated runoff, location identified as 1120 Mass. Ave.\*
5. Certificate of Compliance issued by the Conservation Commission on September 21, 2016, regarding the project site located at 984 Mass. Ave., & Sara's Way. Application filed by Larry White.
6. Notices of Nashoba Associated Board of Health meetings to be held October 6, 2016:
  - a. Executive Committee Meeting – 7:00pm
  - b. Quarterly Meeting – 7:30pm

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





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**WPA Form 9 – Enforcement Order**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**and the Boxborough Wetland Bylaw**

**A. Violation Information**

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Boxborough  
Conservation Commission (Issuing Authority)

Sept. 23, 2016  
Date

To:

Neil Phaneuf Jr. Trustee Phaneuf Realty Trust  
Name of Violator  
1034 Massachusetts Avenue  
Address

1. Location of Violation:

1120 Mass Ave Realty Trust  
Property Owner (if different)  
1034 and 1120 Massachusetts Avenue  
Street Address  
Boxborough 01719  
City/Town Zip Code  
14 002-000  
Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Discharge of stone dust contaminated runoff from the work site continues to flow toward and into the wetland resource area that is the subject of on-going restoration work per an Enforcement Order dated March 22, 2016. Refer to attached Places Associates, Inc. letter dated Sept. 20, 2016 for additional information.

**B. Findings**

The Issuing Authority has determined that the activity described above is ~~in a resource area and/or buffer zone and is~~ in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

_____	_____
Name	Dated
_____	_____
File Number	Condition number(s)

- The Order of Conditions expired on (date): \_\_\_\_\_  
Date
- The activity violates provisions of the Certificate of Compliance.
- The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.
- Other (specify):

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

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_  
Date

for the following:

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

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date \_\_\_\_\_

for the following:

\_\_\_\_\_

\_\_\_\_\_

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

1. Prepare and submit for review an operations and management plan (O&M Plan) for collecting, containing, disposing and/or otherwise handling the runoff such that migration of the stone dust material into the resource area is prevented.
2. The O&M Plan shall be prepared and stamped by a professional engineer registered in Massachusetts.
3. The O&M Plan shall be submitted to the Issuing Authority within 30 days of this Order.
4. The O&M Plan shall be subject to review and approval by the Issuing Authority prior to implementation.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Mary Nadwairski Boxborough Conservation Office

Name

978 264 1722

Phone Number

Monday, Tuesday, Wednesday 9:00 am - 4:00 pm

Hours/Days Available

Issued by:

Boxborough

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

*Dennis W. Reiss*  
 Chair, Baberough Conservation Commission

7015 0640 0001 1375 9829  
 Signature of delivery person or certified mail number

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Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ 1.67

Total Postage and Fees \$ 6.45

Sent To Neil Phaneuf

Street and Apt. No., or PO Box No. 1034 Mass Ave

City, State, ZIP+4® Baberough MA 01719

PS Form 3800, April 2015 PSN 7530-02-000-9047

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Neil Phaneuf Jr  
 1034 Mass Ave  
 Baberough MA 01719



9590 9403 0379 5163 7817 39

2. Article Number (Transfer from service label)  
 7015 0640 0001 1375 9829

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]*  Agent  Addressee

B. Received by (Printed Name) Martin Velez C. Date of Delivery 9-22-16

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

PO BOX 2970  
 ACTON MA 01720

3. Service Type

Adult Signature  Priority Mail Express®

Adult Signature Restricted Delivery  Registered Mail™

Certified Mail®  Registered Mail Restricted Delivery

Certified Mail Restricted Delivery  Return Receipt for Merchandise

Collect on Delivery  Signature Confirmation™

Collect on Delivery Restricted Delivery  Signature Confirmation Restricted Delivery

Insured Mail  Insured Mail Restricted Delivery (over \$500)



# Places Associates, Inc.

Planning, Landscape Architecture, Civil Engineering and Surveying  
Certified WBE

September 20, 2016

Boxborough Conservation Commission  
29 Middle Road,  
Boxborough Ma 01719

via email

Re: Wetland and Buffer Restoration Site Visit ,  
Lawn Barber, Inc - 1034 Massachusetts Avenue  
Project No. 5185

Dear Commission Members:

As requested, this office met Mr. Brian Butler of Oxbow Associates, Inc. and the property owner, Mr. Phaneuf, yesterday, Monday, September 19, 2016 at the above-listed site to review the uplands and wetlands restoration efforts.

1. We entered the site through the principal entrance driveway on the north-westerly corner of the site and walked through the production area to the rear of the site to the area of impact. The site visit occurred shortly after an intense rainfall event and it was drizzling and raining lightly throughout the site visit time period.
2. In conversation with the owner it appears that the covered "hoop house" that houses the splitting operations is being removed to comply with Zoning criteria. Once removed, the stone splitting operations will be conducted open to the sky. As noted below, we are concerned that current operations are creating a siltation "issue" that is currently not controlled. Once the crushing operations are undertaken without cover, it is likely that this situation will be made worse.
3. We observed a pad of ½" to 1" diameter crushed stone at the low point of the upper site. This is where the flow from the upper site exits the site into the remediation area.

In this area (top of hill above the replication area), we did observe "milk-colored" water from the site bypassing some of the erosion controls (deadfall water-bar barriers and straw waddles) on either end of the barriers and additional minor erosion has occurred. The "milk colored" water is an indication that stone dust is being carried again in the water. The erosion extended down-slope some 30'. Some of the water leaving the site had an oil sheen on it. The observed erosion has removed the placed topsoil and the stone dust layer was exposed.

256 Great Road, Suite 4  
Littleton, MA 01460  
(978)486-0334  
places@placesassociates.com

We recommend that the operator of the site address- in a more holistic manner- the operations of the site. It is clear that stone dust is being tracked throughout the tributary area to the wetlands and associated up slope replication area by daily operational activities. Without addressing the overall operations (O&M), it is our belief that issues relative to stone dust sedimentation in rainwater carried runoff will continue to be an ongoing issue.

At a minimum, we recommend that this low-point (at the edge of the pavement) be addressed to provide a permanent structural sediment capture device and perhaps a level spreader to ensure that water leaving the site does so in a controlled manner and to accommodate the ability to regularly maintain the stormwater system. Consideration should also be given to enhance maintenance, paved area sweeping.

4. In general the area of the upland and some of the wetlands remediation has been well stabilized by plantings. The predominant ground cover (~75%±) is Large Barnyard Grass (*Echinochloa crus-gali* (FAC) as identified by Oxbow's staff). While this is classified as a wetlands plant (per the National Wetlands Plant List, State of Massachusetts, 2016 Plant List, US ACOE), it is not appropriate for the replication of the woodlands.

Mr. Butler suggested cutting the grass flush to the ground and covering it this fall with woodland leaf litter. Leaving the roots and stalks of the grass will add to the site's stabilization and organic matter content. Covering the grass with leaf litter will ideally smother some of the grass and allow adjacent vegetation to take hold, mimicking the understory of the area.

Most of the uplands replication plantings are recovering from the drought and are showing adequate growth characteristics. The replacement status of these plants should be re-visited in the Spring after over-wintering.

5. Two small areas of *Phragmites* were observed in the uplands restoration area. They have been marked for removal.
6. Wetlands Replication Area: In the wetlands, open areas that were not vegetated had a thin coating (less than ¼") of the grey stone dust on top of the original soils. This is also indicative that some of the stone dust is migrating to the wetland replication area. Where this occurred, very little emergent growth was observed.

We recommend that these areas be hand raked to expose the underlying top/muck soils and additional wetlands plant specific seeding be applied.

Indigenous wetlands plant species have sprouted in many locations throughout the replication/restoration area.

It is our opinion that the current erosion control measures at the discharge point (top of slope) are not addressing the on-going stone cutting operations and related siltation. Given this area

*Places Associates, Inc.*

256 Great Road, Suite 4  
 Littleton, MA 01460  
 (978)486-0334  
 places@placesassociates.com

is the single low point for much of the stone splitting operations area, we recommend that a structural or more permanent solution be developed. The collection of runoff and the use of flocculants may be warranted in this area if other means are not found to be working.

The replication plantings do not meet the DEP requirements (MASSACHUSETTS INLAND WETLAND REPLICATION GUIDELINES, 2002: BRP/DWM/WetG02-2) and recommend that the Commission keep the Enforcement Order active and open until such time as the site evidences compliance with those standards and survives at least one winter season.

We recommend that Oxbow Associates, Inc. continue to monitor and report the replication areas' status to the Commission on a regular basis.

*Places Associates, Inc.*

256 Great Road, Suite 4

Littleton, MA 01460

(978)486-0334

[places@placesassociates.com](mailto:places@placesassociates.com)

Should the Commission have any additional concerns regarding the site and its operations, we recommend that you reach out to the Planning Board to enable a comprehensive review and assessment of the site operations and impacts.

Please contact this office should you have any questions regarding this review or the project in general.

Thank you.

Very truly yours,  
Places Associates, Inc.  
BY:

*William E. Murray*

William E. Murray, ASLA, APA, CLARB  
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**General Correspondence  
October 3, 2016**

1. Annual Request for Gas Pipelines- Identified Site Information and brochure dated September 9, 2016, from SpectraEnergy.