



# TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

## SELECT BOARD

### Meeting Agenda

January 6, 2020

7:00 PM

Grange Meeting Room, Town Hall, 29 Middle Road, Boxborough, MA

Item #	Estimated Start Time		Action Vote/ Accept & POF
1	7:00 PM	<b>Call to Order</b> Grange Meeting Room, Town Hall, Boxborough, Massachusetts  <i>Select Board meetings have a number of topics and issues that must be discussed and deliberated by the Board. We ask that residents hold their comments until the Board has had the opportunity to get their questions answered. Due to time constraints, the Board may not be able to accommodate comments from all residents on all topics. Please wait to be recognized by the Chair before addressing the Board. We ask that participants be respectful and civil. We thank you for your understanding.</i>	
2	7:00 PM	<b>Announcements</b>	
3	7:05 PM	<b>Approval of payroll and payable warrants</b> Report on approval of payroll and payable warrants (this may not be necessary, depending upon who signs the warrants)	
4	7:10 PM	<b>Minutes</b>	
		a. Executive session, November 18, 2019	ACCEPT & POF
		b. Regular session, November 18, 2019	ACCEPT & POF
		c. Regular session, December 10, 2019	ACCEPT & POF
5	7:15 PM	<b>Citizen's Concerns</b>	
6	7:30 PM	<b>General Business</b> <i>[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]</i>	
		a. <b>Chief Warren Ryder - Police Department Update</b> Police Department Overview of Community Outreach Assignments Including School Resource Officer, Community Services Officer and Senior Affairs Officer.	
7	8:00 PM	<b>Policy Advisory Committee Progress Update</b> <i>A Quorum of the Policy Advisory Committee may be present.</i>	
		a. List of Policies	
		1 Social Media Policy	Possible Vote
		2 Mobile Devices Policy	Possible Vote
		3 Membership and Activities of Appointed Boards Policy	Possible Vote
		4 Fire Station Sign Board Policy	Possible Vote
		5 Verification of Employment Policy	Possible Vote
		6 Flag Flying Policy, newly revised	Possible Vote
		7 Senior Tax Work Off, newly revised	Possible Vote
		8 Veterans Tax Work Off, newly revised	Possible Vote

Item #	Estimated Start Time		Action Vote/ Accept & POF
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**8 8:15 PM Update on Town Boards/Committees/Commissions**

- a. Economic Development Committee - Update on UMass Economic Development Study - TA Ferrara and Member Bak
- b. Boxborough 2030 Master Plan Chair Neyland
- c. Personnel Board - Classification and Compensation Study Update
- d. Report on Sustainability Committee's position on Carbon pricing - Member Stemple

Possible Vote

**9 8:30 PM FY 2021/Annual Town Meeting Preparations**

FY 2021 Budget

Annual Town Meeting - May 11, 2020

*Vote to open the warrant for the annual town meeting which begins on May 11, 2020.*

VOTE:

Discussion of League of Women Voters Memorandum - 2020 Town Meeting Childcare expenses

Possible Vote

**10 8:45 PM Select Board & Town Administrator's reports/updates**

- a. Reports
- b. Massachusetts Municipal Association (MMA) and MIIA Annual Meetings, January 24, 2020  
*Vote to authorize Select Board Member Robert Stemple, as a designee to act as the Town's voting delegate at the MMA and MIIA Annual Meetings to be held on January 25, 2020*  
*NB: MMA Annual Business Meeting (10:15a-11:45a); MMA Election (11:50a-Noon); and MIIA Business Meeting/Luncheon (Noon-1:30p)*
- c. Review of Attorney General's comments on 2019 ATM Article #45 Select Board Nomenclature.

VOTE:

**11 9:00 PM Adjourn**

**Upcoming BSB Meetings:**

**2020:** 1/21/20 (Tues.); 2/10/20; 2/24/20; 3/2/20; 3/16/20; 3/30/20; 4/13/20; 4/27/20; 6/01/20; 6/15/20; 6/29/20; 7/13/20; 7/27/20

**FY 21 Joint FinCom Budget Saturday:** 1/11/20 (Library)

**Boxborough 2020 Joint Planning Bd.:** 1/13/20

**FY 21 Joint Capital Budget Saturday:** 2/8/20 (Library)

**Boxborough Leadership Forum (BLF):** 1/7/2020; 2/11/2020

**2020 ATM Commences:** 5/11/20



SELECT BOARD  
Meeting Minutes  
November 18, 2019  
Grange Meeting Room  
Town Hall, 29 Middle Road, Boxborough, MA

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

**PRESENT:** Maria Neyland Chair; Wes Fowlks, Clerk; Susan Bak, Member; Les Fox, Member; and, Bob Stemple, Member

**ALSO PRESENT:** Ryan Ferrara, Town Administrator

At 6:30 PM Chair Neyland called the meeting to order in the Grange Meeting Room of the Boxborough Town Hall 29 Middle Road, Boxborough Massachusetts

**Executive Session**

Chair Neyland moved to immediately adjourn to executive session in the Grange Room Annex to discuss strategy with respect to the purchase, exchange, lease or value of real property (public water supply resources), and to re-convene in open session in the Grange Meeting Room at approximately 7:00 PM to continue the business on the agenda; noting that to discuss in open session may have a detrimental effect on the negotiating position of the Board. Seconded by Member Bak. **Approved 3-0.** Roll Call Vote: Neyland "aye"; Bak "aye"; and Fox "aye".

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

At 7:10 PM the Board re-convened in Open Session Grange Meeting Room, 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 Neyland read the Announcements.

**Approval of payroll and payable warrants**

- Chair Neyland advised that there is no reason to report on the approval of payroll and payable warrants as a quorum had been available and duly sign pending warrant(s).

**Minutes**

Member Bak moved to approve the regular session minutes of September 28, 2019, Goals Workshop as revised. Seconded by Member Fowlks. **Approved: 5-0.**

The Board passed over review of the regular session minutes of October 21, 2019.

**Update on Town Boards/Committees/Commissions**

- Economic Development Committee (EDC) Chair, Rich Guzzardi was present to provide an update on UMass Economic Development Study: Phase II Presentation. Camille Barchers, Asst. Professor UMass Amherst Landscape Architecture & Regional Planning Program (UMass) was also present. He spoke to a Powerpoint presentation; reviewing EDC's Mission and objectives; the study group's objectives and efforts to date; the consensus points identified in the public feedback provided thus far; and the proposed components to be implemented during Phase II if funding is approved at the Special Town Meeting. The Board provided input including structuring around the Boxborough2030 framework; a summation as to October's EDC Business Breakfast and the feedback on the October 23<sup>rd</sup> Public Forum.

- Chair Neyland reported that she continues to work with Planning Board Chair Markowitz on the intended joint meeting to review and update the Boxborough 2030 Master Plan.
- Member Fox opened the discussion on the Massachusetts House Bill 3507 "Housing Choices Initiative" and the Needham Select Board's request to support this initiative. This bill is still in committee. Input has been requested from the Housing Board and Planning Board. He noted Boxborough's current affordable inventory is holding at 13%. Select Board will hold off on this but continue to discuss once input is received.
- There were no Citizen's Concerns

*The Board took Agenda Item #10, out of order*

**Select Board & Town Administrator's reports**

- TA Ferrara reported that:
  - Route 111 Sidewalk - He has been working with the Town Planner and Engineer to insure that the Route 111 sidewalk project can proceed this spring. They have met with the property owners and had positive conversations concerning the necessary easements. He is working with Town Counsel on the formal language. His objective is to have this completed in time for our Special Town Meeting.
  - Police Department – the Chief has been keeping him informed as to his recruitment efforts. The Chief has identified three individuals for openings; all have experience so no extraordinary training should be necessary. Accordingly, there is discussion on modifying the motion at Special Town Meeting. The Chief also has been in communication with the Personnel Bd. on these efforts.
  - The Website update project is progressing. The ATA has reviewed the issues and efforts are underway to make this happen, including staff training.

*Noting time, the Chair suspended reports to open the public hearing.*

**PUBLIC HEARING**

- At 7:46 PM Chair Neyland moved to open the FY 2020 Tax Classification Hearing - Adoption of Residential Factor. Seconded by Member Fowlks. **Approved: 5-0.** Jennifer Campbell John Fallon & John Markiewicz were in attendance. Town Assessor, Sandy Genna provided a Powerpoint presentation that spoke to his recommendation to the Board. Commercial portion of the real estate tax base continues to decline. There are also several commercial owners that have either been awarded abatements or are currently seeking abatement. There was discussion as the decreasing commercial base, the potential repercussions and why our commercial occupancy continues to decline while it is increasing in surrounding communities. Commercial owners pay more per capita in taxes than an individual homeowner. Increases in residential real estate values could be attributed to demand for the School District and the Town's limited inventory. The Board advised what additional data they would like see in addition to these presentation materials. Assessor Genna explained the various property designations/exemptions available in Massachusetts. He advised that he is recommending a single tax rate and advised that there will be a modest increase to the tax rate of 1.85% placing the rate at \$16.72 per thousand. As there were no further comments from the Board, the Chair opened the floor for questions. Assessor Genna and TA Ferrara addressed the audience queries. As there was no further discussion Chair Neyland moved to close this hearing. Seconded by Member Fox. **Approved: 5-0.**
  - Chair Neyland moved to adopt an Open Space discount of zero (0%) percent. Seconded by Member Fowlks. **Approved: 5-0.**
  - Chair Neyland moved to adopt a Residential Exemption of zero (0%) percent. Seconded by Member Fowlks. **Approved: 5-0.**
  - Chair Neyland moved to adopt a Small Commercial Exemption of zero (0%) percent. Seconded by Member Fowlks. **Approved: 5-0.**
  - Chair Neyland 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 Fowlks. **Approved: 5-0.**

Citizens Concerns was re-opened. Becky Neville inquired about whether another Open Meeting Law complaint submitted by a certain individual. The Board confirmed that the Open Meeting Law complaint had been received.

**Policy Advisory Committee (PAC) Progress Update**

- The Policy Advisory Committee called their meeting to order at approximately 8:41PM.
  - There was a review of the List of Policies and re-direction taken concerning the Social Media Policy.

- C.O.R.I. Policy – This is required by law, the proposed policy is based on the State model and similar to those adopted in other communities. There was discussion as to process; procedures; those authorized to process submissions and submitters rights. Member Bak moved to approve the C.O.R.I. Policy as written. Seconded by Member Fowlks. **Approved: 5-0.**
- Hiring Policy - Several new sections were added to the existing policy. The current version has been approved by the Personnel Board. Some language/terms are taken directly from the FLSA. There was discussion on some sections (e.g. Advertising for Open Positions). There was discussion as to the recruitment/hiring efforts that TA Ferrara had to undertake over the past year. It was determined that the time referenced would be shortened to two weeks. There were additional revisions to some language was suggested. Member Bak moved to approve the Hiring Policy, as revised. Seconded by Member Fowlks. **Approved: 5-0.**
- Alcohol and Drug Free Workplace Policy – This will be a new policy. It was noted that this was provided in proof mode. This has been reviewed by Town Counsel and was approved but not unanimously by the Personnel Bd., as written. Member Bak spoke to the opinions provided by Town Counsel; addressing some of Town Counsel’s concerns. There was discussion as to employees that are prescribed controlled substances and the procedures that the employees need to adhere to in identifying it and requesting it as a reasonable accommodation. The response to an employee’s non-compliance with this policy goes back to general discipline and being capable of performing the job that they have been assigned. Chair Neyland and TA Ferrara will be reviewing this subject with the Fire and Police Chiefs in regards to the collective bargaining units. Member Bak moved to approve the Alcohol and Drug Free Workplace Policy, as written. SB moved to approve as written Seconded by Member Fox. **Approved: 5-0.**

The PAC moved to adjourn their meeting.

#### **December 10, 2019 Special Town Meeting (& Election) Update**

- Moderator John Fallon remained for this discussion. There was a review of possible article presenters and who would be making the initial motions. Motion Powerpoint presentations are due to the TA’s office by December 2<sup>nd</sup>. Warrants should be mailed Thanksgiving week. The Banner is going up on Tuesday.

#### **Select Board & Town Administrator's reports (Continued)**

- Member Fox reported that:
  - The Boxborough Building Committee last met in April and is meeting on Tuesday to review the feasibility study on 1300 Mass. Ave. They will also be working on an analysis of the Stow Rd. property. Both Chiefs are expected to attend.
  - Water Resources Committee has been busy, working with Planner Corson and the MAPC on a mapping project. There is a grant for GIS mapping but it expires at the end of the year. They also continue to work on the water quality concerns. They had numerous discussions over the summer with various parties, including that of water resource sources – e.g. land rights. The consensus from the Board was to support TA Ferrara approaching these land owners to begin these discussions. Fox also noted that was an informational article in the Boxborough Bee about water quality.
- Member Bak reported that the Personnel Board is looking at possibly changing the Town Clerk from an elected to an appointed position. She reviewed the rationale that supports this change and an extremely important position.
- Chair Neyland reported that:
  - She, along with four attendees, were at the forum on the school building project this morning. She noted that there are several recordings related to the building project available on in the BXB-TV library.
  - She confirmed that the Community Preservation Committee hearings are coming up.

#### **Adjourn**

At 9:39 PM Chair Neyland moved to adjourn. Seconded by Member Fowlks. **Approved: 5-0.**





SELECT BOARD  
Meeting Minutes  
Tuesday, December 10, 2019  
Administrative Conference Room - (201B)  
Blanchard Memorial School  
493 Massachusetts Avenue, Boxborough

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

**PRESENT:** Maria Neyland Chair; Wes Fowlks, Clerk; Susan Bak, Member; Les Fox, Member; and Bob Stemple, Member. (arrived at 6:05 PM)

**ALSO PRESENT:** Ryan Ferrara, Town Administrator and Sean Donahue, Assistant Town Administrator

At 6:03 PM, Chair Neyland called the meeting to order in the Administrative Conference Room - (201B), Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, Massachusetts.

**Update on Town Boards/Committees/Commissions:**

- Member Bak discussed the Economic Development Committee (EDC) study and the impacts on the Town. It was pointed out that it will only impact the I-495 area; roughly 20% of the population. The Board discussed the concerns as to the impact taxes have on some residents; vacant office buildings need to be filled; loss of commercial revenue shifts burden to residential taxpayers; possible water issues and implications; these issues may require some creative thinking; many outdated buildings.
- Member Fox reviewed water resource concerns and mentioned conversations with a representative from MassDOT. There was discussion regarding potential next steps related to water needs in the Town.
- Member Bak provided an update on the Classification and Compensation Study from GovHR citing more information would be available following the Personnel Board's next meeting. This data is needed for the FY21 budget process. The Board requested a survey of peer communities for committees' stipends for elected and appointed officials. Town Administrator Ferrara assigned this survey to Assistant Town Administrator Donahue. The Board requested to include Library Board for survey.
- Member Fox gave an update on the Building Committee. There was discussion about a joint committee meeting with the Finance Committee to discuss long-term planning for a future town meeting regarding a new public safety building.

**Special Town Meeting Update**

- Town Administrator Ferrara praised how well the team prepared for Town Meeting. There was a review of the opening comments and motions as well as the articles and overall structure of that evening's Special Town Meeting.
- Town Administrator Ferrara gave an update on the sidewalk easements and the appraiser's cost estimate. There was a discussion of the expenses verses the requested funding in the article.
- There was a general discussion on the motion change concerning payment of prior fiscal year bills. Information was obtained after the printing of the warrant, resulting in the update.

**Adjourn**

At 6:28 PM Member Fox moved to adjourn. Seconded by Chair Neyland. **Approved 5-0.**



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Policy Advisory Committee  
Discussion for Select Board meeting January 6, 2020

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### Intent and Purpose

The Policy Advisory Committee is charged with developing new policies, and reviewing and making suggested revisions to existing policies, with the goal of creating consistency.

### Process

Policies are reviewed with stakeholders as appropriate and voted by the Select Board. With few exceptions, the Select Board is the only Board that has the authority to approve policies for the Town.

### Types of Polices

1. New policy.
2. Existing policies with no material or substantive changes, which are re-formatted and reorganized.
3. Existing polices with material and substantive changes, which are re-formatted and reorganized.

### Policies to Discuss

	<b>Policy</b>	<b>Additional Information</b>	<b>Status</b>
1	<b>Social Media Policy</b>	<b>New policy, new concept.</b> One-way communication on social media platforms that allow it. No comments allowed.	4 <sup>th</sup> read Vote
2	<b>Mobile Devices Policy</b>	<b>New policy requested by the TA.</b> Used a policy from No. Reading as a starting point and blended with the KP law template.  Refers to Electronic Communications for "Prohibited Use".	2nd read Possible vote
3	<b>Membership and Activities of Appointed Town Boards Policy</b>	<b>Existing policy.</b> Simplified the OML and Minutes (Public Records Law) sections of the policy.  Added language on the following topics: Quorum, and an option for Removal from office.	1 <sup>st</sup> read, prior discussion Possible vote
4	<b>Fire Station Sign Board Use Policy</b>	<b>New policy.</b> To manage the use of the 4x8 sign board located at the Fire Station.	1 <sup>st</sup> read Possible vote
5	<b>Verification of Employment</b>	<b>New policy.</b> To ensure consistency and maintain control of the information the Town provides to a current or former employee's prospective employer. Edited and vetted by KP Law.  Personnel Board approved 12/20/2019.	1 <sup>st</sup> read Possible vote

6	<b>Flag Policy</b>	<b>Existing policy.</b> Previously approved. Added a section for residents not buried at South Cemetery.	1 <sup>st</sup> read of additional language. Possible vote
7	<b>Sr. Tax Work-off Policy</b>	<b>Existing policy.</b> Previously approved. Change in annual application and program year dates.	1 <sup>st</sup> read of “date changes”. Possible vote.
8	<b>Veterans Tax Work-off Policy</b>	<b>Existing policy.</b> Previously approved. Change in annual application and program dates.	1 <sup>st</sup> read of “date changes”. Possible vote.

# Boxborough & Select Board Policies

	<b>Policy</b>	<b>Who owns the policy</b>	<b>Date Approved</b>	<b>Current Status as of 12/18/2019</b>
1	Alcohol and Drug Free Workplace	Personnel Board	PB 2/5/2019 Not voted by BSB	Approved by BSB 11/18/2019
2	Americans with Disabilities Act (ADA)	Personnel Board	PB 7/8/2010 BSB 8/23/2010	Approved by BSB 10/21/2019
3	Anti-Discrimination and Harassment Policy (formerly called Discrimination and Harassment Prevention policy)	Personnel Board	PB 08/23/2010 BSB 08/23/2010 PB Rev. 02/23/2016 BSB Rev. 03/07/2016	Approved by BSB 10/21/2019
4	Banner Policy	BSB	BSB 8/18/2015	Approved by BSB 8/26/2019
5	Carry-in Liquor BYOB	BSB	BSB 10/19/2015	Approved by BSB 09/09/2019
6	Cemetery Rules & Policies	Cemetery Commission	Cem Com 5/31/2017 BSB 7/17/2017	Approved by BSB 09/23/2019
7	CORI	Personnel Board	New	Approved by BSB 11/18/2019
8	Electronic Communications Policy (formerly called Email or Telecommunications Systems)	Personnel Board	PB 2/5/2019 Not voted by BSB	Approved by BSB 12/16/2019
9	Entertainment Policy	BSB	BSB 10/1/2008	Approved by BSB 09/09/2019
10	Equal Employment Opportunity & Affirmative Action	Personnel Board	PB 7/28/2010 BSB 8/23/2010	Approved by BSB 10/21/2019
11	Fire Dept. Sign Policy	BSB	New	PAC final. BSB agenda 1/6/2020
12	Flag Policy	BSB	BSB 10/25/2010	Approved by BSB 09/09/2019

	<b>Policy</b>	<b>Who owns the policy</b>	<b>Date Approved</b>	<b>Current Status as of 12/18/2019</b>
13	Fundraising Policy	BSB	New	Approved by BSB 8/26/2019
14	Gift Policy	BSB	BSB 6/5/1989	Approved by BSB 8/26/2019
15	Government Access Channel Operation & use policy	BSB	BSB 2/9/2009	Approved by BSB 10/21/2019
16	Hiring policy	Personnel Board	PB 12/16/2010 BSB 01/10/2011	Approved by BSB 11/18/2019
17	Investment policy	BSB	BSB 11/17/2008	Deferred to calendar year 2020
18	Membership and Activities of Appointed Boards	BSB	BSB 11/27/2006 BSB Rev. 11/16/2015	PAC final. BSB agenda 1/6/2020
19	Mercury Recovery policy	BoH	BoH 12/14/2005	Voted by BoH on 9/25/2019
20	Mobile Devices policy (formerly call Cell Phone policy)	Personnel Board	PB 2/5/2019 Not voted by BSB	PAC final. BSB agenda 12/16/2019 & 1/6/2020
21	Naming of Public Facilities [Placement of Memorials split as #24]	BSB	BSB 12/20/2010	Approved by BSB 12/2/2019
22	Per Diem policy	BSB	BSB 1999	Deferred to calendar year 2020
23	Personal Information Appointed & Elected Officials	BSB	New	Approved by BSB 7/29/2019
24	Placement of Memorials	BSB	BSB 12/20/2010	Approved by BSB 12/2/2019
25	Pregnant Workers Fairness Act	MGL	MGL 7/27/2017	Approved by BSB 10/21/2019
26	Prevention of Violence in the Workplace	Personnel Board	BSB 1/9/2006	Approved by BSB 10/21/2019

	<b>Policy</b>	<b>Who owns the policy</b>	<b>Date Approved</b>	<b>Current Status as of 12/18/2019</b>
27	Procurement Policy & Procedures	BSB	BSB 3/5/2018	Approved by BSB 11/4/2019
28	Project Management Policy	BSB		Approved by BSB 11/4/2019
29	Recycle Products & Procurement Policy	BSB	BSB 8/9/1999	Approved by BSB 10/21/2019
30	Select Board Operations Policy	BSB	BSB 1/5/2015 Rev. 11/19/2018, but not voted by BSB	Approved by BSB 09/09/2019
31	Senior Tax Work-off program	COA	BSB 10/31/2016	Approved by BSB 10/7/2019
32	Separation of Church and State	BSB	New	Approved by BSB 09/09/2019
33	Social Media Policy	BSB	New	PAC final. BSB agenda 12/16/2019 & 1/06/2020
34	Steele Farm Overnight Camping	Steele Farm Advisory Committee	BSB 3/13/2013	Approved by BSB 12/2/2019
35	Storm Damaged Trees	Cons. Com	Cons. Com. 11/2/2011 Cons. Com. Rev. 4/18/2018	Approved by BSB 11/4/2019
36	Street Light Policy: installation and removal	BSB	BSB 2/5/2007	Approved by BSB 11/4/2019
37	Template Policy	BSB	New	Approved by BSB 8/26/2019
38	Town Counsel	BSB	No date	Approved by BSB 7/29/2019
39	Town Hall Application for use of Building and Conditions of use	BSB	BSB 2013	Approved by BSB 9/23/2019
40	Town Hall Key Sign Out (a) Long term (b) Event	BSB	BSB 3/29/1999 BSB Rev. 3/8/2004	Approved by BSB 9/23/2019

	<b>Policy</b>	<b>Who owns the policy</b>	<b>Date Approved</b>	<b>Current Status as of 12/18/2019</b>
41	Town Hall Use Regulations	BSB	BSB 2001	Approved by BSB 10/7/2019
42	Town Meeting Policy	BSB	BSB 3/13/2000	Approved by BSB 8/26/2019
43	Town Seal	BSB	New	Approved by BSB 7/29/2019
44	Vacancy on an Elected Board: Joint Elections	BSB	No date indicated	Approved by BSB 8/26/2019
45	Vehicle Use Policy	BSB	New	Deferred to calendar year 2020
46	Verification of Employment and/or Reference Checks	Personnel Board	New	Personnel Board approved 12/20/2019. On BSB agenda 1/6/2020.
47	Veterans Tax Work Off	BSB	New	Approved by BSB 9/23/2019
48	Wetland Buffer Zones minor maintenance	Cons. Com.	Cons. Com. 4/17/2013 Cons Com Rev. 4/18/2018	Approved by BSB 11/4/2019

Revised 1/1/2020

7a1.



# Social Media Policy

Boxborough Select Board

Town of Boxborough, MA

## Intent and Purpose

This document lists guidelines and policies regarding use of social media for official Boxborough Town purposes and applies to all departments (including all boards, committees, and commissions). The intent of all social media is to provide one-way communication from the Town to the Residents and others.

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## Social Media Definitions

**Social media sites** and **social networking sites** refer to websites that facilitate communication. Social media, in general, includes tools such as: blogs, wikis, and microblogging sites (e.g. Twitter); social networking sites (e.g. Facebook and LinkedIn); video sharing or streaming sites (e.g. YouTube); and bookmarking sites (e.g. Pinterest).

A **social media identity** or **social media profile** is a specific user identity or account that has been registered on a third-party social media site. For example, a specific town department or board.

A **blog** is a website with regular entries of commentary, descriptions of events, or other material such as graphics or video.

An **administrator** is an official, board member, or employee who has been authorized by the Town Administrator or the relevant board who reviews, authorizes, and posts content to a Town of Boxborough social media site or sites.

For the purposes of this document, the term **board** shall be used to refer to boards, committees, and commissions.

The policies in this document apply to all social media tools and platforms.

#### Policy on Social Media

This policy sets forth guidelines for the use of social media sites for official Town purposes, interaction with official sites, and compliance with open meeting laws. Questions regarding use of this Policy should be directed to the Town Administrator. This Policy may be amended from time to time and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Boxborough.

The Town of Boxborough permits departments and boards to utilize social media sites and social networking sites (collectively “social media sites”) to provide information to its residents and various stakeholders in support of Town goals and objectives and for outreach, education, and notification. All social media inquiries should be directed to the Town Administrator or relevant Department Head.

The Records Retention Law of the Commonwealth (G.L.c.4, § 7(26)) requires the Town to preserve records created or received by a Town employee and members of all Town boards. Pursuant to this retention requirement, any posts or messages sent or received via an official state agency page on a third-party website (such as an official agency profile on a social network) will be treated as state governmental records and may be permanently archived. Information submitted voluntarily through social media sites associated with the state agency (where such information is publicly available) must include the contributor’s name and city or town. The substance of anything posted may be disseminated further by being posted or shared on any social media website. Appointed and elected officials of a board may only publicly discuss posted information in an official, posted meeting.

#### One-Way Communication

In order to comply with various laws and statutes regarding Open Meeting Law, Records Retention, and more, any posts made by administrators on Town social media sites where comments are permissible should be posted with the **ability to comment disabled**. Note that some platforms do not allow comments to be disabled; for those platforms, see the section of this document titled Interactions with the Public.

Any user who contacts the administrator should be given information about the next public meeting of the board so that they may attend and have their comments addressed.

## Creating Social Media Accounts

Before becoming public, all new Town social media sites shall be approved by the Town Administrator, acting on behalf of the Boxborough Select Board (BSB). Any social media site for a board or department must have an administrator who is approved by the Town Administrator. Only administrators may post to their respective sites.

Social media administrators must create a strong account password. The administrators shall give the password to the Town Administrator or the TA's designee, to ensure that all accounts can be accessed by the Town in the event of changeover in personnel or volunteers.

In addition to blogs and websites, approved social media platforms include:

- Twitter
- Instagram
- Facebook
- YouTube

The Town Administrator shall approve the creation of any Town social media site using a new platform.

All social media sites shall clearly indicate that any content posted or submitted is subject to public disclosure per the terms of the Open Meeting Law.

## Adherence to Laws

All Town social media sites shall adhere to applicable state, federal and local laws, regulations, and policies, including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law, and other applicable Town policies.

Public Records Law and e-discovery laws and policies apply to social media content. All social media posts are considered part of the permanent record of communication from the Town according to Open Meeting Law. As social media sites could go out of business, merge, change content retention policies, and so forth, posts must be preserved independently of the social media platform site. **Site administrators must comply with Massachusetts' Electronic Records Retention guidelines.**

## Reasons for Deleting Content

The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

Town social media posts containing any of the following shall not be allowed for posting:

- Content not topically related to that particular site, post, or blog article
- Profane, obscene, or vulgar language or content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or active military status
- Content that is threatening or harassing
- Sexual comments and content, or links to sexual content

- Conduct or encouragement of illegal activity
- Information that may tend to compromise the safety or security of the public or public systems
- Content that violates a legal ownership interest of any other party
- Protected health information
- Personnel information (such as information about an employee's performance)
- Personally identifiable information (such as address, email, or social security number)
- Other information that is not public record or is otherwise privileged from public disclosure

In order for the social media identity or site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users. Once something is posted on behalf of the Town, it should stay posted. Only spelling or grammar corrections should be made without making the change evident to users. Any modification of an earlier post must note that the change has been made.

#### Affiliation with the Town

Each Town social media site shall include an introductory statement that clearly specifies the purpose and topical scope of the blog and social media site. Where possible, social media sites should link back to the official Town site for forms, documents, and other information.

Contact information for the chair or the board responsible for the content of the social media site should be clearly provided.

Each Town social media site shall indicate to users that the site is subject to the host platform's Terms of Service. Furthermore, each Town social media site shall indicate that:

- The social media site provider or platform, e.g., Twitter, could collect personal information through a user's use of the social media site.
- This personal information may be disseminated by a third party.
- It's possible such dissemination may not be governed or limited by any state, federal, or local law or policy applicable to the Town.

All social media sites shall clearly indicate they are maintained by the Town of Boxborough and shall have the Town of Boxborough contact information prominently displayed.

#### Posting to Social Media Accounts

Where appropriate, Town IT security and/or computer use policies shall apply to all social media sites and articles.

**Only the administrator of the account or profile may post to or respond to comments on the site.** No other members may post or comment. Discussion between two or more members of a board can be considered a violation of Open Meeting Law. Administrators should not engage in dialog with residents or other commenters.

Officials (elected or appointed) and employees representing the Town via social media sites must conduct themselves at all times as a representative of the Town and in accordance with

all applicable rules, regulations, and policies (including personnel policies) of the Town of Boxborough.

#### Endorsements

No Town or department social media site may endorse (either with approval or disapproval) vendors, suppliers, clients, citizens, co-workers, or other stakeholders.

Posts may not endorse or comment on a warrant article, candidate, ballot question, fundraiser, third party activity, or other types of political endorsements. A post may address logistics of a meeting, election procedures, or other activity to encourage participation, as long as the post does not attempt to influence impending decisions.

For example:

**Permitted:** *At Monday's Town Meeting, a vote on Article X will take place. Please come to Town Meeting to vote on this important issue.*

**Not Permitted:** *Come to Monday's Town Meeting to vote Yes on Article X.*

Posts may not comment about rumors, political disputes, or personnel issues.

#### Legal and Other Content Restrictions

**Copyright Law.** Posts must abide by laws governing copyright and fair use of copyrighted material owned by others. Reprinting of articles or publications is illegal without written permission from the publisher. An excerpt of someone else's work must acknowledge the source, and, if possible, provide a link to the original.

**Conflict of Interest.** Town officials or representatives are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town or any of its employees, as defined by G.L. c. 268A.

**Protect Confidential Information.** Never post legally protected personal information that you have obtained from the Town (e.g., information that is not public record under the Public Records Law, G.L. c.66, §10 and G.L. c. 4, §7(26), or whose dissemination is restricted under applicable Federal or State privacy laws or regulations. Ask permission to publish or report on conversations that occur within the Town. Employees should never post information about policies or plans that have not been finalized by the Town without receiving explicit permission from their Department Head to post draft policies or plans on the department's social media sites for public comment has been received.

#### Interactions with the Public

**Handling Negative Comments.** For social media sites that do not allow disabling of comments, administrators may receive some negative feedback.

Do not engage in any discourse with commenters or posters. If a complaint is made, the administrator should only respond by telling the user the date and time of the next public meeting at which the complaint could be addressed, if necessary or appropriate.

**Use Respectful language.** Do not use ethnic slurs, personal insults, obscenity, threats of violence, or engage in any conduct that would not be acceptable in the department's workplace, or board meetings.

**Use the Social Media Site or Identity Only to Contribute to the Department or Board's Mission.** Contributions to a department or board's social media site should provide worthwhile information and perspectives that contribute to the department or board's mission of serving the public. What is published reflects on the Town.

**Media Inquiries.** Direct all reporters or other media representatives to the Town Administrator.

#### Photography and Digital Recording Policy

Town staff and officials often take photographs and videos at public events to use on social media sites. Attendees and parents/guardians of children who do not wish to be in posted photos are asked to inform the officials in charge of the event. Every effort should be made to avoid photographing people who do not wish to be photographed. Attendees of Boxborough public events are asked to use discretion in photographing and especially in posting photographs of other people's children.

If a photograph of a person or child is inadvertently posted when a parent or guardian does not want it posted, the photo should be removed as soon as the error is noticed. The Town may also request that an internet site remove a photo or video of people at a Boxborough public event should those people (or their parents or guardians) ask that the item be removed.

#### Unaffiliated Accounts

All boards and departments representing the Town in an official capacity must adhere to these guidelines. Any non-official Town group wishing to use social media may not use the Town Seal.

*This policy revokes and replaces all previous policies on this topic.*

7a 2.



# Mobile Devices Use and Safety Policy

PERSONNEL Board and Select Board

Town of Boxborough, MA

## Intent and Purpose

The Town of Boxborough recognizes that certain employees may be required to use mobile devices such as cell phones or tablets to perform their official duties. This policy defines and clarifies the Town regulations on the acquisition and use of such Town issued mobile devices.

## Contents

- Intent and Purpose.....1
- Definitions .....1
- Policy .....1
- Compliance with Laws.....2
- Privacy .....2
- Appropriate Use .....2
- Prohibited Use.....2
- Malware .....2
- Retention and Disposition of Public Records .....2
- Safe Use Practices .....3
- Process .....3
- Phones and Accessories .....3
- Lost, Stolen or Damage to Town-issued Mobile Device.....3
- Violation of Rules .....3

## Definitions

For the purposes of this document, **Department Head** includes the following positions: Town Administrator, Chief of Police, Fire Chief, and the Director of DPW.

## Policy

It is the policy of the Town of Boxborough to ensure the appropriate use of mobile devices that are acquired for those employees who have a reasonable need to facilitate communication and where such communication is frequently hampered by the absence of other suitable telecommunications devices.

Mobile Devices Policy (new)

Personnel Board approved 10/24/2019

PAC edited 12/18/2019

BSB approved xx/xx/2020

## Compliance with Laws

Employees may not utilize the Internet to knowingly violate any state, federal or local law or the laws of any other nation. United States copyright and patent laws may apply to information and material(s) accessed through the Internet, and care should be taken to not violate the copyrights or patents of others on or through the use of the Internet.

## Privacy

There is no expectation of privacy on a Town-issued mobile device. The Town Administrator, TA's designee or Department Head reserves the right to monitor all communications on Town issued mobile devices. This includes call detail records, logs, voicemail messages, data storage, text messages, emails and address books) may be accessed by the department head at any time.

## Appropriate Use

Mobile devices shall not be considered a replacement for the Town's landline phones when the landline phones are secure, convenient, and available.

Any Internet usage on Town issued devices must be for work purposes only (e.g., email, GIS). Except in emergency situations, employee use of either Town-issued or personal mobile devices for personal (non-work-related) purposes during working hours should be limited to incidental matters.

Abuse of a Town-issued mobile device, including excessive or inappropriate use, or damage caused by gross negligence, may result in the loss of the Town issued mobile device and/or discipline.

## Prohibited Use

See the Electronic Communications Policy.

## Malware

After training, all users are expected to undertake precautions to detect malware (including attachments) that are downloaded and/or opened from the Internet, before installation or execution of such files/attachments. Programs imported from other sites to Town devices may not be used unless they have been authorized by the Town Administrator (TA), or the TA's designee and have been subjected to malware detection procedures approved by the TA, or the TA's designee. Users should direct any questions regarding the proper use of virus detection software to the Systems administrator prior to downloading and/or opening any computer files/attachments. From time to time, Town officials may impose additional restrictions or regulations on the importing of remote files, and such restrictions or regulations shall be considered part of this policy.

## Retention and Disposition of Public Records

As public records, the retention and disposition of electronic communications are stipulated by retention schedules issued by the Secretary of the Commonwealth. In addition to retaining the actual text of a message and any attachments, transmission data contained in an email communication (full header information including the sender, addressee, date and time of transmission and receipt, and routing instruction) shall also be retained as part of the record, whether the record is printed out or stored electronically.

## Mobile Devices Policy (new)

Personnel Board approved 10/24/2019

PAC edited 12/18/2019

BSB approved xx/xx/2020

Page 2 of 3

## Safe Use Practices

Employees must follow safe use practices on all Town-issued or personal mobile devices. Mobile devices must be password protected, and employees must exercise caution when sending or reviewing personal information. While driving, employees must follow applicable state laws regarding mobile and hands-free devices.

## Process

Department Heads shall be responsible for evaluating an employee's legitimate business need for a mobile device. The Town Administrator must give final approval.

Once it is determined that a legitimate business need exists, the department head must determine how best to meet that need. Unless there is a large inter-departmental need, employees might use their own personal mobile devices for trivial matters, without reimbursement by the Town.

## Phones and Accessories

Employees are not allowed to add anything to a Town-issued mobile device except for the town-issued protective carrying case.

## Lost, Stolen or Damage to Town-issued Mobile Device

In the event a town-issued mobile device is lost, stolen or damaged, employees must notify their department head, who, in turn, will provide directions for the repair or replacement of the equipment and cancel service as appropriate.

Employees may be financially responsible for the replacement if:

- The equipment lost, stolen or damaged as a result of the employee's gross negligence.
- The equipment is not returned by an employee within a specified period of time and is damaged upon its return.
- The equipment is damaged because the employee failed to adhere to maintenance instructions or operational policies.

## Violation of Rules

Employees are not permitted to access the Town network via their personal mobile devices other than for checking email or for other Town business. As much as possible work computers and devices should be used to access data.

The use of personal mobile devices for non-business purposes is discouraged during working hours but is permitted in the event of an emergency or while employees are on breaks.

Any employee who uses a mobile device in a way that violates this policy or any other Town policy (i.e., harassment, or any applicable federal, state, or local laws) will be grounds for discipline, up to and including termination of employment.

*This policy revokes and replaces all previous policies on this topic.*

Mobile Devices Policy (new)

Personnel Board approved 10/24/2019

PAC edited 12/18/2019

BSB approved xx/xx/2020

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7a 3.



# Membership and Activities of Appointed Town Boards Policy

Select Board

Town of Boxborough, MA

NOTE: Underlined section on page 3 under "Removal from Office" is not a recommendation of the PAC but sample language provided upon BSB request.

## Intent and Purpose

To govern to membership and activities of all Town boards, committees and commission appointed by the Boxborough Select Board.

## Contents\_Toc21604135

- Policy & Applicability .....1
- Composition and Quorum .....1
- Filling of Vacancies .....2
- Resignation from Office .....2
- Associate Members .....2
- Officers .....2
- Removal from Office .....2
- Open Meeting Law [MGL c 30A §18-25] .....3
- Minutes [MGL c 30A §22] .....3
- Conflict of Interest [MGL c 268A] .....4
- Conduct .....4

## Policy & Applicability

The following policy is intended to govern the membership and activities of all Town boards, committees and commissions that are comprised of citizen volunteers appointed by the Select Board, hereinafter referred to as "boards." Should any provision of this policy conflict with the provisions of any general or special law or regulation of the Commonwealth or of any Town bylaw, the terms of the general or special law, regulation or bylaw shall be controlling and shall supersede those of this policy.

## Composition and Quorum

Boards shall be comprised of an odd number of members, whenever possible. When the terms of office of a board are for more than one year, such terms of office shall be so arranged that as nearly an equal

number of terms as is possible will expire each year.

If a board has a variable number of members, the Select Board shall seek input from the board on the desirability to increase or decrease the membership above or below the then current level, at such times when the then-current number of members may become ineffective in fulfilling the board's responsibilities. Additionally, the board may at any time make a recommendation to the Select Board to increase or decrease the current membership.

A quorum shall consist of a majority of the number of members stated in the Town's by-law or the Select Board document establishing the board, not the actual number of members currently serving.

#### Filling of Vacancies

Whenever a vacancy shall occur in the membership of a board, the chair of said board shall forthwith give written notice of such vacancy to the Select Board. The board may recommend to the Select Board in writing a suitable candidate or candidates for appointment to fill the vacated position(s). The Town Administrator shall publish a notice of the vacancy on the Town website and other suitable locations. Interested individuals will be asked to directly contact the Town Administrator who shall bring forward the names to the Select Board for consideration at an upcoming meeting.

#### Resignation from Office

A board member who is no longer able to serve for whatever reason should resign promptly so that the vacancy may be filled. The member shall submit a written resignation to the Town Clerk, with a copy to the Board Chair and the Select Board.

#### Associate Members

Boards appointed by the Select Board may create and fill positions of associate membership as may be appropriate to the board. Such positions are encouraged as they can help develop new prospective candidates for future appointments as voting members, and also provide opportunity for continued participation and continuity with members who have not been reappointed for whatever reason. Associate members appointed by the Boards shall not, however, be entitled to vote on any matter that is before the board. (Associate members that are appointed by the Select Board for some elected Boards can by statute vote in some cases on some matters, e.g. the Planning Board. Alternate members that are appointed by the Select Board for some appointed Boards can by statute vote in some cases on sum matters, i.e. the Zoning Board of Appeals.)

#### Officers

A Board shall annually, at its first regularly scheduled meeting in the fiscal year, select from its membership such officers as deemed necessary by the board; at a minimum, this shall include a Chair and Vice Chair or Clerk. Ideally, boards should rotate membership through their elected offices, with no member serving more than two years in succession in any given office. Boards are encouraged to adopt rotation policies of their own, consistent with the desire expressed herein for a regular change in leadership.

#### Removal from Office

When considering removal from office, the Select Board shall act in accordance with the following procedure:

- a) A written notice of the intent to remove and a statement of the cause or causes therefore shall

#### Membership and Activities of Appointed Town Boards Policy

BSB November 27, 2006, revised November 16, 2015 and January XX, 2020

PAC approved December 18 2019

Page 2 of 4

be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

- b) Within five days following delivery of such notice, the board member may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
- c) Between one and twenty one days after the public hearing is adjourned, or if the board member fails to request a public hearing between six and twenty one days after delivery of the notice of intent to remove, the Select Board shall take final action, either removing the member, or notifying such person that the notice is rescinded.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the term for which such person was appointed has expired.

If a member of a board misses 3 meetings in a row or 3 meetings over a 3 month time frame without sufficient cause, the Chair of that Committee can petition the Select Board to deem that lack of attendance to be a defacto cause for removal.

#### Open Meeting Law [MGL c 30A §18-25]

All members of town boards shall comply with the Open Meeting Law, which in summary requires that:

- a) all meetings of elected or appointed boards and sub-committees shall be open to the public unless falling under one of the ten exemptions for which a board may convene executive session as specified in G.L. c. 30A, §21.
- b) Boards shall deliberate and take action in a public meeting for which members of the public have been provided adequate notice in accordance with the meeting notice requirements of the Open Meeting Law.
- c) Board members shall not use electronic communications and/or telephones to conduct business, deliberate, or otherwise act to circumvent the Open Meeting Law.

The Town Clerk provides newly appointed members of boards with detailed material on the Open Meeting Law and procedures for posting meetings and also provides follow-up material on a regular basis including updates when the law changes.

#### Minutes [MGL c 30A §22]

Boards shall create accurate minutes of open meetings and executive session in a written format. At a minimum, the minutes shall contain the date, time, place, names of members present and absent, a summary of topics discussed on each subject, a list of documents and other exhibits used at each meeting, and an exact record of motions, votes and official actions taken at each meeting. It is not necessary to transcribe the meeting verbatim; rather, the minutes need only provide enough substance to allow readers to understand the nature and status of the matters discussed at the meeting.

Audio and video recordings may be made of meetings, but written minutes must also be prepared. Draft minutes of open sessions are considered public record from the moment that they are created. Open session minutes shall be promptly prepared and accepted in the course of a subsequent meeting of the board, and a copy filed with the Town Clerk, who shall post on the town's website. Executive session

Membership and Activities of Appointed Town Boards Policy

BSB November 27, 2006, revised November 16, 2015 and January XX, 2020

PAC approved December 18 2019

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meeting minutes must be reviewed at reasonable intervals by the Chair to determine whether they should be considered for public release.

#### Conflict of Interest [MGL c 268A]

All appointed board members are subject to the Conflict of Interest Law which ensures that their private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a board member from becoming involved in a situation that could result in a conflict or give the appearance of a conflict. The Town Clerk provides all board members with a Summary of the Conflict of Interest Law provided by the state Ethics Commission. The board members must acknowledge receipt of the Conflict of Interest Law and complete all mandatory training as required by statute. The Select Board may provide additional group training on the Conflict of Interest Law as needed.

The law restricts what a board member may do on the job, after hours, and after leaving public service. It prohibits a variety of actions, including bribery, extra pay, receipt of gifts or privileges because of board members' official actions, and acting as an agent or attorney for anyone in a claim against or doing business with the Town. The law prohibits all board members from participating in a particular matter in which board members and immediate family and partners, business associates and organizations have a financial interest.

The law provides for the legal determination of conflict of interest status for anyone submitting a request to the appointing authority or State Ethics Commission. The law also provides for continued services in certain circumstances if full disclosure is made or a special exemption is granted by the Select Board. If members have any questions about their activities, they should file a written request through the Town Administrator. The response will be in writing and will become a matter of public record.

#### Conduct

Board members shall maintain a professional demeanor when dealing with each other and the public. They shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of their board, or other boards, commissions, committees, staff or the public and shall be courteous to their colleagues and to the public.

Members shall not act arbitrarily to the detriment of any person, group or body and shall have due regard for the rights, duties and proper interests of all others. When making decisions, members shall act lawfully and exercise their discretionary powers impartially, taking into account only relevant matters.

*This policy revokes and replaces all previous policies on this topic including the policy initially adopted by the Board of Selectmen on November 27, 2006 and revised by the Board of Selectmen on November 16, 2015*

7a 4.



# Fire Station Sign Board Use Policy

Boxborough Select Board  
Town of Boxborough, MA

## Intent and Purpose

The purpose of the Policy is to manage the use of the 4' x 8' sign Board located at the Boxborough Fire Station.

## Contents

Intent and Purpose.....	1
Allowable Sponsors .....	1
Approval Authority and Process.....	1
Cost.....	2
Liability .....	2
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## Allowable Sponsors

It is the policy of the Town of Boxborough that only municipal sponsors of Boxborough community, Acton Boxborough Regional School District activities; regional/ collaborative organizations of which Boxborough is a member or non-profit, charitable sponsors may request to use the sign board located at the Fire Station. Example of community activities include: Fifer's Day, Sargent Memorial Library Fundraising Drives, Regional School activities, Garden Club, Town Meeting and election announcements, etc. Examples of uses that are not allowed are those promoting candidates for office, political positions, ballot questions, or those advertising products or services.

Signs related to municipal activities will have priority, e.g., Town Meeting, Holiday Tree Lighting.

## Approval Authority and Process

The Select Board has delegated approval authority to the Town Administrator and/or Town Administrator designee. Before making a request, sponsors must read the Fire Station Sign Board Use Policy on the Town website [boxborough-ma.gov](http://boxborough-ma.gov) or request a copy from the Town Administrator's office.

Sponsors should contact the Town Administrator's designee (Department Assistant at [cmahoney@boxborough-ma.gov](mailto:cmahoney@boxborough-ma.gov).)

Sponsors may apply up to six (6) months in advance of the requested installation date. Requests filed less than fourteen (14) days prior to the requested installation date will not be accepted.

The Town Administrator will act on requests within two (2) weeks of receipt. Space is limited and requests will be reviewed and approved on a case by case basis.

Signs can be hung for no longer than a two-week period.

Sponsors can request approval for signage related to a certain activity more than once in a calendar year. The second and subsequent requests will rank in priority behind other sponsor's requests to hang a sign for the *first* time that calendar year.

There are 2 sides to the sign board:

- a) East (facing Acton)
- b) West (facing Harvard)

The sponsor can request one side or the other or express no preference.

If the requested side is not available, the sponsor will be offered the option of placement on the other side, if available.

A sign can be hung only on one side of the sign board at a time unless otherwise allowed on a case by case exception basis.

Cost

There is no cost for use of the Fire Station sign board.

Liability

The Town assumes no liability related to use of this sign board or for damage to the sign itself. The Town shall not provide any services pursuant to this Policy for the installation or removal of signs.

Installation and Removal

The sponsor is responsible for installation of signs and removing them. No Town personnel will provide any services.

The dimension of the sign cannot exceed the 4' x 8' size of the board itself.

When affixing the sign to the board the sponsor cannot use any nails, screws, tack, or staples to secure it.

The sign shall be removed by the sponsor at the end of the approved two-week period or within 48 hours of the event whichever is applicable.

*This is a new policy.*

7a 5.



# Verification of Employment and Incoming Reference Checks

PERSONNEL BOARD

Town of Boxborough, MA

## Intent and Purpose

To ensure consistency and maintain control of the information the Town provides to a current or former employee's prospective employer.

## Policy

All incoming inquiries about current or former employees, whether in person, mail or any other method, shall be referred to the Town Administrator or the Town Administrator's designee.

The purpose of this policy is to ensure that the process for responding to incoming requests for verification of employment and reference checks is uniform and adhered to by all departments. That process shall be as follows:

1. All requests for information from a prospective employer must be in writing.
2. Only factual information will be provided to the prospective employer in response to such requests and will be strictly limited to the following, as applicable:
  - a. Employee's current job title and salary grade
  - b. Employee's original date of hire
  - c. Dates of employment for a former employee and last position and salary held
3. Neither the Town Administrator nor his/her designee shall comment on an individual's suitability for a position or offer any other opinion regarding the individual being inquired about.
4. In those cases where a current or former employee has signed a waiver which authorizes the Town to release additional information to a prospective employer beyond what is specified above, such waiver shall be forwarded to the Town Administrator to determine the extent to which additional information can be provided to the prospective employer.

At no time shall an employee, Town official or volunteer comment on any aspect of a current or former employee's performance, behavior, reason for termination or provide any other information to a prospective employer on behalf of the Town except as is authorized pursuant to this policy.

*This is a new policy.*



7a6.



# Flag Flying Policy

SELECT Board

Town of Boxborough, MA

## Intent and Purpose

To establish the Town's Policy for Flying of the American Flag including recognition of deceased Town veterans and residents.

## Contents

Location and occasions in general.....1

Responsibility for raising and lowering of Flags.....1

Special event flags .....2

Flags at half-staff: burial at South Cemetery.....2

Flags at half-staff: other .....2

## Locations and occasions in general

- Flags will be flown at all public buildings and cemeteries with flagpoles in Boxborough.
- Flags will be displayed per Title 36 of the United States Code, section 174.
- The flag will be flown on all state, federal and local holidays and in accordance with public law and Executive Directives from the state and federal governments.
- Because the flag is not regularly displayed at the cemeteries, Executive Directives from the state and federal government shall be applicable only to public buildings with flagpoles. Cemeteries shall be excluded from such orders.

## Responsibility for lowering and raising of flags

- The Cemetery Superintendent shall be responsible for ensuring that the flags are taken down and raised at the North and South Cemeteries.
- The Town Administrator shall designate staff to be responsible for taking down and raising the flags at the Town Hall.
- At all other town buildings with a flag, the department head shall be responsible for ensuring that the flags are taken down and raised at their building.

## Special Event Flags

- The Public Works Department shall be responsible for flying flags in the center of Town on selected occasions including, but not limited to, Patriot's Day, Memorial Day, Fifer's Day, and Veteran's Day.

## Flag Flying Policy

PAC revised 12/12/2019

BSB approved 09/09/2019, revised xx/xx/2020

- Generally, these flags will be displayed starting from the intersection of Massachusetts Avenue and Middle/Stow Road and then extending down both sides of Mass Avenue in an easterly and westerly direction and along both sides of Middle and Stow Roads in northerly and southerly direction, contingent upon the number of flags and personnel available to set up the flags. Two flags will also be displayed by “Minuteman rock” near Town Hall and four flags will be displayed in front of Town Hall. This may be adjusted for weather conditions.
- On Memorial Day and Fifer’s Day, flags will be displayed along the length of the parade route as well as two at “Minuteman rock” near Town Hall and four in front of Town Hall.

#### Flags at half-staff: Burial at South Cemetery

- Veterans (current or former residents) - the flag will be flown half-staff for a period of three days: on the day prior to burial, the day of burial and the day after burial.
- Any current or former employee and town officials (elected or appointed) - the flag will be flown at half-staff for a period of three days: the day prior to burial, the day of burial and the day after burial.
- Any resident (present or former) - the flag will be flown at half-staff on the day of burial.
- Whenever a burial is scheduled at South Cemetery, the Cemetery Superintendent will notify the Town Clerk’s Office to determine whether the decedent qualifies to receive the honor of having the flags flown at half-staff and for how long pursuant to the criteria outlined above.
- The Town Clerk’s Office will determine past official status. If the Town Clerk’s office is unable to determine past employment, or it is not possible to determine status on weekends and holidays, the default will be to treat the resident as a current or former employee or town official.
- The Cemetery Superintendent shall notify the Town Administrator, or if unavailable, the Chair of the Select Board, when all details are known and the Town Administrator or Chair of the Select Board shall then inform the Select Board and the department heads at each of the other town buildings with flags.

#### Flags at half-staff: Other

- For those not buried at South Cemetery but for whom it is brought to the attention of the Town Administrator or designee that a current or former resident or employee has died, the Town Clerk can be asked to determine whether the decedent qualifies to receive the honor of having the flags flown at half-staff and for how long pursuant to the criteria outlined in the section above.
- Once the Town Clerk determines their status and reports back to the Town Administrator or designee, a decision can be made if the flags will be flown at half-staff and on which dates.
- If the decision is made that flags shall be flown on half-staff, the Town Administrator or designee shall then inform the Select Board and the department heads at each of the other town buildings with flags.

*This policy revokes and replaces all previous policies on this topic including Flag Flying Policy dated October 25, 2010 and September 9, 2019.*

7a7.



# Senior Tax Work-Off Policy

Board of Selectmen

Contact Boxborough Council on Aging 978-264-1717

Town of Boxborough, MA

## Intent and Purpose

The purpose is to implement and administer the Town of Boxborough's Senior Tax Work-off Program under Massachusetts General Law Chapter 59 Section 5K as adopted by the Boxborough Town Meeting on May 14, 2001, May 15, 2003 and May 10, 2011.

## Contents

Intent and purpose.....	1
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## Policy: General

Participants may be credited with up to 125 hours at the current state minimum wage.

The amount credited, i.e. the abatement, is considered to be income for federal tax purposes (including Social Security and Medicare) but not state tax purposes. A W2 will be generated for all participants.

Seniors shall apply annually no later than October 31 to work in the Senior Tax Work-off year that begins November 1.

In general, work shall be done on municipal property. Any exceptions to this rule, for example work at home or at a school property, must be authorized by the Town Administrator in advance.

Abatements will appear on the third and fourth quarter bills as an adjustment to the tax and will be charged against the Assessor's overlay account.

The number of participants in and the total dollar amount of in the program may be limited by the Select Board.

In order to allow all participants to have an equal opportunity to work, participants shall be called on a rotational basis.

Specialist tasks shall be determined by the Town Administrator based on department heads' recommendations. Specialist tasks will be assigned to qualified service volunteers in a fashion that best suits the needs of the requesting department, and not necessarily on a rotational basis.

Any program records are public records with the exception of the application form consent information.

Policy: Eligibility

Taxpayer must be over the age of sixty by the July 1<sup>st</sup> preceding the start of the program year.

There are no income eligibility requirements.

Taxpayer must reside at the location to which the abatement is being applied.

Taxpayer may receive abatements under work-off program in addition to any property tax exemptions for which they may be eligible.

Taxpayer must have resided in Boxborough for at least 1 (one) year. If both owners of record would like to participate, and only one has been a resident for one year and is otherwise eligible, the other owner shall also be considered eligible.

Parcels with multiple owners - all owners of a parcel may receive abatements under the program if they otherwise qualify. Owners must be listed on tax collector's records as owners.

*This policy revokes and replaces all previous policies on this topic including the policy titled Senior Tax Work-off Program Rules approved by the Select Board on 10/31/2016 and revised 10/7/2019.*

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# Veteran Tax Work-Off Policy

Board of Selectmen

Contact Boxborough Town Administrator 978-264-1712

Town of Boxborough, MA

## Intent and Purpose

The purpose is to implement and administer the Town of Boxborough’s Veteran Tax Work-off Program under Massachusetts General Law Chapter 59 Section 5N as adopted by the Boxborough Town Meeting on May 14, 2013.

## Contents

Intent and purpose.....	1
Policy: General.....	1
Policy: Eligibility.....	2

## Policy: General

Participants may be credited with up to 125 hours at the current state minimum wage.

The amount credited, i.e. the abatement, is considered to be income for federal tax purposes (including Social Security and Medicare) but not state tax purposes. A W2 will be generated for all participants.

Veterans shall apply annually no later than October 31 to work in the Veteran Tax Work-off year that begins November 1.

In general, work shall be done on municipal property. Any exceptions to this rule, for example work at home or at a school property, must be authorized by the Town Administrator in advance.

Abatements will appear on the third and fourth quarter bills as an adjustment to the tax and will be charged against the Assessor’s overlay account.

The number of participants in and the total dollar amount of in the program may be limited by the Select Board.

In order to allow all participants to have an equal opportunity to work, participants shall be called on a rotational basis.

Specialist tasks shall be determined by the Town Administrator based on department heads’ recommendations. Specialist tasks will be assigned to qualified service volunteers in a fashion that best suits the needs of the requesting department, and not necessarily on a rotational basis.

Any program records are public records with the exception of the application form consent information.

Policy: Eligibility

Taxpayers are eligible for the program if they are a veteran as defined in Massachusetts General Laws Chapter 4 Section 7 or are the spouse of a veteran in the case where the veteran is deceased or has a service connected disability.

By vote of the Boxborough Town Meeting on May 14, 2013, an approved representative may participate in the program on behalf of the veteran if the veteran is physically unable to perform the work. The term "approved representative" is not defined in Massachusetts General Law. Pursuant to this policy, designation of an approved representative is subject to the discretion of the Town Administrator or his/her designee and also subject to any relevant Federal and State laws.

There are no income eligibility requirements.

Taxpayer must reside at the location to which the abatement is being applied.

Taxpayer may receive abatements under work-off program in addition to any property tax exemptions for which they may be eligible.

Parcels with multiple owners - all owners of a parcel may receive abatements under the program if they otherwise qualify. Owners must be listed on tax collector's records as owners.

*This policy revokes and replaces all previous policies on this topic including the policy titled Veteran Tax Work-off Policy approved by the Select Board on 9/23/2019.*

Town Meeting Budget Warrant Article Calendar  
FY 2020

January

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		Holiday	2 CPC Votes on Projects to Recommend	3	4
6	7	8	9	10	11 *Budget Saturday* BSB & FinComm review budgets
13	14	15	16	17	18
Holiday	21	22	23	24	25 School Budget Workshop (pending)
27	28	29	30 FinComm Budget Revision Deadline	31	

February

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3 Planning Board Public Hearing Zoning Bylaws	4	5 ATM Articles Due (Scope)	6 CPC Draft Articles	7	8 *Capital Saturday* BSB & FinComm review Capital Plan & Articles
10 *Final Votes on Budget Due	11	12 School Committee Budget Hearing	13	14	15
Holiday	18	19 Final Article Details, Specifications & Quotes Due	20	21	22
24 *BSB Closes Warrant	25	26	27	28	29

Town Meeting Budget Warrant Article Calendar  
FY 2020

March

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2 BSB Public Hearings (incl Personnel) & Final Article Votes Due	3	4 Final Article Summaries Due	5	6	7
9	10	11 Recommendations Due on All Articles for Printing in Warrant	12	13	14
16 BSB / FinComm joint Funding Sources	17	18	19	20	21
23	24 FinComm Report Due	25	26	27	28
30 BSB Signs Warrant	31				

April

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4
6	7	8	9	10	11
13	14	15	16	17	18
Holiday	21	22	23	24 Warrant Mailed	25
27	28	29 Presentations Due	30		

Town Meeting Budget Warrant Article Calendar  
FY 2020

May

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2
4	5	6	7	8	9
11 <i>ATM Begins</i>	12	13	14	15	16
18	19 Town Election	20	21	22	23
Holiday	26	27	28	29	30



9

#\*

December 19, 2019

To: John Mangiaratti, Acton Town Manager  
Ryan Ferrara, Boxborough Town Administrator

From: Kristina Rychlik, League of Women Voters – Acton Area

Cc: Acton Board of Selectmen  
Boxborough Select Board  
Steve Noone, Acton Town Meeting Improvement Committee  
Peter Light, Superintendent, ABRSD

Dear John and Ryan –

As you know, the League just ran successful childcare programs at both Acton and Boxborough Special Town Meetings on December 10.

We are happy to coordinate a similar service at your town’s upcoming Town Meeting in April or May if you will agree to cover the costs. We believe that this service should be considered a part of the cost of holding town meetings, and that the League cannot afford to continue to finance what we believe should be a town service.

Details of the program costs for 12/10/19 are below. A total of 34 children, 17 at each site, were cared for by CORI’d district teachers. I expect costs would be similar for spring 2020.

**Town Meeting Childcare Expenses**

	<b>Acton</b>	<b>Boxborough</b>
DVD	\$19.96	\$19.96
Model Magic (craft supplies)	\$34.29	\$34.29
Gift cards for sitters	\$150.00	\$150.00
flyers (Conant/Gates)	\$99.00	
Movie site license		\$250.00
<b>Total cost by Town</b>	<b>\$303.25</b>	<b>\$454.25</b>

If you are interested, please let me know by January 15, 2020.

Many thanks,

Kristina Rychlik on behalf of  
The League of Women Voters – Acton Area



10b



**MEMORANDUM**

**TO:** MIIA Members  
**FROM:** Geoffrey Beckwith, President, MIIA  
**DATE:** December 19, 2019  
**SUBJECT:** Report of the Nominating Committees

---

It is once again time to select nominees for Directors of the Massachusetts Interlocal Insurance Association, Inc. and the MIIA Property and Casualty Group, Inc. The members for these Boards will be elected at the MIIA Annual Meeting on January 25, 2020.

The Property and Casualty Group, Inc. is the corporation that provides members with insurance coverages. The Massachusetts Interlocal Insurance Association, Inc. is the designated administrator for the organization. Your municipality is a voting member of both corporations.

Enclosed you will find the Nominating Committee Report for each of the above-mentioned organizations, a Nominating Form for each in case you wish to nominate someone else as a Director of one or more of the organizations, and a form to specify who is your "voting delegate." Please read the enclosed Requirements for Voting prior to completion of the Voting Delegate Designation Form and return that form to us as soon as possible.

We look forward to seeing you at the Annual Meeting.





## MEMORANDUM

TO: MIIA, Inc. Members

FROM: **MIIA Inc. Nominating Committee:**  
Geoffrey Beckwith, Paul Cohen, Leon Gaumond, Blythe Robinson and  
Kenneth Walto

DATE: December 18, 2019

SUBJECT: Nominating Committee Report

---

MIIA is again calling on its members to participate in electing officials to serve on the Massachusetts Interlocal Insurance Association, Inc. Board of Directors. The Board is responsible for approving and directing the overall policies of the MIIA programs. This is an important task since MIIA has a combined membership of more than 350 members for the health, property and liability, and workers' compensation insurance programs.

At the MIIA Annual Meeting to be held on January 25, 2020, members will elect two individuals to fill three-year terms to expire in January 2023. The Nominating Committee respectfully submits the following candidates for nomination as members of the Board.

For three-year terms expiring January 2023:

**Ellen Allen, Selectman, Norwell** – Ellen Allen has served on the Norwell Board of Selectmen for eight years and is the current Chair. Previously she was a member of the town's Advisory Board. She serves as the President of the MMA and is in her seventh year on the MSA Board. Previously Ellen served for six years as the Chair of the Plymouth County Advisory Board, where she is still a member of the Executive Board. Additionally, she serves on the Board of Trustees of the James Library & Center for the Arts, as well as Norwell Visiting Nursing Association Works subsidiary. Ellen has held leadership roles in the Norwell Women's Club and on school PTOs and School Improvement Councils. Ellen has a B.A. in Government from the College of William & Mary and a Master's Degree from Georgetown University's School of Foreign Service. Prior to her time volunteering in town government, Ellen worked in corporate banking.

**Bill Keegan, Town Manager, Foxborough** – William Keegan has served in local government for over thirty-six years including serving as Town Administrator in Dedham and Seekonk. He currently serves on the Board of Directors for MIIA Inc., MIIA Property and Casualty Group, Inc., MIIA Health Benefits Trust, MIIA Reinsurance Company, and MIIA Health Benefits Trust Reinsurance Company.

**Continuing Members:**

**Paul Cohen, Town Manager, Chelmsford;** and **Blythe Robinson, Town Administrator, Norfolk** will continue to serve in three-year terms until 2021. **Leon Gaumond, Town Manager, Weston;** and **Ken Walton, Town Manager, Dalton** will continue to serve in three-year terms until January 2022.

Enclosed are the Requirements for Voting document and a Voting Delegate Designation form to help us prepare for the voting. MIIA would greatly appreciate you designating the voting delegate for your municipality. Also enclosed is a Nominating Form, should you wish to nominate another candidate.

Please contact Stan Corcoran at 617-426-7272 ext. 244 if you have any questions on the election process.

**MIIA, INC.**

**NOMINATING FORM**

If you are an eligible voting delegate and wish to nominate someone other than the nominees listed in the committee's report, who is also an eligible voting delegate, please indicate the person's name in the space below. The nomination ballot must be received by January 13, 2020, twelve (12) days prior to the Annual Meeting.

---

I WISH TO NOMINATE THE FOLLOWING PERSON TO SERVE AS DIRECTOR OF MIIA, INC.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City/Town: \_\_\_\_\_

Biographical Data: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Voting Delegate of \_\_\_\_\_  
Name (*please print*) (City/Town)

\_\_\_\_\_  
Signature

\*\*\*\*\*

Please return this form by January 13, 2020 to:

Stanley J. Corcoran  
Executive Vice President  
Massachusetts Interlocal Insurance Association  
One Winthrop Square  
Boston, MA 02110  
FAX: (617) 426-9546



## **REQUIREMENTS FOR VOTING**

The requirements for voting are detailed in the by-laws of each organization. In summary:

Each member shall have one vote which may be cast only by its voting delegate. The following individuals are eligible voting delegates.

1. In the case of a city or a town with a city form of government, (a) its chief executive, or (b) a person designated in writing by such chief executive;
2. In the case of all other towns, (a) the Chairman of its Board of Selectmen, (b) another Selectman designated in writing by such Chairman, or (c) the Manager designated in writing by such Chairman.

Voting in person is required for the election of the Board of Directors. All voting will be by a vote of hands, unless a roll call is requested by three or more voting delegates.

The nominees receiving the greatest number of votes shall be deemed elected as directors and shall commence their terms at the conclusion of the meeting.

If you are a voting delegate and wish to nominate another person as a director, such nomination must be received in writing no later than January 13, 2020 twelve days prior to the Annual Meeting. Enclosed is a nomination form for this purpose.



**VOTING DELEGATE DESIGNATION FORM**

The voting delegate for the City/Town of Boxborough

is Robert Stemple  
(Name) (Please Print)

Select Board

\_\_\_\_\_  
Maria Neyland, Chair  
Boxborough Select Board

\*\*\*\*\*

Please return this form by January 13, 2020 to:

Stanley J. Corcoran  
Executive Vice President  
Massachusetts Interlocal Insurance Association  
One Winthrop Square  
Boston, MA 02110

or FAX to:  
(617) 426-9546

## MEMORANDUM

TO: Property and Casualty Group Members

FROM: **MIIA Property and Casualty Group, Inc. Nominating Committee:**  
Geoffrey Beckwith, Blythe Robinson, Kenneth Walto

DATE: December 19, 2019

SUBJECT: Nominating Committee Report

---

Three members of the Board of Directors of the MIIA Property and Casualty Group, Inc. are to be elected this year for two-year terms expiring in 2022. The Nominating Committee respectfully submits the following candidates for nomination as members of the Board.

For two-year terms expiring January 2022:

**Paul Cohen, Town Manager, Chelmsford** – Paul Cohen has served in local government for 30 years. He has been in his current position as Town Manager in Chelmsford since 2006. Prior to assuming this position he was the Town Administrator of Harvard. He currently serves as Chairman on the Board of Directors for MIIA Inc., MIIA Property and Casualty Group, Inc., MIIA Health Benefits Trust, MIIA Reinsurance Company and MIIA Health Benefits Trust Reinsurance Company.

**William Keegan, Town Manager, Foxborough** – William Keegan has served in local government for over thirty-six years including serving as Town Administrator in Dedham and Seekonk. He currently serves on the Board of Directors for MIIA Inc., MIIA Property and Casualty Group, Inc., MIIA Health Benefits Trust, MIIA Reinsurance Company and MIIA Health Benefits Trust Reinsurance Company.

**Leon A. Gaumond, Jr., Town Manager, Weston** – Leon Gaumond has served in local government since 2002. He was appointed Town Manager of Weston in 2018. Prior to his current position he has served as the Town Administrator in Sturbridge, Town Administrator in West Boylston, and Executive Secretary in East Longmeadow. Previously he worked for the Massachusetts House of Representatives for over ten years. Mr. Gaumond currently serves on the Board of Trustees for MIIA, Inc.

**Continuing Members:**

**Blythe Robinson, Town Administrator, Norfolk; Ellen Allen, Selectman, Town of Norwell; and Kenneth Walto, Town Manager, Dalton** will continue to serve in two-year terms expiring in January 2021.

Enclosed are the Requirements for Voting and a Voting Delegate Designation Form to help us prepare for the voting. MIIA would greatly appreciate your designating the voting delegate for your municipality. Also enclosed is a Nominating Form, should you wish to nominate another candidate.

Please contact Stan Corcoran at 617-426-7272 ext. 244 if you have any questions on the election process.

**MIIA PROPERTY AND CASUALTY GROUP, INC.**

**NOMINATING FORM**

If you are an eligible voting delegate and wish to nominate someone other than the nominees listed in the committee's report, who is also an eligible voting delegate, please indicate the person's name in the space below. The nomination ballot must be received by January 13, 2020, twelve (12) days prior to the Annual Meeting.

---

I WISH TO NOMINATE THE FOLLOWING PERSON TO SERVE AS DIRECTOR OF  
MIIA PROPERTY AND CASUALTY GROUP, INC.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

City/Town: \_\_\_\_\_

Biographical Data: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Voting Delegate of \_\_\_\_\_  
Name (please print) (City/Town)

\_\_\_\_\_  
Signature

\*\*\*\*\*

Please return this form by January 13, 2020 to:

Stanley J. Corcoran  
Executive Vice President  
Massachusetts Interlocal Insurance Association  
One Winthrop Square  
Boston, MA 02110  
FAX: (617) 426-9546

**VOTING DELEGATE DESIGNATION FORM**

The voting delegate for the City/Town of Boxborough

is Robert Stemple  
(Name) (Please Print)

Select Board

\_\_\_\_\_  
Maria Neyland, Chair  
Boxborough Select Board

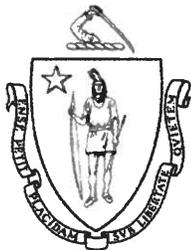
\*\*\*\*\*

Please return this form by January 13, 2020 to:

Stanley J. Corcoran  
Executive Vice President  
Massachusetts Interlocal Insurance Association  
One Winthrop Square  
Boston, MA 02110

or FAX to:  
(617) 426-9546

10c



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

December 16, 2019

Elizabeth A. Markiewicz, Town Clerk  
Town of Boxborough  
29 Middle Road  
Boxborough, MA 01719

**Re: Boxborough Annual Town Meeting of May 13, 2019 – Case # 9611  
Warrant Article # 48 (Zoning)  
Warrant Articles # 45 and 46 (General)**

Dear Ms. Markiewicz:

**Articles 45, 46, and 48** - We approve Articles 45, 46, and 48, and the map amendments related to Article 48, from the May 13, 2019, Boxborough Annual Town Meeting. We will return the approved map to you by regular mail. Our comments regarding Article 45 are provided below.

**Article 45** - Article 45 amends the Town’s general by-laws to substitute the terms “Select Board” and “Select Board Member” for “Board of Selectmen” and “Selectmen,” respectively, wherever they appear in the Town’s general by-laws. More specifically, the vote under Article 45 provided as follows:

moved that the Town amend the General Bylaws of the Town by substituting the term “Select Board” for “Board of Selectmen” and “Select Board Member” for the word “Selectmen” in each and every place either one appears in the bylaws and all other town related documents, policies, and procedures. Further that the word “their” is substituted for the words his, her, or his/her in each and every place where they appear in the Town’s General Bylaws and all other town related documents, policies and procedures. Henceforth, the Board of Selectmen shall be known as the Select Board, and its members as Select Board Member.

Article 45 amends the Town’s general by-laws to use gender neutral terms. However, Article 45 also requires the use of gender-neutral terms in “all other town related documents, polices, and procedures.” It is unclear what “other town related documents, policies, and procedures” the Town is referring to. Therefore, while we approve Article 45, we offer the following comments for the Town to consider and to discuss with Town Counsel.<sup>1</sup>

<sup>1</sup> In a decision issued on May 22, 2018, to the Town of Hull we offered similar comments.

A. General Laws Chapter 39, Section 10's Requirements

General Laws Chapter 39, Section 10, provides citizens with the right to require subjects be included in a Town Meeting Warrant. If a warrant article is properly petitioned under G.L. c. 39, § 10, the article must be placed on the Warrant. Thus, Article 45 cannot require a citizen's petition article to include certain terms or language.

B. Separation of Powers

Article 45 could be construed as an invalid directive from the legislative branch (Town Meeting) to the executive branch (the Board of Selectmen) on matters within the exclusive authority of the executive branch: the authority of the Board to draft its own documents and communications. Town Meeting serves as "the legislative body for the town." Conroy v. Conservation Commission of Lexington, 73 Mass. App. Ct. 552, 558 (2009). As such, Town Meeting is "vested the traditional powers of the legislative branch of any level of government, i.e. the power to make laws (by-laws) and the power of the purse." Wright v. Town of Bellingham, 2007 WL 1884657 (Mass. Land Ct.), quoting *Town Meeting Time*, 2d Ed. 1984. However, there are restrictions placed on the legislative power of Town Meeting. A legislative body cannot interfere with the executive branch on a matter which is in the exclusive authority of the executive branch. See Anderson v. Board of Selectmen of Wrentham, 406 Mass. 508 (1990) (Selectmen not bound by Town Meeting vote purporting to establish the Town's rate of contribution for group insurance benefits); Russell v. Canton, 361 Mass. 727 (1972) (Town Meeting could authorize the Board of Selectmen to take land by eminent domain, but could not direct how much land was to be taken); Breault v. Auburn, 303 Mass. 424 (1939) (Town Meeting vote directing board of health to hire an employee was ineffective because hiring power was solely conferred on board); Lead Lined Iron Pipe v. Wakefield, 223 Mass. 485 (1916) (Town Meeting vote directing the board of selectmen to hire an engineer was void). Massachusetts courts have long recognized that "when a board of selectmen is acting in furtherance of a statutory duty, the town meeting may not command or control the board in the exercise of that duty." Anderson v. Board of Selectmen of Wrentham, 406 Mass. 508, 512 (1990). The Town may wish to consult with Town Counsel with any questions on this issue.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

by: Kelli E. Gunagan, Assistant Attorney General  
Municipal Law Unit  
Office of the Attorney General  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
508-792-7600

cc: Town Counsel John W. Giorgio





**Internal Communications and Outgoing Communications  
January 6, 2020**

1. Copy of Powers & Sullivan, LLC's Management Letter to the AB Regional School District reporting on their audit of the District for FY 19.
2. Memorandum from League of Women Voters, Kristina Rychlik dated December 19, 2019, to Acton Town Manager and TA Ferrara regarding cost of childcare for the 2020 Annual Town Meeting. #\*
3. Letter from TA Ferrara, dated December 30, 2019, the Alcoholic Beverages Control Commission reporting the status of licenses for 2019.
4. Copy of letter from the Assistant District Attorney, Kelli Gunagan, dated December 16, 2019, regarding the Attorney General's review of the 2019 ATM Bylaw Article.\*
5. Email notification on behalf BSB Chair Neyland and Planning Bd. Chair Markowitz, dated December 17, 2019, Boborough2030 Master Plan Implementation Update.
6. Copy of cover letter from Stamski & McNary on behalf of the AB School District, dated November 7, 2019 to the Zoning Board of Appeal on the Blanchard Memorial School expansion of the paved surfaces.

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

*# Indicates that the item had been previously distributed.*



## Minutes, Notices and Updates January 6, 2020

### Minutes

1. Boxborough Affordable Housing Trust minutes for their meetings of: 01/11/19 and 2/20/19
2. Policy Advisory Committee minutes for their meetings of: 12/12/19; and 12/16/19

### Notices

1. Notice of a Personnel Board meeting held December 20, 2019
2. Notice of a Library Board of Trustees meeting held December 18, 2019
3. Notice of a Community Preservation Committee meeting held January 2, 2020
4. Notices of Policy Advisory Committee meeting held:
  - a. January 2, 2020
  - b. January 6, 2020
  - c. To be held January 8, 2020
5. Notice of a Planning Board meeting to be held January 6, 2020
6. Notices of Acton-Boxborough Cultural Council meetings to be held January 6, 2020:
  - a. Regular meeting
  - b. Sub-committee [film] meeting
7. Boxborough Leadership Forum to be held January 7, 2020
8. Notice of a Sustainability Committee meeting to be held:
  - a. January 8, 2020
  - b. January 13, 2020
9. Notice of a Finance Committee meeting to be held January 13, 2020
10. Notice of a Steele Farm Advisory Committee meeting to be held January 22, 2020
11. A-B School District related meeting - AB SEPAC held December 18, 2019
12. Legal notice from the Zoning Board of Appeals for a Public Hearing on January 7, 2020 for the Blanchard School increase impervious surface.
13. Legal Notice - Invitation for Bids (Re-Bid) Veterans' Tribute Stonework and Bronze Plaques.
14. **Public Hearing Notices/Decisions from surrounding towns:**
  - Acton – Planning Bd.** – Legal Hearing Notice for January 21, 2020 – Preliminary Subdivision Permit, Applicant – Marc Kuta, 46 High Street
  - Board of Selectmen** - Notice of Decision Special Permit # 10/31/19 – 477; Lord Krishna LLC, Property located at 71 Hosmer Street.
  - Harvard – Planning Bd – Decision** on Application of Dana Fairbanks property located at 133 Brown Rd.
  - Littleton - Planning Bd.** – Legal Hearing Notices for January 9, 2020, Special Permit Applications of:
    - NBP II Littleton LLC for the property located at 151 Taylor Street.
    - Taylor St. Littleton Trust for the property located at 225 Taylor Street



**General Correspondence  
January 6, 2020**

1. Postcard from Nationalgrid "*Don't rely on your nose along to detect a gas leak*"