



# TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

SELECT BOARD  
Meeting Agenda  
Monday, October 19, 2020  
6:30 PM  
Conducted via a ZOOM Event

*Revised*  
**10/16/2020**  
**4:00 PM**

Item #	Estimated Start Time	Action Vote/ Accept & POF
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*This meeting is being conducted via Remote Participation, pursuant to the Current Executive Order. See the end of this Agenda for remote participation instructions for the Regular Session portion of this meeting*

1. **6:30 PM Call to Order via ZOOM pursuant to the procedures noted above.**
  - a. **Executive Session** - Vote to adjourn to conduct an executive session via a separate ZOOM event, and to reconvene in Open Session after completion of the Executive Session:  
*Per C30A §21 (a), subsection 3  
to conduct strategy sessions in preparation for negotiations with nonunion personnel (Town Administrator), per C30A §21 (a)  
if open meeting may have a detrimental effect on the government's bargaining or litigating position,*

**ROLL CALL VOTE**
2. **7:00 PM Reconvene in Open Session- Call to Order via ZOOM pursuant to the procedures noted above.**

*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.*

*[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]*
3. **7:01 PM Announcements**
4. **7:10 PM Approval of payroll and payable warrants**
5. **7:15 PM Minutes**
  - a. August 24, 2020 - Open Session
  - b. September 2, 2020 - Executive Session

**ACCEPT & POF**  
**ACCEPT & POF**
6. **7:20 PM Citizens Concerns**
7. **7:30 PM General Business**

**Acceptance of a Grant for the planning and organization of a safe and secure election**  
*Pursuant to the recommendation of the Town Clerk, vote to accept a grant for \$5,000, from the Center for Tech and Civic Life for the purpose of planning and operationalizing safe and secure election administration in Boxborough Town in 2020*

**ROLL CALL VOTE**
8. **7:40 PM Update on Town Boards/Committees/Commissions**
  - a. Establishing a Cable Television License Renewal Committee - R. Ferrara
  - b. Update Boxborough 2030 - November 9th Joint Planning Board Review - Fowlks
  - c. Follow up discussion - EDC/UMass LARP program - Stemple
  - d. Review of Proposed FY22 Budget/Annual Town Meeting schedule - R. Ferrara
  - e. Diversity Equity and Inclusion Committee Updates - W. Fowlks
  - i. *Vote to approve revision(s) to the Diversity Equity and Inclusion Committee Charge, initially approved October 5, 2020, to change to "...no more than 10 members", as presented/revise*

**ROLL CALL VOTE**

- Vote to appoint to the Diversity Equity and Inclusion Committee for a three year term effective immediately and ending on June 30, 2023\*, the following: Nora Michnovetz, Song Issah, Mary Sullivan, Lovingsky Jasmin, Peishan Bartley, Lakshmi Kaja, Olivia Jones, Amy Bowman Osenar, John Fallon and Wes Fowlks*

**ROLL CALL  
VOTE**

*\*NB: Per Charge: Terms shall be staggered, after the initial appointment.*

**9. 7:55 PM Select Board Goals and Objectives in the year ahead**

**Action Items - Review**

- i. Communication and Marketing Plan Update - M. Neyland

**10. 8:10 PM Personnel Updates**

- a. *Vote to appoint William Morehouse as Town Electrical Inspector, effective November 15, 2020 through June 30, 2021, due the retirement of Electrical Inspector, Charles Weeks*
- b. *Vote to appoint Richard Flannery, as Alternate Plumbing and Gas Inspector, effective October 20, 2020 through June 30, 2021.*
- c. Review of the status of SAFER grant (Fire Department) and next steps regarding staffing - Chief Fillebrown
- d. Follow up discussion - Town Clerk's pending retirement, scheduled for June 2021, and steps to fill this position - R. Ferrara
- e. Status of personnel vacancies/recruitment - R. Ferrara

**ROLL CALL  
VOTE**

**ROLL CALL  
VOTE**

**11. 8:25 PM Select Board & Town Administrator's reports/updates**

- a. FY 21 Goals
- b. COVID-19 Status Update
- c. Reports

**Executive Session - Vote to adjourn to conduct an Executive Session via a separate ZOOM event, the Select Board will not be reconvening in Open Session after completion of the Executive Session:**

**12. 8:45 PM**

- a. *Per C30A §21 (a), subsection 3 to conduct strategy sessions in preparation for negotiations with nonunion personnel (Town Administrator), per C30A §21 (a) and not to reconvene in Open Session after completion of the Executive Session. Note meeting will include only members of the Town Administrator Contract Subcommittee and Town Administrator will be participating in the Executive Session.*

**ROLL CALL  
VOTE**

**13. 8:45 PM Adjourn**

**2020:** 11/2; 11/16; 11/30; 12/14

**2021:** 1/4; 1/25

**Joint [Planning Bd] Boxborough 2030 Review:** 11/9

**FY 22 Budget Saturday:** 1/9/2021

**Boxborough Leadership Forum (BLF):** 11/10

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84007123063?pwd=SVg1MnlBTkd1Y05UR0cyNnBncnQvZz09>

Meeting ID: **840 0712 3063**

Passcode: 664548

One tap mobile

+19292056099,,84007123063# US (New York)

+13017158592,,84007123063# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

**Find your local number:** <https://us02web.zoom.us/u/kd8ydzilOF>



SELECT BOARD  
Meeting Minutes  
August 24, 2020

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

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

**ALSO PRESENT:** Ryan Ferrara, Town Administrator; Cheryl Mahoney, Administrative Assistant and Kirby Dolak, BXB-TV Coordinator, John Fallon, Moderator; Simon Corson, Town Planner; Paul Fillebrown, Jr., Fire Chief; Warren Ryder, Police Chief; Ed Kukkula, DPW Director

Along with: Planning Bd. Members – Cindy Markowitz, Robin Lazarow, Mark Barbadoro, Mark White; Mary Ann Vogel, Becky Neville, , Anne Canfield, Al Murphy, Channing Wagg, Hugh Fortmiller, Susan Bak, Francie Nolde, Suresh Jasarasaria, Rick Barrett, Lovingsky Jasim, Scott Finnegan, John Skinner, Jeanne Kangas, and Diana Lipari

At 7:05 PM Chair Fowlks called the meeting to order, noting that this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order.

*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 Fowlks read the Announcements.

#### Approval of payroll and payable warrants

TA Ferrara advised that the Board had approved any pending of payroll and payable warrants as a quorum; duly signing electronically.

#### Minutes

- Member Neyland moved to accept the Regular Session Minutes of July 13, 2020, as written. Seconded by Member Stemple.  
**Approved: 5-0** by Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."
- Member Markiewicz moved to accept the Regular Session Minutes of August 12, 2020, as written. Member Stemple.  
**Approved: 4-0-1** by Roll Call Stemple "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye," with Neyland abstaining.

#### Citizens' Concerns

Jeanne Kangas spoke to the department head review process; contract renewal and a resident input component.

#### General Business

**Community Center Lease with the UCC** – Members of the Council on Aging, Friends of the Council of Aging and representatives of the UCC-Boxborough were present. TA Ferrara provided background on this lease renewal and the inadvertent delay in presenting this for the Board's signature. This renewal was ratified at the recent Town Meeting. He reported that, due to the lockdown, the UCC-Boxborough has forgone three months of payment - June, July and August. There is a need to keep our senior population safe and the suspension of senior activities due to the continued restrictions. There was discussion about the lease terms e.g. termination. The members of the CoA and FCoA spoke in support of this lease renewal, the modifications that have been implemented in order to continue senior programs and outreach. It was noted that as the reopening protocols remain fluid further discussion may be needed. UCC-Boxborough representative, Mary Vogel advised that the Church is developing reopening and usage protocols. Attendees spoke to this ongoing expense during the lockdown. There was discussion about the cooperative relationship between Town Hall and the church facilities. This renewal was negotiated in good faith. Additional discussions may be needed. Pursuant to the approval of Article 14 of the 2020 Annual Town Meeting, Member Neyland moved to ratify and execute the lease agreement for the Boxborough Community Center for a three-year term, commencing July 1, 2020. Seconded by Member Fox. **Approved 5-0** by Roll Call Vote: Stemple "aye," Markiewicz "aye," Fox "aye," Neyland "aye," and Fowlks "aye."

*Planning Bd. called their meeting to order at 7:45 pm.*

## Action Items - Review

**Improve the information on the Town Website (usability and search ability)** –The new website platform will be going live soon.

**Select Board memo on the website** –completed.

### **Diversity/Equity/Inclusion –**

**-MAPC Racial Equity Municipal Action Plan (REMAP) program update** – Chair Fowlks advised that the organizers are looking for more information. Four residents are interested in participating.

**-Discussion with Police Chief, Fire Chief and DPW Director regarding prospective strategies to increase diversity of the candidate/applicant pool** – the objective is to try to identify means to increase diversity in the applications we have received. There was discussion of the diverse events that are taking place in our community even during the COVID-19 restrictions. Town Department heads were present for this discussion and spoke to their support for attracting a diverse workforce, the resources that they utilize for recruiting, including resource sharing with other communities. Their previous efforts to attract diverse applicants; examples of applicants and current personnel that would be identified as diverse. The overarching necessity to recruit candidates that already have obtained the requisite certifications/education/qualifications and the impact to their departments when a successful candidate still needs to achieve these benchmarks both on staffing and budgetary. Recruitment is a complex matter and is already a challenge for communities like ours. They are also concerned about staffing retention. Chief Ryder referenced a candidate acquisition memo that he had provided to the Select Board in the fall of 2019. They requested that Board provide some definition and direction on this effort moving forward, and invited suggestions. The Board noted that this could be an objective for the Inclusion Task Force being formed and our department heads could participate in those discussions. They also spoke to the need to improve the current public safety facilities to accommodate all. Attendees also provided their input such as the economic situation is forcing employers to downsize so qualified applications might now be available.

**-Diversity/Equity/Inclusion Task Force** – Chair Fowlks spoke to this objective and how this group could provide context. A Task Force has narrow focus and is short term. A committee has broader goals/objectives which would require a long-term commitment. A task force could identify the questions/concerns and then the Town could develop longer range plans after findings were presented. There was discussion as to how some of our Boards/Committees have become siloed. There was discussion as to the MAPC effort to form the CORE Group and how this town group could dovetail into our application to participate in this regional effort. The need to increase diversity on our Boards/Committees and not just staffing diversity is important. This group would need to determine which of these should be focused on first.

**-Communication & Outreach Presentation** – Member Neyland spoke to materials she presented. The Town believes that we are doing a good job with communication; however, some of the feedback that has been received has indicated that there were instances where residents felt that they were not informed. We need to ensure that residents have a sense of ownership so they are invested in our community. There was a review of the available information outlets and, the respective demographics that seem to utilize them on a regular basis. She reviewed some of the previous efforts [e.g. Boxborough Bee, and email blast] for important events/information. There was discussion on the most effective way to proactively “push” information out to residents: What is working for them and what is lacking? We need to have a structured process to manage Town generated communications. Content creation/management is the hard part, staff that would likely need to take this on, hours required for generating this proactive information and distributing same to the public. This is an important concern. There was discussion of the existing resource and previous private town-wide communication efforts [e.g. “Simon Says” e-newsletter]. A survey could be done to gather overall community feedback on these communication efforts. Residents’ concerns need to be heard. There was discussion as to questions that could be included. The Board needs to determine next steps. Neyland will work with AA Mahoney on Board communication efforts. There was discussion on navigating the website to get to new resident information. This will be an on-going action item.

*The Board took Agenda Items #8 (a-c), out of order*

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

- **Sustainability Committee Appointment** – SC Chair Francie Nolde and candidate Suresh Jasarasia were in attendance. Member Stemple spoke to Jasarasia’s participation so far with the Committee. Jasarasia put up a Power point presentation as to today’s climate impact and spoke to what he hopes to contribute to our community on this committee. Pursuant to the recommendation of the Sustainability Committee, Chair Fowlks moved to appoint Suresh Jasarasia, to the Sustainability Committee for a term effective immediately and ending on June 30, 2023. Seconded by Member Stemple. **Approved 5-0** by Roll Call Vote: **Approved 5-0** by Roll Call Vote: Fox “aye,” Stemple “aye,” Markiewicz “aye,” Neyland “aye,” and Fowlks “aye.”

- **Steele Farm Advisory Committee Appointment** - John Skinner was present for appointment to the Steele Farm Advisory Committee (SFAC). It was noted that this would, actually, be his return to the SFAC. Pursuant to the recommendation of the Steele Farm Advisory Committee, Member Stemple moved to appoint John Skinner, to the Steele Farm Advisory Committee for a term effective immediately and ending on June 30, 2022. Seconded by Member Fox. **Approved 5-0** by Roll Call Vote: Stemple "aye," Markiewicz "aye," Fox "aye," Neyland "aye," and Fowlks "aye."
- **Boxborough 2030 - November 9th Joint Planning Board Review** – preparations are in process.

**Personnel Updates - TA Ferrara**

- **Community Services/CoA Director position update** – A lot of community feedback has been received. Members of the various Boards/Committees and the public were active participants in these discussions. Director Abraham did a great job and will be missed. Many of the tasks and responsibilities she undertook while Community Services/CoA Director and as the Community Services Coordinator, within and outside of these job descriptions, were discussed. It is evident that Dir. Abraham provided support to many of our boards/committees, not just residents. Our senior population continues to increase. Approximately 8% of residents make \$30,000 or less. Most housing in Town is beyond the reach of this demographic. Dir. Abraham was an essential party in the Town's COVID-19 management and this just added to her existing workload. Dir. Abraham worked to balance these and other human service concerns. It is clear there is a real need for services so these needs need to be funded. A review of the expectations and resources available to address human service and senior needs in the Town may be necessary. We may need to be creative. Town Meeting has set the funding for staff salaries, and by operation staffing hours, along with general departmental funding so any restructuring would need to take place would need to be within the FY 2021 funding structure until the next Annual Town Meeting. TA Ferrara reviewed the current hour/staffing structure. The Director was budgeted as a full-time position, but it was exempt so she could provide more than 40 hours per week, if necessary. Dept. Assistant Cindy Regan is part-time but her hours were increased in FY 21, at Dir. Abraham's request. TA Ferrara advised that a hiring freeze was instituted when the lockdown was instituted. There several other open positions at Town Hall and Dir. Abraham's departure adds another. The current Director position was developed with input from Abraham, combining both the Community Services and Council of Aging responsibilities. He invited feedback as to what form/structure the continued delivery of these services would mean. The Council on Aging voted to recommend the splitting up these responsibilities, as combining them was too much. Going forward the CoA would like full-time staffing to address senior needs. The community services contingent has indicated that those needs could be met with part-time support. Chief Ryder has communicated he would like to see a full-time community support position as he has found that there was a positive outcome when Dir. Abraham interacted on certain incidents/calls. Police personnel do not have the same skill set to address these concerns. Member Fox noted that support for Affordable Housing and BRAP program needs to be formally included as a community service responsibility. It was opined that senior needs and social/family service needs are separate. It was suggested that the Community Services position be re-staffed; split off from the CoA/CSC Director position. As a short-term solution it was suggested that the current Town Hall support personnel could be reallocated to CoA/CSC services; an Intern or Senior Tax work-off participants could be brought in. The counter was provided that there are nuances with providing these services that need to be factored in. It is likely that we will see an increased need for these services. Many human services are also needed by seniors, so we need to be as flexible as possible moving forward. Maintaining a Services Director position that could delegate to specialized personnel [e.g. coordinators] under them would accomplish this. We have a 50+ housing development going in and that will contribute to the increase in need for services. Chief Fillebrown and Chief Ryder spoke to the human service components that Public Safety was able to develop during Dir. Abraham's tenure; the personnel and staffing hours that they had to commit to these efforts. Community Service is an essential component to public safety; specifically, it is essential in their non-enforcement interactions. This was highlighted during the COVID-19 crisis. For the time being, in addition to their official responsibilities, Officer Tyler is working to provide human services outreach and Accountant Barrett is managing the BRAP Housing program, but neither has a background in social services. This will, likely, require further discussion.

TA Ferrara reviewed the staffing structure for the CoA and CSC departments. The previous model was 35 hours for CoA and 24 hours for CSC. This was shifted to 40 hours, exempt for the new Director position with additional support staff hours. This comes out to the same number of staffing hours with the Dept. Asst., just a different mix. It is likely that we are facing a recession so we need to keep this in mind as we work to address the needs of the Town. It was noted that any COVID-19 funding coming to the Town as a reimbursement and these backfill funds are 18-24 months out. It was suggested that, if housing support was made a component of this position Affordable Housing Trust funds could be used for staffing. There is precedent for this. It was suggested that grant funding support this once, maybe we could do it again. It was suggested that FinCom could be asked to approve a reserve fund transfer (RFT). However, FinCom member Neville advised that RFTs are used to cover unanticipated deficiencies not increases in staffing. That is for Town Meeting to decide.

Discussion re-focused on possibly splitting these positions and revising the current CoA and CSC Coordinator job descriptions. Their responsibilities are expanding and with the diversity/inclusion discussions, increases in population and COVID-19 concerns. However, it was reiterated that many of these needs are integrated. Personnel Board Chair Bak spoke to the job description submission and review process. Department Heads draft a proposed description and submit to the Personnel Bd. for approval. It was suggested that that the Boards/Committees that benefited from Dir. Abraham's support could provide their input at an upcoming Personnel Bd. meeting. We need to make this process effective and efficient. Communication is essential. The three job descriptions should be on the website. It was noted that if we restructure and split these positions recruitment would also be a significant factor if we want to attract candidates. These two part-time positions would be and at a lower salary grade than a full-time exempt director position. Based on these discussions the consensus of the Board was to support TA Ferrara's recommendation to recruit a CoA/CSC Director; keep the support staff in place; review the job descriptions for both Coordinator positions with an eye towards expanding services to the respective focus groups with respective Coordinators going forward. There is an immediate and pressing need to provide these services. The short term and long-term objectives need to be identified. The Board appreciated the feedback previously provided and the input provided tonight.

- **Town Offices - Support Structure per 2017 Town Government Study Report, regarding departments, staffing and board/committee support from Town Hall staff** – TA Ferrara noted that the role of the TA has altered significantly since this Study was undertaken in September of 2017. He referred to the final recommendations of the Town Government Study Committee (TGSC); the intended re-structuring and the revisions to the TA job description as he provided his insight into the actual function and his responsibilities in this community and the issues he has had to manage, the affirmations and the strides he has made since coming to Boxborough in a statement that he read to the Board. The Board spoke to these items. Chair Fowlks queried how can we empower our TA for the Town to succeed and other municipal personnel, in general? Volunteer support is essential to our community; however, the previous discussion highlights that additional responsibilities and tasks town personnel have undertaken; prioritization and the necessary staff hours needed to address these needs. Though it was presented at Town Meeting and is posted to the website, it was noted that Board and Committee members may not be aware of the TGSC findings and that this material may need to be proactively shared with them. The Board noted that if “things” are not working they need to find out why. The Board members that were on when these findings were presented spoke to their opinion at the time and the subsequent perspective since this new government structure was implemented under a strong TA. The Board is much more efficient than it was three years ago, and the model seems to be working. However, some components may need to be further refined. Many of these concerns may be addressed with the recruitment of a new Assistant Town Administrator. The public input brought forth regarding the Community Services Department situation may highlight one of those areas. TA Ferrara clarified he had not received input from the committees prior to the communications received by the Board and voiced this evening. If he had he would have been able to address many of the concerns that were put forth. He further advised that he had numerous meetings with Dir. Abraham in an effort to define the new human services structure and, specifically her task management efforts. Under this model it is the TA job to identify the needs of the community. It is up to him how to address those needs and with the limited resources we have. Chief Ryder advised that he supports the current management model. To be effective and efficient with the resources we have we need to have clear direction and delineation in order to focus those resources. The consensus of the Board was that TGSC findings/ recommendations should be shared with our Boards/Committees and the public in general.

The Planning Board spoke to this item; advising that they had concerns and have voted this evening to review the Town Planner's job description and their purview and authority over that position. They would like to have a formal agenda item about the Planners job description and the Memo of Understanding between the BSB and Planning Bd. referenced in that job description, at an upcoming agenda. The individual Planning Bd members provided their input. Questioning the recommendations of the TGSC, specifically as to the communication structure for providing public input specifically, a centralized point of communication. Does the Planner work for the TA or the Planning Board? There is a concern that the Planning Board members' interaction with the Town consultants is controlled by Town Planner and/or TA. It was suggested that these concerns are important However, they seem to be outside this intended discussion. It was suggested that it would be more efficient if they begun off-line, as this has many components that should be identified and further fleshed out and possibly resolved. It could then be brought back before the Select Board for a joint discussion.

- Given the hour, it is determined that the Board would pass over their reports/updates.
- It was noted that the Board upcoming FY 21 Goals Workshop is September 26, 2020 at 8:00 AM.

**Adjourn**

- At 11:36 PM, Member Neyland moved to adjourn. Seconded by Member Markiewicz. **Approved 5-0** by Roll Call Vote: Markiewicz “aye,” Neyland “aye,” Stemple “aye,” Fox “aye,” and Fowlks “aye.”

**EXHIBITS**

**Exhibits**

**Item#**

**Agenda**

- 4 a Regular Session Minutes of 7/13/20 – Draft
- b Regular Session Minutes of 8/12/20 - Draft
- 6 a BBC Lease
- b. BSB Racial Justice Statement
- Communication Plans
- c MAPC Racial Equity Municipal Action Plan[REMAP] - application
- 7 a Community Services/CoA materials
- b Town Offices materials – TGSC /TA
- 8 a Sustainability Email appointment request
- b Steele Farm Email appointment request
- Internal Communication & Outgoing Communications
- Minutes, Notices and Updates
- Announcements





CENTER FOR  
TECH AND  
CIVIC LIFE

17

September 29, 2020

Boxborough Town, Massachusetts

Town Clerk

29 Middle Road

Boxborough, MA 01719

Dear Elizabeth Markiewicz,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Boxborough Town, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of Boxborough Town ("Grantee").

The following is a description of the grant:

**AMOUNT OF GRANT:** \$5,000.00 USD

**PURPOSE:** The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Boxborough Town in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.

3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, and Temporary staffing. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.
8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Town Clerk (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized



representative of Grantee sign below, and return a scanned copy of this letter to us by email at [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org).

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life

GRANTEE

By: \_\_\_\_\_

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

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





8a



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 600  
Boston, MA 02118-8500  
Telephone: (617) 305-3580  
www.mass.gov/dtc

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

received  
T. B. 2020

**MIKE KENNEALY**  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**EDWARD A. PALLESCHI**  
UNDERSECRETARY

**KAREN CHARLES PETERSON**  
COMMISSIONER

September 4, 2020

Chairman Board of Selectmen  
Town Hall  
29 Middle Road  
Boxborough MA 01719

Re: License Expiration Notice

Dear Chairman:

According to the Department of Telecommunications and Cable's (Department) records, your cable television license (license) with Verizon New England, Inc. will expire on 9/18/2021. As the Issuing Authority, you should have completed the ascertainment process of determining your community's cable-related needs and reviewing Verizon New England, Inc.'s performance under the current license. In order to provide sufficient time to review a company's formal renewal proposal, all ascertainment should be completed within six months of the date of this letter. Once ascertainment is complete, you should notify Verizon New England, Inc. and provide it with your results.

If you have not completed your ascertainment process, or anticipate difficulty in doing so within the next six months, the Department is available to assist you through the final stages of license renewal. Should you require assistance, please contact the Department at 617-305-3580 or [dtc.efiling@mass.gov](mailto:dtc.efiling@mass.gov).

Sincerely,

**Shonda D. Green**  
Department Secretary

# **CABLE TELEVISION LICENSE RENEWAL PROCESS**

## **A PRACTICAL GUIDE**

**Updated March 2015**

**Prepared by the Massachusetts Department of  
Telecommunications and Cable**

**1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
617-305-3580**

**[www.mass.gov/dtc](http://www.mass.gov/dtc)**

# INTRODUCTION

This Practical Guide is presented by the Massachusetts Department of Telecommunications and Cable (“Department”) in our supervisory role with respect to cable television licensing. Under both federal and Massachusetts law, no cable operator may construct and/or operate a cable television system in a community without first obtaining a license. In Massachusetts, the city manager, mayor or board of selectmen is responsible for issuing a license and, hence, is designated as the Issuing Authority. Since Massachusetts law limits the term of a license, Issuing Authorities must periodically review and renew licenses. The Department oversees the licensing renewal process, which has been established under federal law, and supplemented by our regulations.

By establishing a formal renewal process, Congress sought to protect a municipality’s right to a cable system that is responsive to the needs and interests of the local community. Congress also sought to protect cable operators, which have invested in infrastructure in a community, from an unfair denial of a renewal license. The Department’s goal in developing this Practical Guide is to ensure that both municipalities and cable operators are aware of their rights and responsibilities as they contemplate license renewal and to guide them through the process.

In this Practical Guide, the Department first presents an overview of the role of government in cable television licensing. We describe each level of regulatory oversight with a focus on the resources available to Issuing Authorities. Next, the Department outlines the formal renewal process, highlighting the rights and responsibilities of each party under that process. Lastly, we discuss an alternative method by which parties may negotiate informally to reach an agreement. Since there are no procedural protections in informal negotiations, we recommend that this method be used only where there are no contested issues between the parties.

The guidance we provide herein offers both Issuing Authorities and cable operators direction on the most prudent manner in which to proceed under the rules established by Congress so that each party’s rights and interests are protected. The information in this Practical Guide is necessarily general in nature. The Practical Guide is not a substitute for particularized advice from an attorney. In addition, federal and Massachusetts laws and regulations are subject to change. Therefore, persons should refer to the current Massachusetts General Laws, the Code of Massachusetts Regulations, the federal Communications Act of 1934, as amended, or the appropriate federal rules and regulations, or they may consult the Department with case-specific questions.

# **THE ROLE OF GOVERNMENT**

Licenses to construct and/or operate cable television systems are granted by the “Issuing Authority” of a city or town. Pursuant to section 1 of chapter 166A of the Massachusetts General Laws, the Issuing Authority is the mayor of a city, the board of selectmen of a town, or the city manager of a city with a plan D or E charter. The Issuing Authority decides initially whether to go forward with the licensing process, recommends services and terms to be included in the license, and decides whether to grant a license. Upon license renewal, the Issuing Authority reviews the performance of the cable operator, determines the services and terms to be included in the renewal license, and decides whether to grant a renewal license.

The Issuing Authority takes these actions within the framework provided by federal and state law. Congress has enacted a series of laws that establish many of the substantive and procedural requirements governing cable television licensing. For example, federal law requires that each operator obtain a license to service a particular area, and that the license be non-exclusive. Federal law also specifically addresses local access programming and franchise fees. Further, federal law establishes the process by which licenses are granted and renewed. The Federal Communications Commission (“FCC”) is charged with ensuring that cable operators and licensing authorities comply with federal law.

In addition to federal oversight regulation, many states have enacted laws regarding cable television regulation. In Massachusetts, the Department oversees cable television licensing and ensures that municipalities and cable operators comply with both federal and state law, particularly where state law is more restrictive than federal law. For example, state law limits the term of a license to 15 years for an initial license and ten years for a renewal license. The Department also acts as an appellate body, as a cable operator may appeal to the Department for review of an Issuing Authority decision.

Since it is the Department’s enabling legislation and regulations promulgated thereunder that establish the regulatory framework for Issuing Authorities to follow, the Competition Division has created the position of Municipal Liaison to bridge these two bodies. The Municipal Liaison’s chief function is to assist municipal officials as they work through the licensing process. The Municipal Liaison will meet with local governments to explain the statutory and regulatory requirements. The Department maintains, as public records available for inspection, a copy of each license granted in Massachusetts. In addition, we maintain, on our website, an electronic library of many of the licenses executed in Massachusetts. By providing this assistance, the Department seeks to ensure that Issuing Authorities act in compliance with federal and state law to obtain a license that best serves the needs of the community.

# **THE FORMAL RENEWAL PROCESS**

Under federal and Massachusetts law, cable operators may not provide cable television service without obtaining a license from the Issuing Authority. Congress anticipated that cable operators would seek renewal licenses in order to continue providing cable television service in areas where money has been invested in infrastructure. Congress also recognized that municipalities should review the performance of a cable operator and ensure that the operator continues to meet the community's needs and interests. Thus, Congress established a formal renewal process that considers each of these interests. By following the formal renewal process, Issuing Authorities protect their right to a cable television system that serves the needs and interests of the community and cable operators protect their investment from a unfair denial of a renewal license. An Issuing Authority or cable operator must explicitly invoke the protections of the formal renewal process. Generally, each party must notify the other that it intends to proceed under the formal process.

The framework set forth by federal law provides a 36-month period in which to conduct license renewal proceedings. This 36-month period is often referred to as the "Renewal Window." The process consists of two phases: 1) reviewing the cable operator's performance under the current license and ascertaining the needs and interests of the community ("Ascertainment"); and 2) applying the results of the first phase to the review of the cable operator's proposal. The Department recommends that a municipality complete the first phase within 24 months. At most, the ascertainment phase should not extend longer than 30 months. This timeframe affords the municipality sufficient time to review and consider the cable operator's proposal and make a determination whether to grant renewal of the license before the current license expires.

## **PHASE I -ASCERTAINMENT**

### **COMMENCEMENT**

The formal renewal process must begin between 36 and 30 months prior to expiration of the license. The Issuing Authority may commence the formal renewal process on its own initiative and must inform the cable operator that it has done so. While there is no specific action that an Issuing Authority must take in order to demonstrate it has commenced the formal renewal process, the Issuing Authority should perform some tangible act to begin to ascertain the community's cable-related needs and interests. For example, the Issuing Authority could begin to survey the community or hold a public hearing.

Most often, the cable operator will request, in writing, that the Issuing Authority commence the renewal process. The cable operator will make this request between 36 and 30 months prior to the expiration of the license. If the cable operator requests that the Issuing Authority commence the renewal process, the Issuing Authority must begin ascertaining the community's cable-related needs and interests within six months of receiving the cable operator's request.

In either case, the letter requesting commencement of the formal license renewal process or advising that a community has commenced the formal renewal process is called a "Renewal Letter." The Renewal Letter is often referred to as the "626 letter" (626 refers to the section of the federal Communications Act that sets forth the franchise renewal process).

The protections of the formal renewal process must be invoked in a timely manner, that is between 36 and 30 months prior to the expiration of the current license. If neither the Issuing Authority nor the cable operator requests commencement of the formal process within this period, the

opportunity to conduct the renewal license under the formal renewal process expires and neither party is able to claim the protections provided by federal law.

## **ASCERTAINMENT**

Ascertainment is a series of actions taken by the Issuing Authority by which the Issuing Authority reviews the cable operator's performance under the existing license and identifies the cable-related needs and interests of the community. Many Issuing Authorities find it helpful to appoint a committee to assist in gathering information about a cable operator's performance and the community's needs and interests. The size and make-up of the cable advisory committee ("CAC") is determined by the Issuing Authority, and its members may include both residents and non-residents of the community. A CAC is considered a governmental body within the purview of the Massachusetts conflict of interest laws, at General Laws chapters 268A and 268B, and is subject to the guidelines contained therein.

The Issuing Authority, in appointing a CAC, should define the CAC's role and duties. Under Massachusetts law, only the Issuing Authority may make the final licensing decision. However, this does not preclude the Issuing Authority from relying on the CAC's recommendations.

An Issuing Authority and its CAC may choose a wide variety of methods to assess the cable operator's past performance and determine the future needs and interests of the community. An Issuing Authority may:

- Hold a public hearing. While a public hearing is required after receipt of the cable operator's proposal as part of the Issuing Authority's deliberative process, some municipalities choose to hold additional hearings during the ascertainment phase to solicit input from the community with respect to the cable operator's performance as well as the future needs and interests of the community;
- Conduct a municipality-wide survey;
- Meet with community organizations such as schools, senior citizen centers, and police and fire services to determine their proposed needs;
- Review the current license held by the cable operator in the municipality to determine, for example, which terms and conditions have been particularly beneficial to the community;
- Review the cable operator's financial forms (CTV Forms 200 and 400);
- Review consumer complaint records, including CTV Form 500 and municipal records;
- Obtain and review a map of the service area (often referred to as a street or strand map) to determine, in part, whether there are unserved parts of the community;
- Tour the cable operator's technical facilities (i.e., headend) and PEG access studio; and
- Review licenses granted by other communities in Massachusetts (many have been filed electronically and are available at the Department's web page).

There is no law or regulation that explicitly establishes a deadline by which an Issuing Authority must complete ascertainment. The Department has interpreted federal law as requiring Issuing Authorities to complete ascertainment no later than six months prior to the current license expiration date. The better practice, however, is to ensure that ascertainment is complete 12 months prior to license expiration in order to maximize the amount of time an Issuing Authority has to review a cable operator's proposal. Under federal law, a cable operator may not submit a formal renewal proposal until the Issuing Authority has completed ascertainment. This timeline allows a cable operator to respond to the results of the ascertainment studies in preparing its proposal. Upon receipt of the proposal, an Issuing Authority has only four months, or until the expiration of the current license, whichever occurs first, to make a determination on the proposal. Prolonging completion of the ascertainment thus reduces the amount of time during which an Issuing Authority may review and deliberate on a cable operator's proposal.

Under Massachusetts regulations, the Issuing Authority must notify the cable operator in writing upon completion of ascertainment. In its written notification, the Issuing Authority must specifically state the date that ascertainment was complete. The Issuing Authority should provide its ascertainment results as a part of a Request for Proposals ("RFP"). Presenting the ascertainment results to the cable operator is critical in demonstrating the community's needs and without it, a proposal in response to an RFP may not accurately represent the community's needs.

As part of the RFP, the Issuing Authority may provide the cable operator with a draft license in its RFP that contains terms and conditions consistent with the ascertainment results. The Issuing Authority should provide a reasonable deadline for the cable operator to respond to the RFP, that is, to submit what is known as the Formal Renewal Proposal. Generally, a period of at least 30 days is considered a reasonable response time. However, in establishing a deadline for responses, the Issuing Authority must be aware of the length of time remaining before the current license expires.

## **PHASE II -REVIEW OF PROPOSAL**

After the Issuing Authority has completed ascertainment, the cable operator may (on its own initiative) or must (within the time frame established by the Issuing Authority in the RFP) submit its renewal proposal. The cable operator submits its proposal on the Department's Form 100 and often supplements it with additional information.

Upon receipt of the proposal, the Issuing Authority must:

- 1) provide prompt public notice that the cable operator has submitted a renewal proposal; and
- 2) during the four-month period that begins upon the receipt of the proposal, renew the franchise or issue a preliminary assessment that the franchise should not be renewed; and
- 3) at the request of the cable operator or on its own, commence an administrative proceeding to consider whether:
  - A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
  - B) the quality of the cable operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the cable system, has been reasonable in light of community needs;

- C) the cable operator has the legal, financial, and technical ability to provide the services, facilities, and equipment as set forth in the cable operator's proposal; and
- D) the cable operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

If the Issuing Authority determines, upon initial review of the proposal, that it will accept the cable operator's proposal and grant the license, there is no need to commence an administrative proceeding. Nonetheless, under the Department's regulations, the Issuing Authority must conduct a public hearing to allow the public an opportunity to comment on the cable operator's proposal.

The administrative proceeding is an evidence gathering proceeding that must be conducted so as to afford both the Issuing Authority and cable operator due process, including the right to introduce evidence, question witnesses, and require the production of evidence. If the Issuing Authority bases the preliminary denial of the renewal proposal on criteria (A) or (B), the Issuing Authority must provide the cable operator with notice of non-compliance and an opportunity to cure.

At the conclusion of the administrative proceeding, the Issuing Authority must issue a written decision granting or denying the cable operator's proposal for renewal.

### **GRANTING A RENEWAL LICENSE**

If the Issuing Authority determines that the cable operator satisfies each of the four criteria, and decides to grant a renewal license to the cable operator, the Issuing Authority must issue a public, written statement detailing the reasons for the grant of the renewal. The Issuing Authority must file a copy of the issuing statement, renewal license, and license application (Form 100) with the Department within seven days of granting the license. In addition, the Department requests that the Issuing Authority also submit the license in electronic format.

### **DENYING A RENEWAL LICENSE**

If the Issuing Authority determines that the cable operator has failed to satisfy one or more of the criteria, and has not cured any claimed non-compliance, the Issuing Authority must issue a written statement detailing the reasons for its denial within 14 days of the decision to deny. The written decision must include the basis for the denial, that is, identify which of the four criteria the cable operator did not satisfy. The Issuing Authority must file a copy of this statement along with the renewal proposal (Form 100) with the Department.

### **APPEAL OF ISSUING AUTHORITY DECISION**

A cable operator who is aggrieved by a decision of an Issuing Authority to deny a renewal license may appeal to the Department for review of that decision. Any such appeal must be filed within 30 days of the date of the Issuing Authority decision.

# INFORMAL NEGOTIATIONS

While Congress established the formal renewal process, Congress also determined that where Issuing Authorities and cable operators are able to negotiate an agreement outside of the formal renewal process, they should be allowed to do so in a manner that best fits the parties' needs. That is, where a municipality has a good working relationship with a cable operator and there are no compliance issues, the parties are not required to follow the formal process. Rather, the parties may negotiate an agreement informally. Since there are no procedural safeguards in informal negotiations, this method should be used only where there are no contested issues between the parties.

When negotiating informally, a cable operator may submit a proposal for the renewal of a license at any time, and the Issuing Authority may, after affording the public adequate notice and an opportunity to be heard, grant or deny such a proposal. By negotiating informally, parties avoid the time requirements of the formal process. For example, Issuing Authorities are not obligated to review a cable operator's proposal within 120 days, as required under the formal process. However, even with informal negotiations, state law requires that the Issuing Authority hold a public hearing on the cable operator's proposal.

There is no regulatory requirement that an Issuing Authority conduct ascertainment if it chooses to negotiate with a cable operator rather than follow the formal process. Nevertheless, the Issuing Authority's negotiating position can only be enhanced if it has ascertainment results to substantiate its requests. It is highly recommended that an Issuing Authority conduct some form of ascertainment prior to entering into negotiations with a cable operator.

In practice, cable operators in Massachusetts will often request an Issuing Authority to commence the formal renewal process, but simultaneously request that the parties negotiate informally. Thus, the parties actually enter into informal negotiations while conducting the formal renewal process. While this is acceptable, there are two potential areas where confusion may result:

## 1) The Nature of the Proposal - Formal Proposal versus Informal Proposal

There is a distinction between a proposal submitted for discussion purposes and one that is submitted as a formal renewal proposal, namely, the submission of the formal renewal proposal triggers the 120-day review period. In order to avoid any confusion or violation of process, an Issuing Authority negotiating informally should ensure that the cable operator identify any informal proposal submitted as "Informal" or "For Informational Purposes Only."

## 2) "Reservation of Rights"

As indicated above, often a cable operator will request that the parties negotiate informally, while "reserving its rights" under the formal renewal process. In essence, the cable operator protects itself from an unfair license denial, but is relieved of following the strict time requirements of the formal process. The Issuing Authority is similarly relieved of the strict requirements of the formal process, including the requirement to conduct ascertainment. However, it is unlikely that a decision to deny a license will stand without appropriate ascertainment to support it. Thus, it is recommended that an Issuing Authority conduct ascertainment even when negotiating informally. Moreover, if informal negotiations do not result in a renewal license, the cable operator may revert back to the formal process, and submit a formal renewal proposal for the Issuing Authority's consideration. The review is limited to 120 days under federal law. Therefore, in order to ensure that sufficient time exists

for the Issuing Authority to review a formal proposal, the Department recommends that an Issuing Authority complete ascertainment 12 months prior to the license expiration date, but absolutely no later than six months prior to the license expiration date.

Informal negotiations may be a productive and efficient means for many Issuing Authorities and cable operators to reach mutually agreeable license terms, particularly where the parties have developed a solid professional relationship. However, where a party which has agreed to proceed informally has “reserved its rights” under the formal renewal process, both parties should proceed with the understanding that the requirements of the formal process may become applicable.

# REFERENCES

## RELEVANT LAWS AND REGULATIONS

Massachusetts General Laws, Chapter 166A

Code of Massachusetts Regulations, 207 C.M.R. §§ 3.00-10.00

United States Code, 47 U.S.C. § 546

## ADDITIONAL RESOURCES

Information regarding cable television licensing may be found on the Department's website at [www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/municipal-info/](http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/municipal-info/). The Department's website also provides several licenses in electronic format that are available for download.

A comprehensive glossary of cable-related terms is available on the Department's website at [www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/glossary-of-cable-television-terms.html](http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/glossary-of-cable-television-terms.html).



Town Meeting Budget Warrant Article Calendar  
FY 2021

October

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 CPC Prelim Application Review	2	3
5	6	7	8	9	10
Holiday	13	14	15	16 Budget Docs distributed by Accountant	17
19 Budgetary Guidelines distributed @ Staff Mtg	20 All Dept Heads/Budget Managers/ Committee Chairs begin meetings w/TA & Acct through Nov 22	21	22 CPC Final (ATM) Applications Due	23	24
26	27	28	29	30	31

November

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3 All Dept Heads/Budget Managers/ Committee Chairs begin meetings w/TA & Acct through Nov 22	4	5	6	7
9	10	Holiday	12	13	14
16 CPC Committee Reviews Due	17	18	19	20	21
23	24	25 TA/Accountant Finalize Budgets	Holiday	27	28
30					

Town Meeting Budget Warrant Article Calendar  
FY 2021

**December**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Depts Begin Capital Plan Revisions/ Submissions	2 Capital meetings w/TA & Acct through Dec 20	3 CPC Public Hearing	4	5
7 Budget Books Distributed to FinComm & BoS	8	9	10	11	12
14	15	16	17	18 Deadline for Capital Plan Requests	19
21	22	23	24	Holiday	26
28	29	30	31		

**January**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				Holiday	2
4	5	6	7 CPC Votes on Projects to Recommend	8	9 *Budget Saturday* BoS & FinComm review budgets
11	12	13	14	15	16
Holiday	19	20	21	22	23 School Budget Workshop (pending)
25	26	27	28 FinComm Budget Revision Deadline	29	30

Town Meeting Budget Warrant Article Calendar  
FY 2021

**February**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Planning Board Public Hearing Zoning Bylaws	2	3 ATM Articles Due (Scope)	4 CPC Draft Articles	5	6 *Capital Saturday* BoS & FinComm review Capital Plan & Articles
8 *Final Votes on Budget Due	9	10 School Committee Budget Hearing	11	12	13
Holiday	16	17 Final Article Details, Specifications & Quotes Due	18	19	20
22 *BoS Closes Warrant	23	24	25	26	27

**March**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 BoS Public Hearings (incl Personnel) & Final Article Votes Due	2	3 Final Article Summaries Due	4	5	6
8	9	10 Recommendations Due on All Articles for Printing in Warrant	11	12	13
15 BoS / FinComm joint Funding Sources	16	17	18	19	20
22	23 FinComm Report Due	24	25	26	27
29 BoS Signs Warrant	30	31			

Town Meeting Budget Warrant Article Calendar  
FY 2021

April

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3
5	6	7	8	9	10
12	13	14	15	16	17
Holiday	20	21	22	23	24
				Warrant Mailed	
26	27	28	29	30	
		Presentations Due			

May

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3	4	5	6	7	8
10	11	12	13	14	15
ATM Begins					
17	18	19	20	21	22
	Town Election				
24	25	26	27	28	29



8e

## Boxborough Diversity, Equity & Inclusion Committee

### CHARGE

#### A. BACKGROUND

Diversity, Equity and Inclusion (DEI) have been brought to the forefront of public awareness and Boxborough has made a commitment to create and foster a welcoming, inclusive and equitable town for all residents and guests regardless of their age, gender, orientation, race or socio-economic status. In this commitment, the Select Board is forming the Diversity, Equity and Inclusion Committee to help research and propose changes to the respective Boards and Committees who oversee the respective areas where changes are proposed.

#### B. MEMBERSHIP

The DEI Committee shall consist of a minimum of 5 members but no more than 9 **10** members. Membership is encouraged to be diverse in age, gender, race and type of residence (owners, renters, single family homes, multi-family homes, condominiums, etc). The Boxborough Select Board shall appoint one member from the Select Board as a voting member. A quorum shall consist of half the appointed voting members plus one (1).

The term for serving on this board is a 3-year term and shall be staggered, after the initial appointment of the Committee.

Currently serving voting members shall have the option for re-appointment. The Select Board shall consider but is not required to appoint individuals who identify as an under-represented minority in Town.

The Town Administrator, Police Chief, Fire Chief, and other non-residents may, at the discretion of the Board, serve as non-voting advisors to the DEI Committee. Members of the DEI Committee shall serve for the length of their term.

#### C. CHARGE

The DEI Committee shall

- Research and propose ways to increase the diversity of the applicant pool for the town positions, boards and committees.
- Review bylaws and policies and propose changes to ensure that they are equitable.
- Review and propose ways to make Boxborough a more welcoming, equitable and inclusive town.
- Raise awareness of the diversity within Town.

The DEI Committee shall report to the Select Board and shall recommend the best path to execution of creating a more welcoming, equitable and inclusive town.

#### D. CONDUCT

All meetings are to be held in a public location, properly posted and open to the public in accordance with the Massachusetts Open Meeting Law. In accordance with guidance from the Attorney General, minutes of each meeting shall be approved by the BBC within three meetings or 30 days, whichever is later, and posted on the Town's website. Members are individually responsible for complying with the Conflict of Interest Law.



10 a

**From:** Bill Morehouse  
**Sent:** Thursday, October 15, 2020 9:41 AM  
**To:** Ryan Ferrara  
**Subject:** Electrical Inspector Position

Hi Ryan,

This is a follow up note letting you know of my interest in the wiring inspector position that will be left vacant by Charlie weeks soon. I am currently the wiring inspector for the towns of Acton and Littleton. I have been the inspector and Acton for almost 20 years and Littleton for 9. I am also currently Charlie's back up inspector in Boxborough. I am very familiar with the town and the inspection process already. Over the past 9 years I have had no problem completing all inspections in both towns every day and feel adding Boxborough to my daily routine will not be an issue. I am very good at time management. Most of the electricians in the area are already familiar with me and my expectations. When the town of Boxborough switches to a permitting software program I will already be familiar with the way it works. I have been using ViewPoint permit software in Littleton since 2015. If I am able to take over for Charlie I think it would be a very smooth transition.

Thanks,  
Bill Morehouse

Sent from my iPhone

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On Oct 7, 2020, at 4:23 PM, Ryan Ferrara wrote:

Hello Bill, good speaking with you earlier. As we discussed, I am looking for a note of interest from you to take over the soon to be vacant Electrical Inspector position. Charlie's final day of work with the Town is scheduled for November 15<sup>th</sup>. I would appreciate if you could outline in the email, which I plan to share with the Select Board, the following:

- An overview of your experience and current roles in Acton and Littleton
- Note that you are currently the back-up Electrical Inspector in Town and are familiar with the community
- Your overall scheduling availability and how you anticipate to fit Boxborough into your schedule
- Outline that you know most of the electricians in the area. Due to these relationships, and your 20 years' experience as an electrical inspector, this should be a good fit for both you and the community

Let me know if you have any other questions Bill and I look forward to your response.

**Ryan Ferrara**  
**Town Administrator**  
**Town of Boxborough**  
**Office: 978-264-1712**  
**Email: [rferrara@boxborough-ma.gov](mailto:rferrara@boxborough-ma.gov)**

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

10/16

**From:** Bentley Herget  
**Sent:** Thursday, October 15, 2020 10:40 AM  
**To:** Ryan Ferrara  
**Cc:** Cheryl Mahoney  
**Subject:** RE: Alternate Plumbing and gas inspector

Hi Ryan,  
Monday is good, Rich is a master plumber and gas fitter, he is also the inspector for the Town of Acton. His phone number is [REDACTED] if you want to speak to him.

Thank you  
Bentley

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**From:** Ryan Ferrara  
**Sent:** Wednesday, October 14, 2020 1:08 PM  
**To:** Bentley Herget  
**Cc:** Cheryl Mahoney  
**Subject:** RE: Alternate Plumbing and gas inspector

Bentley, I can put appointment of Richard on the next BSB agenda for next Monday. Is Richard currently a licensed state plumbing and gas inspector? Does he work for any other municipalities?

**Ryan Ferrara**  
**Town Administrator**  
**Town of Boxborough**  
**Office: 978-264-1712**  
**Email: [rferrara@boxborough-ma.gov](mailto:rferrara@boxborough-ma.gov)**

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

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**From:** Bentley Herget  
**Sent:** Tuesday, October 13, 2020 11:02 AM  
**To:** Ryan Ferrara  
**Subject:** Alternate Plumbing and gas inspector

Hi Ryan,  
Steve Bottazzi our current plumbing and gas inspector is planning on going on vacation for six weeks starting November 20<sup>th</sup>. We currently have Norm Card for an alternate inspector. Steve and I would like to have another alternate in place, in case of a problem. Or if Steve goes on permanent vacation. The person that Steve is recommending is **Richard Flannery**, a local plumber. Rich has the qualification needed for a plumbing and gas inspector, and has agreed to our terms and schedules.

Respectfully  
Bentley Herget C.B.O.  
Building Commissioner/Zoning Enforcement Officer  
Town of Boxborough, Ma.  
Office: 978-264-1725  
Email: [bherget@boxborough-ma.gov](mailto:bherget@boxborough-ma.gov)

*The Secretary of State has deemed email to be an applicable public record under M. G. L. Chapter 66, Section 10.*



**Minutes, Notices and Updates  
October 19, 2020**

**Minutes**

Boxborough Leadership Forum meeting held July 14, 2020

**Notices – ALL MEETINGS CONDUCTED VIA ZOOM**

1. Notice of a Council on Aging meeting held October 14, 2020
2. Notice of a Sargent Memorial Library Trustees meeting held October 15, 2020
3. Notice of a Steele Farm Advisory Committee meeting October 15, 2020
4. Notice of a Personnel Board meeting to be held October 20, 2020
5. Notice of an Economic Development Committee meeting to be held October 22, 2020

**6. Notices from surrounding communities [e.g. Public Hearing Notices/Decisions]:**

**Acton Selectmen – Legal Notice Hearing** on November 2, 2020 to consider the application of Old Mill Development Trust for Site Plan Special Permit for the property located 67 Powder Mill Rd.

**ZBA – Notice of Special Permit Decision** ZBA #20-9, applicant: Peter Lukacic & Sandra Mika, property: 66 School Street

**Planning Bd.- Notice of Decision on Remand** #18-03, applicant Chris Coughlin, property: 180 Newtown Rd.

**Harvard ZBA – Special Permit Decisions**

- Edward & Margaret Murphy Granted RE: Accessory Apartment use at 15 Harris Lane
- Dennis Quinn Granted RE: Pre-existing non-conforming structure at 14 Wilroy Ave.

**Stow – ZBA – Legal Notice Hearing** on November 2, 2020 to consider application of Greg & Bonnie Hogan, to allow construction of an attached garage and kitchen addition to a non-conforming structure at 37 Hudson Road.

**Sudbury Planning Bd Decisions RE:** Applications of Quarry North Road LLC on the property known as 16 & 36 North Rd./Route 117 for the development of 173 dwelling units/townhouses & multifamily bldgs. (81 age restricted) tbk “Cold Brook Crossing”

- Final Plan Approval & Plan Approval Granted with conditions
- Stormwater Management Permit SWMP #20-05 Granted with conditions
- Stormwater Management Permit SWMP #20-06 Granted with conditions



**General Correspondence  
October 19, 2020**

1. Boxborough Historical Society President's Letter, dated October 3, 2020