

Town of Boxborough Massachusetts



Fall Town Meeting Monday, November 6th 2023, 7:00 PM

Voter check-in begins at 6:30 PM
Meeting will begin promptly at 7:00 PM

Blanchard Memorial School, Gymnasium
493 Massachusetts Ave. Boxborough

Please bring this Warrant to Fall Town Meeting

TOWN OF BOXBOROUGH

TOWN MEETING: A GUIDE FOR RESIDENTS

On behalf of all the elected and appointed officials of the Town of Boxborough:

WELCOME TO TOWN MEETING.

This is your chance to make your voice heard and make your vote count.

Remember: YOU Are the Town Government.

What is Town Meeting?

Town Meeting is the foundation of Town Government, the purest form of direct democracy and fiscal responsibility. While the elected officials and appointed department heads supervise the day-to-day running of the town and schools, their authority extends only to managing employees and administering the expenditures that have already been voted by Town Meeting.

Boxborough has an Open Town Meeting form of government where each resident has the right to be heard in a respectful and civil fashion and each registered voter has the right to have their vote count. Open Town Meeting government is the best insurer of liberty by giving the primary power to the citizens. Attendance at Boxborough's Town Meetings runs around 150 to 200 voters out of approximately 4,000, while 200 legislators in the State House and Senate represent 7 million Massachusetts residents.

During a typical Town Meeting, voters approve the town's annual and supplemental budgets for schools and general government, vote on additional capital expenditures for equipment or buildings, authorize changes to zoning, land, or other town bylaws, approve compensation for employees and elected officials, acquire roads or parcels of land, and more.

Most of the money the town spends is generated from the local property tax. (Some comes from state aid or special funds.) Each spending decision made by Town Meeting has a direct effect on each voter's tax bill and on the quality of service the town provides for schools, highways, police and fire protection, conservation, recreation, library, etc. Town Meeting is the official convening of a legally constituted legislative body with power to make laws, levy taxes, and authorize expenditures.

What is the Warrant?

The warrant is the agenda for Town Meeting. Town Meeting does not come to an end until all the agenda items on the warrant articles have been decided: approved, defeated or no action deliberately taken. Only those articles of business that have been included in the warrant may be legally acted upon at Town Meeting. Warrants can vary in length, and the amount of debate on a given article can vary widely. No one can predict how many nights it will take to complete the business of any given Town Meeting, so this is a form of government that requires dedication by the citizens to see it to completion.

What about the Election?

Although it is held at a separate place and time, at Town Hall on the Tuesday in May after the Annual Town Meeting opens, the election is the part of Annual Town Meeting at which Town officials are elected. Some Town Meeting expenditures and sometimes other items require both an affirmative vote at Town Meeting as well as the passage of a ballot question. Tax and debt exclusion overrides are decided by election ballot. A debt exclusion exempts from the Prop. 2 1/2 limits the amounts borrowed for the duration of the loan; a capital outlay exclusion exempts the amount for a specific item, while an operating override raises the tax cap permanently.

Who Participates in Town Meeting?

Voters: Every registered voter in town is a legislator, with full power to participate in budgeting, allocation of funds and law-making. At Town Meeting the job of the voter is to listen, to ask questions, to offer arguments for or against a question, and to vote to decide each article on the warrant. Anyone who is not a registered voter of the Town of Boxborough is welcome to attend Town Meeting, but may not vote, and can address Town Meeting only with permission. Non-registered voters sit in their own section of the hall.

Moderator: The elected official who presides over Town Meeting and is responsible for its conduct consistent with bylaws and the parliamentary procedures defined in [Town Meeting Time](#). [[Town Meeting Time](#) is a handbook of parliamentary law that is published by the Massachusetts Moderators Association and used by the vast preponderance of Massachusetts town meetings.] The Moderator has broad authority to accept parliamentary motions, regulate debate, and rule speakers in or out of order.

Town Clerk: The Town Clerk is the elected official responsible for maintaining town records, conducting elections, and recording the votes and actions taken at Town Meeting.

Town Counsel: A representative from KP | LAW, the firm providing legal services to the town, attends town meeting to offer advice as to the legality of proposed actions the town may be considering.

Finance Committee: This branch of town government is a standing committee appointed by the Moderator. They have authority to consider all municipal questions and make reports or recommendations to Town Meeting. The Finance Committee reviews every line item in each department's budget, and submits the total budget. They recommend for or against each article on the warrant, based on their calculation of its impact on the tax rate, the town's financial position, and the spending priorities of the town. Their report is included with the Annual Town Meeting warrant. Each member of the Committee can speak and vote independently as a citizen.

Boxborough Select Board: Members of the Select Board have an important role before Town Meeting occurs. They prepare the warrant, obtain legal opinions where needed, make recommendations on specific articles, collect recommendations from other boards and committees, and cause the warrant to be mailed. At Town Meeting itself, their role is the same as other boards and committees. They will often make the main motion under an article, offer information, particularly through their appointed standing or ad hoc committees, or answer questions. Each member of the board can speak and vote independently as a citizen.

Boards and Committees: These elected and appointed boards have jurisdiction over various areas including schools, planning, zoning, conservation, recreation, library, and elder affairs. Their representatives will often offer the main motion on an article, give special presentations, or supply information on articles being considered. Each member of a board or committee can speak and vote independently as a citizen.

Petitioners: Any ten voters have the right to petition the Select Board to put an article on the Annual Town Meeting warrant. This number increases to one hundred for a scheduled Special Town Meeting and to two hundred to petition the Board to call a Special Town Meeting. These petitioners will often offer the main motion on their article, give a presentation if desired, or supply information on the article. An article submitted by petition has the same status as other articles on the warrant. To insure the best possible outcome, petitioners should contact the Town Administrator, Town Moderator, and other impacted Town officials as far in advance of Town Meeting as possible to discuss article language and process.

What Happens at Town Meeting?

Articles are usually considered in the order in which they appear on the warrant. An article may be taken out of order by majority vote. Each article is taken up in a similar way.

Motion: First the Moderator asks for a motion concerning the article, and a motion is made, generally by the person who put the article on the warrant, recommending action to be taken with regard to the article. The motion is then seconded. Voters should listen closely to the motion as stated since the vote and debate is on the motion which may be slightly different than the article as printed in the warrant. The mover then takes the floor and makes a presentation offering background on the article and reasons that it should be passed. The Moderator then asks for the recommendations on the article which are provided by the Finance Committee and other reporting committees.

Debate: Following the recommendations, debate is open. Voters must be recognized by the Moderator and clearly state their name and address before speaking. In most cases speakers are recognized using “alternating microphones” which may be labeled “yes” and “no”. Any registered voter may speak to an article, ask questions, voice comments or criticism, or offer information. With one exception, all speakers must be at microphones and cannot be interrupted by others. Remarks must be limited to the content of the article and be civil and respectful to others at the meeting. The mover remains available to answer questions but can also participate on the same basis as any other voter. Non-voters can speak with the permission of the Moderator and/or meeting members. Technically all comments are directed to the Town Meeting through the Moderator but this is observed more in the breach than reality in Boxborough. The only exception to interrupting a speaker or being recognized by the Moderator from the floor is for a voter to stand and raise a “point of order”.

Open and full debate is the hallmark of the New England Town Meeting. Most Massachusetts town meetings have formal or informal restrictions on how long and how often voters can speak on any article. Boxborough’s limitations are 10 minutes for a presenter and 3 minutes for a speaker. Brevity is a virtue and voters are encouraged to add new points to the debate rather than repeat what others have said. New speakers and new points of view are always encouraged. [Sometimes being over-long or repetitious can actually hurt a speaker’s case.] When no more debate is offered, or debate is ended by “Moving the Previous Question”, a vote is taken.

Voting: Most articles are decided by a simple majority. Some votes carry higher requirements, for example zoning bylaw changes need a two-thirds majority. Decisions can be made by a voice vote, a show of hands, or having voters stand while they are counted by tellers. Very infrequently, votes are taken by paper ballot. The Moderator declares the outcome of a voice and/or show of hands vote. If seven (7) people question the outcome, then a count by tellers will be made.

Amendments: Amendments can be offered to any article being debated. To offer an amendment, a voter needs to give the text to the Town Clerk in writing on a special form before the amendment is made. The Moderator will then recognize the mover of the amendment, and the amendment will be debated and voted up or down before returning to debate on the article as a whole. “Amendments to amendments” are generally not allowed except for the personnel plan, the operating budget article, or to clarify the amendment. Further information regarding amendments may be found on the *Town of Boxborough Amendment Work Sheet*.

Consent Agenda: Articles on the Consent Agenda are exceptions to the general process of Town Meeting. In every Town Meeting warrant the Select Board, in consultation with Town Counsel, the Moderator and the Finance Committee, identify those articles they feel should generate no controversy and can be properly voted without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate.

At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say “Hold” in a loud voice when the number is called. The article will then be removed automatically from the Consent Agenda and restored to its original place in the warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will

ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

Operating Budget: The operating budget for the Town is somewhat different from other articles. This article is moved and presented by the Finance Committee and the Finance Committee may speak to individual line items. During debate, the elected or appointed officials or staff responsible for the various line items may also speak to their department's budget. One note concerning the school budgets: while detail information may be presented in the warrant, by state law only the bottom line of the regional school assessment is voted by Town Meeting.

Quorum: There is no quorum required for any session of Town Meeting. So long as the Town Clerk is present, the Moderator can call a session to order at her/his discretion no matter how few voters are present, and the actions taken will be perfectly legal.

Reconsideration: Unless the Town Meeting votes to set rules otherwise, an article may be reconsidered on any night of the Town Meeting in which it was originally voted. The Town can vote to amend or defeat an article that has already passed, or re-vote and pass an article that was previously defeated. Each Town Meeting has the right to set its own rules on reconsideration for that meeting.

Selected Common Parliamentary Motions:

I move that this meeting be dissolved: This motion, if passed, ends the Town Meeting. It is in order only when all articles on the warrant have been disposed of in some way. It cannot be debated or amended and takes a simple majority.

I move to lay on the table: This motion, if passed, ends debate on the motion on the floor without any action. It cannot be debated or amended and takes a two-thirds majority to pass. If it passes, and Town Meeting ends without the motion being taken back off the table, the article is effectively defeated.

I move to take Article ___ off the table: This motion, if passed, brings an article back before Town Meeting for debate on the motion and action. It cannot be debated or amended and takes only a simple majority to pass.

I move the previous question: This motion, if passed, ends debate and forces an immediate vote on the article/amendment being debated. It cannot be debated or amended and takes a two-thirds majority to pass. If it fails, debate continues on the original item on the floor. Since this is a highly privileged motion, and a two-thirds vote is a high threshold, the Moderator will usually accept this motion unless it is extremely clear that both sides of an argument have not been heard.

I move that debate on the pending motion be limited to ___ minutes or ___ minutes per speaker: This motion, if passed, sets the clock ticking on a debate. It cannot be debated or amended and takes a two-thirds majority to pass. It can be undone by a motion to "extend debate" which is not debatable or amendable and also takes a two-thirds vote. [Note: this is a motion that has seldom, if ever, been used in Boxborough during the last 25 years.]

I move that the pending motion be amended by...: This motion, if passed, changes the content of the motion being debated. Once the motion to amend is made and seconded, debate ceases on the main motion until the motion to amend is voted up or down. The motion to amend can be debated, and takes a majority vote to pass no matter what vote is needed to pass the original motion.

I move reconsideration of Article ___: This motion, if passed, nullifies a previous vote of Town Meeting and brings a previously passed or defeated article back to the floor for debate a second time. This article can be debated, and cannot be amended. Unless the Town Meeting votes to set rules otherwise, in Boxborough it is always in order and takes a simple majority to pass. If the reconsideration article passes, it is as if the earlier debate and vote never took place.

Point of order: This is the one time that a speaker at a microphone can be interrupted from the floor. This is not really a motion at all but a question or comment, and thus cannot be debated or voted. The Moderator will immediately stop discussion, listen to the point of order and rule on it. Points of order could relate to the right of the speaker to the floor, the germaneness of the speaker's comments to the article under consideration, proper procedure, conduct of a speaker, or an error on the part of the Moderator.

Selected Quotes:

"It has been said that democracy is the worst form of government except for all those other forms that have been tried from time to time." Sir Winston Churchill, Speech in House of Commons 1947.

"We were all friends and neighbors before this meeting; after this meeting we will still be neighbors; hopefully we will still be friends." Reginald C. (Reg) Brown, Boxborough Town Moderator 1977 to 2005.

"Civility at Town Meeting is not optional." Various and sundry Town Moderators in Massachusetts.

Prepared by former Boxborough Moderator John Fallon with assistance from a great many people.



**TOWN OF BOXBOROUGH
NOVEMBER 6, 2023
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**TOWN OF BOXBOROUGH
FALL TOWN MEETING
NOVEMBER 6, 2023**

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of MGL Chapter 51, Section 1, to meet at the Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, MA on Monday, November 6, 2023 at 7:00 PM to act on Articles 1 through 15 of this Fall Town Meeting Warrant.

CONSENT AGENDA

In an effort to streamline Town Meeting and therefore make it more inviting to voters, the Select Board will again use a Consent Agenda. This will speed the passage of articles which the Select Board, after consulting with Town Counsel, the Moderator, and the Finance Committee, feels should generate no controversy and can be properly voted without debate. The purpose of a Consent Agenda is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

This Town Meeting, there will be 1 Consent Agenda, consisting of Articles 1-9. These articles are indicated with (*)

At the call of the Consent Agenda, the Moderator will announce the number of each article. If one or more voters object to including any particular Article in the Consent Agenda, they should say the word "Hold" in a loud voice when the number is called. The Article will then be removed from the Consent Agenda and restored to its original place in the Warrant. We will then debate and vote on it in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask that all items remaining be passed AS A UNIT by the voters.

Please carefully review the list of articles proposed for each Consent Item. Summaries are included under each article printed in this warrant.

ARTICLE 1 PAYMENT OF PRIOR FISCAL YEAR(S) BILLS (*)

\$65,535.71 Free Cash

(Nine-tenths vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Sixty-Five Thousand Five Hundred Thirty-Five Dollars and Seventy-One Cents (\$65,535.71), more or less, to provide payment of certain late bills from prior fiscal year(s) for the following invoices in the following amounts:

Department	Vendor	Date	Amount	Reason
Treasurer - Tax Collector Office	Minuteman Regional High School	4/13/23	\$32,092.27	Vendor sent invoice to incorrect recipient's email
Treasurer - Tax Collector Office	Assabet Valley Regional Technical High School	FY23	\$17,234.00	Vendor sent invoice to incorrect recipient's email
Treasurer - Tax Collector Office	Kelley & Ryan Associates, Inc	3/7/23	\$117.94	Unpaid due to vacancy in Treasurer/Tax Collector's Office
Executive Office	Guardian Technologies	3/24/23 4/23/23	\$1,993.76	Vendor didn't submit invoices to Administrative Assistant
Fire	L.W. Bills Company	6/8/23	\$638.21	Vendor sent invoice to incorrect recipient's email
Police	Amazon Business	10/30/22- 5/25/23	\$1,939.53	Vendor sent invoices to incorrect recipient's email
Police	Axon Enterprise Inc.	6/1/22	\$11,520.00	Vendor's multiple submissions

Or take any other action relative thereto.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this necessary article in order to approve past-due payments. Most of these late bills are attributable to high personnel turnover across the Town in almost all departments. Recruiting and retention efforts have significantly decreased employee turnover and increased morale. Additionally, generic department email addresses have been created for each department, so when there are staff changes in the departments; invoices will still reach accounts payable without delay.

The Finance Committee recommends (6-0-0). The Finance Committee unanimously recommends. While the town must pay its past due bills the Finance committee is concerned by the number of unpaid and past due bills that have had to come before ATM over the last 2 years. We hope that procedures will be put in place to avoid this number of past-due bills in the future.

ARTICLE 2 ENTER INTO REGIONAL EMERGENCY COMMUNICATION CENTER (RECC) AGREEMENT WITH NASHOBA VALLEY REGIONAL DISPATCH DISTRICT (NVRDD) (*)

No funding required
(Majority vote required)

To see if the Town will vote to join regional dispatch at the established Regional Emergency Communication Center (RECC) at Nashoba Valley Regional Dispatch District (NVRDD), located in the Devens Regional Enterprise Zone, 10.3 miles North of Boxborough, including the Towns of Berlin, Bolton, Harvard, Lancaster, and Lunenburg, or take any other action relative thereto.

Summary:

While the Select Board has the full authority to enter into contracts and Intermunicipal Agreements (IMA's) on behalf of the Town; the Board realizes this decision has come before the Town previously, and feels the voters would appreciate the opportunity to be part of the dialogue regarding the regionalization of emergency dispatch operations.

This article to join the Regional Emergency Communication Center at Nashoba Valley will contribute to a safer, more efficient, and resilient succession plan for Boxborough's future. By joining regional dispatch, the Town taps into a vast network of resources, expertise, technology, and highly trained, dedicated professional dispatchers with multiple staffed communication stations and supervisors at all times. Boxborough will have access to state-of-the-art technology, highly trained personnel, and a redundant system that ensures uninterrupted communication during even the most challenging situations.

Regionalization brings cost savings, so instead of bearing the full financial burden of maintaining a local dispatch center, we realize at least 66% savings per year, and even more in the first 5 years. Additionally, all costs in capital equipment, infrastructure, connectivity, engineering and communication gear required to join regional dispatch with NVRDD will be borne by the State, meaning there is no capital cost to Boxborough, other than \$5,000 per year that each member town in NVRDD invests toward a capital reserve fund. Each town in NVRDD, including Boxborough, if voters at town meeting decide to join, have equal voting and deciding power in all matters of administration, finance and operations, regardless of population, proximity, budget size or any other factor. Each town in the district is currently charged an all-inclusive annual assessment of \$204,000 per year, which covers all salaries, benefits, expenses and overhead. This annual expense would fall well within the already budgeted FY24 Dispatch budget of \$473,333 salary & expense (plus estimated benefits of \$124,800); resulting in an annual savings of 66% per year.

It is anticipated that if town meeting votes to pursue joining regional dispatch, that Boxborough could possibly be accepted into the district as soon as 3/1/2024, pending a vote of acceptance by the member towns currently in NVRDD. It is important to note that there is language in the Boxborough Dispatch Union contract that provides certain employee protections if the Town regionalizes dispatch. Those protections include payouts for employees who remain with the Town through transition, who have been employed by the Town for eight months or more. The final payout is \$750 per year of service in Boxborough, up to a maximum of \$10,000. Additionally, all Boxborough dispatch employees are guaranteed an interview if they apply for a position they are qualified for at NVRDD; with additional hiring preference; although final hiring decisions cannot be guaranteed.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends. This collaboration with Nashoba Valley Regional Dispatch District will save the Town considerable money and offer stability with staffing, which has been a challenge.

ARTICLE 3 AMEND FY24 PERSONNEL PLAN, THE CLASSIFICATION & COMPENSATION SCHEDULE (*)
(Majority vote required)

To see if the Town will vote to amend the Classification and Compensation Schedule of the Personnel Administration Plan, or take any other action relative thereto.

The Personnel Board recommends amending the Police Lieutenant position and adding the following positions to the Classification and Compensation schedule.

1. Police Lieutenant – Amend to non-exempt classification for FLSA status.
2. Assistant Town Accountant – add to the schedule at Grade 12
3. Local Transit Operator – add to the schedule at Grade 10

Summary:

The Classification and Compensation plan applies to all non-union employees. Positions are classified into groups and classes doing substantially similar work and having substantially equal responsibilities, and are then set forth in the Classification and Compensation Schedule, which is incorporated into the Personnel Plan.

The Police Lieutenant position was created in 2015 as an exempt position. With the modest size of Boxborough’s police force, the Lieutenant is required to provide a fair number of policing activities in addition to administrative activities. Given that reality and with support from the Police Chief and advice of Town Counsel, the Personnel Board recommends that this position be recategorized as non-exempt. Resolution of this issue became urgent when the position was recently filled by promotion.

The Assistant Town Accountant position is a new position to provide accounting support capacity to the Town Accountant.

The Local Transit Operator is a new position to support a new transportation service within the Town. This service was initiated by the Town Planner after receiving a grant from the Montachusett Regional Transit Authority (MART) for the service, which provides a needed mobility option for citizens in addition to the transportation services provided by the Council on Aging. This position will be required to kick off the additional grant-funded transportation service in Town.

**FY2024 Classification and Compensation Schedule
Regular Full-Time, Reduced Hours and Part-Time Employees**

GRADE	POSITIONS	FLSA Status	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
16	Assistant Town Administrator	Exempt	87,301	89,484	91,721	94,014	96,364	98,773	101,243	103,774	106,368	109,027	111,753	114,547	117,411	120,346
	Police Lieutenant	Non-Exempt														
15	COA & Community Services Director															
	*Inspector of Bldgs Commissioner (BICO)															
	**Town Accountant	Exempt	74,300	76,158	78,062	80,013	82,014	84,064	86,166	88,320	90,528	92,791	95,111	97,488	99,926	102,424
	*Town Assessor *Town Planner Town Treasurer/Collector															
14	Community Services Coordinator	Exempt	63,233	64,814	66,434	68,095	69,797	71,542	73,331	75,164	77,043	78,969	80,943	82,967	85,041	87,167
	Council on Aging Coordinator	Non-Exempt	30,29	31,05	31,83	32,62	33,44	34,27	35,13	36,01	36,91	37,83	38,78	39,75	40,74	41,76
	Town Clerk/Temporary Town Clerk															
13	Associate Town Planner	Exempt	58,358	59,817	61,313	62,845	64,416	66,027	67,678	69,370	71,104	72,881	74,703	76,571	78,485	80,447
	Youth Services Librarian	Non-exempt	27,94	28,64	29,36	30,09	30,84	31,62	32,41	33,22	34,05	34,90	35,77	36,66	37,58	38,52
	Information Services Librarian Technical Services Librarian															
12	Assistant Town Accountant	Exempt	25,99	26,64	27,31	27,99	28,69	29,41	30,14	30,90	31,67	32,46	33,27	34,11	34,96	35,83
	Administrative Assistant Conservation Agent	Non-Exempt														
11	Animal Control Officer Department Assistant	Non-exempt	24,19	24,79	25,41	26,05	26,70	27,37	28,05	28,75	29,47	30,21	30,97	31,74	32,53	33,35
10	Sr. Library Assistant Local Transit Operator	Non-exempt	22,49	23,05	23,63	24,22	24,83	25,45	26,08	26,74	27,40	28,09	28,79	29,51	30,25	31,00
9	Library Assistant	Non-exempt	20,93	21,45	21,99	22,54	23,10	23,68	24,27	24,88	25,50	26,14	26,79	27,46	28,15	28,85
8	Van Dispatcher	Non-exempt	19,47	19,96	20,46	20,97	21,49	22,03	22,58	23,15	23,72	24,32	24,93	25,55	26,19	26,84

* Position is under three-year contract
**Position is under two-year contract

The Personnel Board recommends (4-0-0). The Personnel Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends.

The Select Board recommends (4-0-0). The Select Board supports the proposed amendment to the Classification and Compensation Schedule as recommended by the Personnel Board.

ARTICLE 4 SARGENT ROAD BOND ANTICIPATION NOTE (BAN) PAYMENT OF INTEREST (*)

\$11,000 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Eleven Thousand Dollars (\$11,000), more or less, for the purpose of paying the Bond Anticipation Note (BAN) interest for the Sargent Road Purchase, or take any other action relative thereto.

Summary:

At the 2022 ATM, the Town voted to purchase the property at Sargent Road and took out a bond. The \$11,000 will cover the budget shortage for BAN interest from the 2023 Special Town Meeting Article 1.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends.

ARTICLE 5 RETIRED TOWN EMPLOYEE DEDUCTIONS: REIMBURSEMENT OF INTEREST CHARGED TO EMPLOYEE UPON RETIREMENT (*)

\$3,740.73 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Three Thousand Seven Hundred Forty Dollars and Seventy-Three Cents (\$3,740.73), more or less, for the purpose of correcting an error from twenty years ago when pension deductions were not properly deducted upon the start of a new employee, or take any other action relative thereto.

Summary:

This article will correct an error that was discovered in 2022, when the employee retired, and the county retirement office data showed that deductions were not withheld or paid for the first six months of the individual's employment with the Town. To get the full retirement benefit for the years, the employee had worked for the Town, they were required to pay \$6,709.56 (\$2,968.83 in principal that should have been withheld, and \$3,740.73 in interest that accrued over the subsequent years).

The intent of this article is to pay the interest only, as it accrued due to the Town's error of not deducting or paying retirement withholdings for the first six months.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee unanimously recommends.

ARTICLE 6 FISCAL YEAR 2024 INTER-DEPARTMENTAL OPERATING BUDGET TRANSFER (*)

\$2,500 Transfer DPW to Police

(Majority vote required)

To see if the Town will vote to transfer from available funds, or otherwise provide the sum of Two Thousand Five Hundred Dollars (\$2,500), more or less, to the Fiscal Year 2024 Operating Budget as follows, or take any other action relative thereto.

Summary:

Department	Amount	Reason
Police	\$2,500	Police budget for building supplies was omitted in the budget process
DPW	(\$2,500)	DPW budget was left with a \$2,500 surplus

When the Buildings & Grounds division within DPW was initially formed, all facilities and supply lines were moved to DPW. Subsequently, building supply funds (such as for paper products, soap, and daily consumables) were moved back to individual department building budgets. In this process, police supply funds were accidentally left in the DPW budget.

The Select Board recommends (4-0-0). The Select Board recommends unanimously for the reason stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends.

ARTICLE 7 WATER RESOURCES COMMITTEE: CONSULTANT TO INITIATE DEVELOPMENT OF TOWN-WIDE WATER RESOURCE PLAN (*)

\$30,000 Reallocate funds appropriated from *Articles 17 and 18 of the 2019 ATM*
(Majority vote required)

To see if the Town will vote to transfer funds appropriated from prior articles of Thirty Thousand Dollars (\$30,000), more or less, for the purpose of hiring a consultant to conduct studies to assist the Water Resources Committee to begin development of a town-wide water resource plan, or take any other action relative thereto.

Summary:

The proposed article will be funded from appropriations for Articles 17 and 18 of the 2019 Annual Town Meeting, which will be closed upon approval of this proposed article. No new funding, appropriation or borrowing is required for this article.

This article will combine funds appropriated in two prior articles, to hire a consultant to assist the Water Resources Committee (WRC) to begin developing a town-wide water resource plan by delivering a report recommending a long-range action plan. The scope of this new article is within the language and intent of the 2019 articles, and will provide for better financial tracking, transparency, and accountability.

A new Water Resources Committee was formed in 2018 with Select Board approval of a charge that outlined many issues that the committee wished to address over time. The WRC has learned that we need expert help to address the work described in our charge. We have prepared a Request for Proposal (RFP) to find and hire that help. This article will explicitly enable the solicitation of expert consultation via the RFP process. The Planning Board, Board of Health, Select Board, Conservation Commission, Sustainability Committee and others will be asked for input to the request of proposal. The RFP requires the respondent to address several topics, including:

- *What should Boxborough do to meet future, long-term water supply needs for everyone in the Town?*
- *Identify the town's strategic needs for protecting and enhancing existing water supplies, aquifers, and other surface water and groundwater resources.*
- *Determine the best means for ensuring safe and reliable water supplies, using a planning horizon of 100 years, and considering cost, feasibility, and available alternatives.*

The consultant's report delivered under this article will be the first phase in developing a water resource plan for the entire town. It is expected that the report will recommend additional work that will need to be carried out in subsequent phases. Funding for such additional phases may be provided by grants received and approval of other articles at future town meetings.

The Water Resources Committee (7-0-0). The Water Resources Committee recommends for the reasons outlined in the Summary. This article will support the development of a long-range town-wide plan with available funds.

The Finance Committee recommends (6-0-0). The Finance Committee unanimously recommends for the reasons stated above.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

ARTICLE 8 NON-BINDING RESOLUTION – CHANGING THE STATE FLAG AND SEAL (*)

(Majority vote required)

To see if the Town will vote to support the following resolution in support of changing the Massachusetts State Flag & Seal of Massachusetts, or take any other action relative thereto.

Whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Boxborough shares a rich Native history with modern tribal nations such as the Nipmuc and the Pennacook, who inhabited this area long before the first colonial settlers arrived, in 1680;

Now, therefore, **BE IT RESOLVED** that the Town of Boxborough hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and **in support of a new flag and seal for the Commonwealth** that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Nick Collins and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, and Sen. Jamie Eldridge and Rep. Danillo Sena, with the request that they continue their strong support for the work of the aforementioned Special Commission and advocate for a new flag and seal for the Commonwealth.

Summary:

The Need for Change

The Massachusetts State Flag and Seal have remained controversial symbols that many view as perpetuating white supremacy and the historical oppression of Native Americans.

Historical Context

The Massachusetts flag and seal have undergone several changes since their original designs. Paul Revere's 1775 design featured an Anglo-American man, while the 1780 version reverted to featuring a Native American man.

The current design includes a Colonial broadsword suspended above the Native American figure, viewed by many as a symbol of violence and historical oppression.

Colonial Legacy and Native Oppression

Massachusetts' early history includes the forced removal, internment, and enslavement of Native peoples.

The historical motto and visual elements of the flag and seal do not reflect the state's grim history with Native Americans, including the epidemics that wiped out native populations, and the wars that led to their subjugation and enslavement.

The Case for Inclusion and Representation

Massachusetts, a name derived from a Native American tribe, needs symbols that reflect its diverse history and the contributions of Native Americans.

The original charter for Massachusetts Bay allows for the changing of the state seal, offering legal precedent for this necessary update.

Take a closer look at the symbols in the current state flag and seal.

Illustrator Edmund Garrett used a Frankenstein approach to designing the “ideal Native American” image for the Massachusetts flag and seal. His design was formally adopted by the legislature on June 14, 1898.

The sword is modelled on Myles Standish's broadsword, borrowed from the Pilgrim Hall in Plymouth. Standish was the military commander for Plymouth Colony, known for killing Native Americans.

“The bow is an accurate representation of one taken from an Indian shot and killed in Sudbury in 1665.”
-Edmund Garrett

The face came from a photograph of Thomas Little Shell, a Chippewa chief from Montana. Garrett called him “a fine specimen of an Indian”.

Garrett patterned the belt after the red flannel belt of Metacomet (King Philip), housed in the Peabody Museum in Boston. Metacomet was a leader in the first Native war of resistance against English colonization. His severed head was impaled on a pike and displayed in Plymouth for more than 20 years as a war trophy.

Proportions for the body were taken from a Native skeleton dug up in Winthrop.

The downward pointed arrow indicates a ‘pacified’ Native American.

The Latin motto begins: “By the sword we seek peace...”



(Diagram from: <https://changethemassflag.com/history/>)

The Select Board recommends (4-0-0). The Select Board recommends unanimously for the reasons stated in the Summary.

The Finance Committee recommends (5-0-1). The majority of the Finance Committee recommends with one-member abstaining.

ARTICLE 9 FUNDING FOR A LOCAL TRANSIT OPERATOR POSITION (*)

\$7,200 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Seven Thousand Two Hundred Dollars (\$7,200), more or less, to fund the first month of a fully reimbursable Local Transit Operator line item, or take any other action relative thereto.

Summary:

The Montachusett Regional Transit Authority has been awarded a federal grant, allowing them to provide routed and pick-up service in the Town of Boxborough. The Town will hire its own bus driver, while still receiving complete reimbursement for the cost of said employee. Doing so will allow greater control over personnel, the greatest possibility of a local hire, and the Town to have the greatest control over the established route to best serve Boxborough residents and employees of resident businesses. The established bus route will connect Boxborough residents with the South Acton Train Station, shopping centers in Acton and Boxborough, health care services, and educational and government services. Additional trips can be arranged by schedule, and additional routes and stops are anticipated in future phases. While all costs will be covered by the Regional Transit Authority, seed money is needed to establish the line item and process the first month's expenses until reimbursement 30 days later.

The Select Board recommends (4-0-0). The Select Board recommends unanimously for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends.

NON-CONSENT ARTICLES

ARTICLE 10 ZONING BYLAW AMENDMENT - COMMERCIAL DUMP

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 4.1.3.b EXTENSIVE USES and Section 9.2 Terms Defined by adding the following language in bold italics, and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw, or take any other action relative thereto.

	AR	R1	B	B1	OP	TC	IC
Commercial Earth Removal	N	N	N	N	N	N	Y2
Commercial Dump	N	N	N	N	N	N	PB
Conservation area, public park	Y	Y	Y	Y	Y	Y	Y

9.2 Terms Defined

Commercial Dump shall mean a sanitary landfill, a refuse transfer station, a refuse incinerator rated at more than one ton of refuse per hour, a resource recovery facility, a refuse composting plant, a dumping ground for refuse or any other works for treating, storing, or disposing of refuse.

Summary:

Following the zoning recodification during Special Town Meeting 2022, the Attorney General advised the Town that certain terms and language must be deleted of the bylaw. Once such deletion included the term Commercial Dump, within the bylaw. This deletion cited Mass General Law which dictates the use type may not be outlawed in industrial districts. The same section of Mass General Law does speculate that the use type may be subject to approval with reasonable conditions. As such, the Planning Board offers this revision to the Zoning Bylaw, which would allow the use only by special permit and only within the Industrial Commercial District.

The Planning Board defers recommendation. The Planning Board will defer its recommendation to Fall Town Meeting. The Planning Board Public Hearing on this article will be held on October 10, 2023 after the deadline for publication of this warrant. A copy of the Board's vote and written recommendation will be made available at Town Meeting and a verbal recommendation will be given on the floor.

The Finance Committee recommends (6-0-0). The Finance Committee unanimously recommends.

The Select Board does not comment on articles proposed by other elected boards.

ARTICLE 11 COMPREHENSIVE BOXBOROUGH TRAFFIC STUDY

\$20,000 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Twenty Thousand Dollars (\$20,000), more or less, towards phase one of a comprehensive traffic study, focused primarily along Route 111, spanning the neighboring streets, considering the impacts of future growth, and making comprehensive recommendations on how best to address traffic and public safety, or take any other action relative thereto.

Summary:

To adequately assess the impacts of new growth, the Planning Board proposes this study to establish a baseline existing condition, review projected new traffic impacts, and recommend improvements to ensure safer streets in Boxborough. The baseline analysis will include a reasonable traffic count, conducted along Massachusetts Avenue and several surrounding neighborhoods. Further, the selected consultant will account for traffic anticipated by recently approved projects, some of which have been disputed for accuracy by the Planning Board. A projection will be prepared for future growth, and the selected consultant will make recommendations on the ways to improve the studied ways for public health and safety.

This \$20,000 article is the first step in a cumulative study, which will cost an additional \$60,000. The Planning Board requests \$20,000 of free cash to commence data collection in Fiscal Year 2024; and anticipates requesting the additional \$60,000, or a smaller sum, at Annual Town Meeting 2024. The Town Planner will investigate and evaluate several grant programs, with the hope of offsetting future costs by grant award prior to Annual Town Meeting.

The Planning Board recommends (5-0-0). The Planning Board will submit a verbal report on their recommendation on Town Meeting Floor.

The Finance Committee recommends (0-6-0). The Finance Committee does NOT recommend. The Finance Committee believes that the entire \$80,000 belongs on the Annual Town Meeting Warrant and not split apart over two Town meetings.

The Select Board does not comment on articles proposed by other elected boards.

ARTICLE 12 REPLACEMENT OF FIRE DEPARTMENT TENDER 65 (TANKER)

\$532,000 Bonding

(Two-thirds vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Five Hundred Thirty-Two Thousand Dollars (\$532,000), more or less, for the purchase of a Tender with additional carrying capacity for water for the Boxborough Fire Department, or take any other action relative thereto.

Summary:

The Boxborough Fire Department applied for a FEMA grant to replace a piece of Fire apparatus that is 39 years old and frequently out of service. The grant was not awarded in 2022 and is pending, but looking unlikely for 2023. The current apparatus is slated to be replaced in FY24 per the capital plan. Action on this same article was indefinitely postponed at the 2023 Annual Town Meeting to see if the Fire Department was able to secure the grant. If the grant is not awarded by the time of Special Town Meeting, this article would fund the full purchase of the apparatus. All allocated funds for grant matches total of \$28,000 at the past two Annual Town Meetings through free cash would be used for this purchase, as well, bringing the total cost of the purchase to \$560,000.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee recommends (6-0-0). The Finance Committee recommends approval of this article unanimously. This article will save the Town money by purchasing this firetruck before a large year-end price increase. The actual purchase of this equipment will not affect taxpayers until the fiscal year 2025. This piece of equipment, as stated above, is to replace the aged hose wagon 65. Replacing the old hose wagon with an additional tender/tanker increases the effectiveness of the Fire Department in protecting citizens' families and homes. This article will only be necessary should the FEMA grant not provide the full amount of the \$532,000.

ARTICLE 13 FULL-TIME ONSITE FINANCE DIRECTOR/TOWN ACCOUNTANT & PART-TIME ONSITE ASSISTANT TOWN ACCOUNTANT

\$70,500 Free Cash
(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Seventy Thousand Five Hundred Dollars (\$70,500), more or less, for the funding of the recruitment, hiring and retention of a full-time onsite Finance Director/Town Accountant, and a part-time onsite Assistant Town Accountant, or take any other action relative thereto.

Summary:

This article is intended to enable the Town to recruit and retain two dedicated Boxborough employees; appropriately educated, experienced, qualified and credentialed in municipal accounting. Current research in the municipal finance market reveals that in order to be competitive in recruiting a pool of desirable candidates, that a fully benefited contract for a Finance Director/Town Accountant should be salaried between \$135,000 - \$150,000 per year, and the Finance Department should be able to be staffed with an Assistant Accountant for 19.5 hours per week at an approximate salary of \$30,500 per year.

It is anticipated there will be \$50,000 remaining in the Accountant salary line going into the third quarter of FY24 (including a \$10,000 severance per contract). To fund the Finance Director and Assistant Accountant positions for the third and fourth quarters of FY24, \$90,500 will be needed for salary (half year), \$15,000 in benefits (half year), and \$15,000 for executive recruitment; resulting in a total FY24 cost of \$120,500 minus the remaining \$50,000 = \$70,500 funding request.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

The Finance Committee defers recommendation. Due to the very late submission of this article the Finance Committee was unable to meet, discuss and vote. We defer our recommendation to Town Meeting.

ARTICLE 14 FULL-TIME ONSITE FINANCE DIRECTOR/TOWN ACCOUNTANT

\$55,000 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Fifty-Five Thousand Dollars (\$55,000), more or less, for the funding of the recruitment, hiring and retention of a full-time onsite Finance Director/Town Accountant, or take any other action relative thereto.

Summary:

This article is intended to enable the Town to recruit and retain a dedicated Boxborough employee; appropriately educated, experienced, qualified and credentialed in municipal accounting and municipal finance department management. Current research in the municipal finance market reveals that in order to be competitive in recruiting a pool of desirable candidates, that a fully benefited contract should be salaried between \$135,000 - \$150,000 per year, and the Finance Department should be resourced with highly qualified, cross-trained employees who can provide support, backup and redundancy for succession planning and retention of qualified staff.

It is anticipated there will be \$50,000 remaining in the Accountant salary line going into the third quarter of FY24 (including a \$10,000 severance per contract). To fund the Finance Director position for the third and fourth quarters of FY24, \$75,000 will be needed for salary (half year), \$15,000 in benefits (half year), and \$15,000 for executive recruitment; resulting in a total FY24 cost of \$105,000 minus the remaining \$50,000 = \$55,000 funding request.

The Select Board recommends (3-1-0).

Majority Opinion: The majority of the Select Board recommends this article for the reasons stated in the Summary.

Minority Opinion: The dissenting member of the Select Board voted not to recommend a Full-time Accountant/Finance Director without provision for an assistant. The member fully recognizes the critical need for this role but believes that the absence of a designated Assistant Accountant will severely impact the recruitment and retention of qualified candidates, ultimately compromising the effectiveness and longevity of the position.

I strongly advocate for support of the alternative Warrant Article which prudently includes the provision for an Assistant Accountant, ensuring a balanced and sustainable approach to our town's financial management. This comprehensive approach is crucial for attracting and retaining top talent and allows for a more equitable distribution of responsibilities, enhancing the overall functionality and success of our finance department.

The Finance Committee recommends (6-0-0). The Finance Committee believes a full-time, in-person, certified Accountant is necessary for the provision of timely accurate information and should be accessible to all. We realize this will increase the budget going forward.

ARTICLE 15 ESTABLISHMENT OF A K-9 UNIT

\$26,300 Free Cash

(Majority vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of Twenty-Six Thousand, Three Hundred Dollars (\$26,300), more or less, for the purpose of the establishment of a K-9 Unit, or take any other action relative thereto.

Summary:

The fund would be used to cover the costs related to the establishment of a K-9 Unit for the Town of Boxborough. A K-9 would serve multiple purposes including improving community relations with town citizens, seniors, employees, and youth, while also providing much-needed search and rescue operations in a timely manner for lost or missing individuals on the numerous town trails and open space areas.

Relevant expenditures would include:

- *K-9*
- *Training of K-9*
- *Wages/Overtime associated with the cost of the training, daily maintenance, upkeep, and shift coverage*
- *Transportation costs/Outfitting of vehicle*
- *Food*
- *Veterinarian*
- *Medicine/Vaccinations*
- *Departmental equipment, supplies, and gear*
- *Shelter*
- *Other relevant expenditures pertaining to the proper care and safety of the K-9 and police personnel*

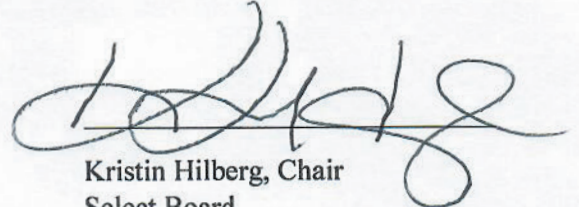
We are anticipating numerous donations, along with fundraising efforts for this program. Any unused funds will be returned to free cash.

The Select Board recommends (4-0-0). The Select Board unanimously recommends this article for the reasons stated in the Summary.

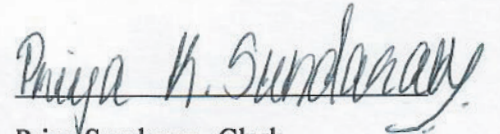
The Finance Committee recommends (5-0-1). A majority of the Finance Committee recommends, for all the reasons stated above. We are also pleased that the Police Department is securing pledges to offset the cost of the program.

You are required to serve this Fall Town Meeting Warrant by posting copies thereof, attested by you, at the Town Hall, at the Sargent Library, at the Police Station, at the Fire Station, and at the Blanchard Memorial School, fourteen days at least, before the time appointed for such meeting.

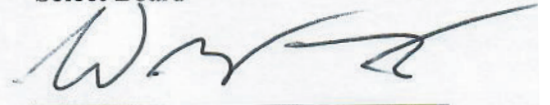
Hereof, fail not to deliver these warrants with your return of service thereon to the Town Clerk on or before October 23, 2023.



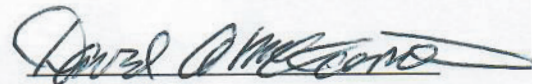
Kristin Hilberg, Chair
Select Board



Priya Sundaram, Clerk
Select Board



Wesley Fowlks, Member
Select Board



David McKiernan, Member
Select Board

Town of Boxborough
29 Middle Road
Boxborough, MA 01719

<p>PRSR-STD ECRWSS U.S. Postage Paid Acton, MA</p>
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Postal Customer
Boxborough, MA 01719

Please bring this Warrant to the Meeting

VISIT THE BOXBOROUGH TOWN WEBSITE AT
www.boxborough-ma.gov