TOWN OF BOXBOROUGH
NOTICE OF PUBLIC MEETING

Revised

9/28/2020

SELECT BOARD
Meeting Agenda
Monday, September 28, 2020
6:15 PM
Conducted via a ZOOM Event

Item #	Estimated Start Time		Action Vote/ Accept & POF
		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.	**6:15 PM**	**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.*	
	a.	*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 6* *To consider the possible settlement, purchase, exchange, lease or value of real property (Boxboro Hospitality) and prospective Tax Increment Financing (TIF) agreement.* *if open meeting may have a detrimental effect on the government's bargaining or litigating position,*	
2.	**7:00 PM**	**Reconvene in Open Session - Call to Order via ZOOM pursuant to the procedures noted above.** *[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.	July 27, 2020 - Open Session	**ACCEPT & POF**
	b.	September 8, 2020 - Executive Session	**ACCEPT & POF**
	c.	September 14, 2020 - Executive Session	**ACCEPT & POF**
	d.	September 21, 2020 - Executive Session	**ACCEPT & POF**
6.	**7:20 PM**	**Citizens Concerns**	
7.	**7:30 PM**	**General Business**	
		Pursuant to the recommendation of the Chief of Police, Warren Ryder: Vote to approve use of camera policy in police vehicles	**Vote**

7:40 PM **Presentation by Dr. Caitlin Spence regarding the Metropolitan Planning Area Council (MAPC) Technical Assistance Program Grant for the Water Resources Committee**

8:00 PM **November 3, 2020 Presidential/State Election**

Vote to notify and warn the inhabitants of the Town who are qualified to vote in the state election to vote at Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, on Tuesday, the 3rd day of November, 2020, from 7:00 AM to 8:00 PM to cast their votes in the State Election for the following offices and questions: **Vote**

Electors of President and Vice President
Senator in Congress
Representative in Congress
Councillor
Senator in General Court
Representative in General Court
Register of Probate

and Ballot Questions:

Question 1: *Law Proposed by Initiative Petition - This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair*

Question 2: *Law Proposed by Initiative Petition - This proposed law would implement a voting system known as "ranked-choice voting" in certain primary and general elections starting in 2022."*

8. **8:05 PM** **Update on Town Boards/Committees/Commissions**

a. *Pursuant to the recommendation of the Acton Boxborough Cultural Council, Vote to appoint Hong Bing Tang, to the Acton Boxborough Cultural Council for a three year term effective immediately and ending on June 30, 2023.* **Vote**

b. Update Boxborough 2030 - November 9th Joint Planning Board Review

9. **8:10 PM** **Select Board Goals and Objectives in the year ahead**

Action Items - Review

i. Communication and Marketing Plan Update - M. Neyland

ii. Inclusivity and equity update

e.g. Diversity Task Force, Dept. Heads input-diversity in hiring, diversity in boards/committees

10. **8:20 PM** **Personnel Updates**

a. Discussion of Town Clerk's pending retirement, scheduled for June 2021, and steps to fill this position

b. Update on status of current vacancies

c. Discussion on proposed Memorandum of Understanding between the Select Board and the Planning Board concerning Town Planner's responsibilities.

11. **8:30 PM** **Select Board & Town Administrator's reports/updates**

a. Review of FY 21 Goals Workshop - 9/26/2020

b. COVID-19 Status Update

c. Reports

12. 8:45 PM Executive Session

Vote to adjourn to conduct an executive session via a separate ZOOM event, and not to reconvene in Open Session after completion of the Executive Session: **Vote**

a. *Per C30A §21 (a), subsection 3*

To discuss strategy with respect to litigation (984 Massachusetts Avenue, Granite Hill Development) and further to invite Planning Board members, noting that a quorum may be present, to participate in this discussion

b. *Per C30A §21 (a), subsection 2*

T o discuss strategy in preparation for negotiations with respect to:

Collective bargaining units(Police, Dispatch, and Fire)

Nonunion Personnel (Town Administrator)

if open meeting may have a detrimental effect on the government's bargaining or litigating position,

13. 8:45 PM Adjourn

2020: 10/5; 10/19; 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): 10/6

Join Zoom Meeting

https://us02web.zoom.us/j/87285408689?pwd=ZGRES3R5VnB5Um9QTGxOZDVzYlh0QT09

Meeting ID: 872 8540 8689

Passcode: 972676

One tap mobile

+13126266799,,87285408689# US (Chicago)

+19292056099,,87285408689# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 872 8540 8689

Find your local number: https://us02web.zoom.us/u/kdNJzBmBVg

5a

SELECT BOARD

Meeting Minutes

Monday, July 27, 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; Administrative Assistant, Cheryl Mahoney and BXB-TV Coordinator, Kirby Dolak

At 6:17 PM Chair Fowlks called the meeting to order, noting that this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order.

Executive Session

- At 6:18 PM, Chair Fowlks moved to adjourn immediately to conduct an executive session via a separate ZOOM event and further to invite Planning Board members, noting that a quorum may be present to participate in a joint discussion of - Strategy with respect to litigation (984 Massachusetts Avenue, Granite Hill Development) if open meeting may have a detrimental effect on the government's bargaining or litigating position, per C30A §21 (a), subsection 3 and for the Select Board to re-convene in open session for the regular session portion via Zoom, at approximately 7:00 PM to continue the business on the agenda; Seconded by Member Neyland. **Approved: 5-0.** Roll Call: Roll Call Markiewicz "aye," Fox "aye," Stemple "aye," Neyland "aye," and Fowlks "aye."

Regular Session

- At 7:00 PM, the Select Board Reconvened in Regular Session, noting that the meeting is being conducted via Remote Participation, pursuant to the Current Executive Order.

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

ALSO PRESENT: Ryan Ferrara, Town Administrator; Administrative Assistant, Cheryl Mahoney and BXB-TV Coordinator, Kirby Dolak

Along with: Housing Board Chair, Al Murphy; Planning Board members: Cindy Markowitz, Chair; Mark Barbadoro; Robin Lazarow; & Rebecca Verner (8:20PM); Becky Neville; Tanu Basu; Lovingsky Jasim; and Diane Lipari

Announcements

Chair Fowlks read the Announcements.

Approval of payroll and payable warrants

- The Board had approved any/all pending of payroll and payable warrants as a quorum; duly signing electronically.

Minutes

- Member Fox moved accept the Regular Session Minutes of June 29, 2020, as written. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."
- Member Fox moved accept the Executive Session Minutes of June 29, 2020, as written. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

General Business

The Board took agenda item #7b, out of order

- Flag Flying Request: Indian Independence Day- August 15th, Tanu Basu, Director of the India Association of Greater Boston (IAGB) was present to present the IAGB's request to fly the United States and Indian National Flags on August 15th, Indian Independence Day, when India gained independence from the British Empire. She provided a history as to IAGB's efforts in celebrating/observing this event and promoting Indian culture locally. Pre-COVID, the IAGB celebrated the day at a big event in Boston but due to the current restrictions they have decentralized and are bringing this celebration back to their own communities. So far twenty Massachusetts communities are holding events on Fri., August 14th or Sat. August 15th. They would like to conduct the ceremony in the front of Town Hall and they would provide their own 16-foot flagpole. Basu reviewed the COVID/social distancing protocols they

will be observing for this brief ceremony. It was noted that this request is in keeping with the U.S. Flag Code. They are anticipating 25 attendees and invited the Select Board to attend. There was discussion as to the duration which the Indian flag would remain up. The Board discussed whether this would result in other groups looking to hold similar events. Basu will work with Town staff to coordinate this event. This event would make everyone feel inclusive. Member Stemple moved to approve the India Association of Greater Boston (IAGB)'s request to fly the Indian National Flag on Friday, August 14, 2020, within the details discussed tonight; specifics to be worked out later. Seconded by Member Markiewicz. **Approved: 5-0.** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

- Town Field Usage and Fee Waiver Request: Black Lives Matter-Acton public event - Residents - Lovingsky Yasim was present to speak to this request. He advised that fellow organizer Fred Harris was unable to participate this evening. They continue to work to raise awareness in our community; they have realized that we need to do this for our larger community and would like to hold a public gathering that will be in compliance with current Phase 3 COVID-19 guidelines at Flerra Fields on August 16th. They anticipate 100 people may attend, which is allowed in Phase 3. Their goal is to keep it safe. When they advertise, they will communicate the protocols and they will have volunteers monitoring protocol compliance before, during and after the event. They will also work to return the field to the condition that they found it in when they are done. They are working to obtain the insurance coverage referenced in the use application. The Board suggested that the hours requested be modified as the rules at Flerra only allow for dawn to dusk usage. It was noted that this event may set a precedent and that other groups might want to conduct similar events. Given the anticipated small attendance it is unlikely that a police detail would be needed but the police will be informed so they can address any traffic control concerns. The Board stressed that the current social distancing protocols are imperative; so we don't experience a surge. Further to the recommendation of the Recreation Commission, Member Markiewicz moved to approve Black Lives Matter Acton's request to waive the field use fees associated with the use of Flerra Field. Seconded by Member Stemple. **Approved: 5-0.** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

- Regional Housing Consulting Intermunicipal Agreement (IMA) – Member Fox spoke to this. The related Request for Proposals (RFP) that provided background and more details on this agreement were distributed earlier today. The Town has been participating in this regional collaborative for almost 10 years. This model is becoming very popular, specifically for the smaller communities. The Town funds these services through CPA funds as we do for our rental assistance program. There was discussion as to the staffing hours allocated to Boxborough compared to the other communities and the events that likely lead to a greater hour allocation. Member Fox related the housing developments in Town that are monitored by this service. These functions can be quite time consuming and onerous. Member Fox moved to enter into an Intermunicipal Agreement with the towns of Harvard, Hudson, Bolton, Littleton, Lancaster and Stow; Hudson Municipal Affordable Housing Trust; the Devens Enterprise Commission and MassDevelopment Devens ("Devens") for the purpose of sharing the services and costs of a common Regional Housing Consultant for a three-year term commencing July 1, 2020. Seconded by Member Markiewicz. **Approved: 5-0.** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

Action Items - Review

- Chair Fowlks spoke to his rationale for putting this new item on the agenda.
  - Improve the information on the Town Website (usability and search ability) – TA Ferrara related his discussions with the website vendors; the accommodation that had to be implemented with ATA Donahue's departure; upcoming training schedule for staff and the staff's contribution and maintenance of their respective web resources going forward. He pulled up the proposed site and reviewed some of the improvements and the features that will translate from the current site. The Board discussed some of the materials that they would like to develop and make available on the new site.
  - Creating a multi-prong marketing plan for communication and engagement – this needs to be fleshed out so we can determine if and, if so, how to proceed; whether to hire a professional or to tap our talented residents. We need to gather input from residents, and then create a strategy for marketing the town. The focus should be our residents; not marketing to the outside world. This will difficult but it is important. The objective should be to unify the community. It was suggested that the Town could reach out to the Police Department's public relations firm to obtain input on these efforts. The attendees also provided their input. Planning Bd. Markowitz noted that there is a communications component in the Town's Master Plan. It was noted that the Police consultant has a different focus from what is being considered. TA Ferrara was asked to seek input from other communities. The Board reviewed some of the existing and previous communication efforts.
  - Select Board memo on the website - this will be posted on the current site and brought over to the new site when launched.
  - Looking at how the Town can be more inclusive and welcoming and racially equitable – this is related to the bigger discussion coming up.

Discussion Maynard's Inclusionary Housing Zoning Bylaw - Chair Fowlks related the information that he obtained through our affiliation with MAGIC concerning inclusionary housing zoning. This is intended to be just an initial discussion. He wanted to include the Planning Bd. and Housing Board and he noted that members of both Boards were in attendance. Input was provided - This is not a simple problem as many state laws and regulations run contrary to each other in these matters. This is a frequent topic undertaken by regional consortiums like the one we just approved. There were some concerns as to the terms/conditions in the Maynard model. There was discussion as to the State's 40B unit calculation and that additional accommodations could be implemented even with Boxborough's current status as exceeding the 10%-unit threshold. This may need to be a topic for the inclusion/diversity working group the Select Board is working to develop.

September 1, 2020 State Primary Election – TA Ferrara noted that the Town Clerk requested late today that this be added to the Board's agenda. He noted as this was time sensitive, it was a necessary addition to this evening's agenda. Member Markiewicz moved to notify and warn the inhabitants of Boxborough who are qualified to vote in Primaries to vote at the Blanchard Memorial School Gymnasium located at 493 Massachusetts Avenue, Boxborough, MA on Tuesday, the first (1st) day of September, 2020 from 7 AM to 8 PM to cast their votes in the Presidential Primary for the candidates of political parties for the following offices - Senator In Congress For This Commonwealth; Representative In Congress, Third District; Councillor, Third District; Senator In General Court, Middlesex & Worcester District; Representative In General Court, Thirty-Seventh Middlesex District; And Register Of Probate, Middlesex. Seconded by Member Fox. **Approved: 5-0.** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

Update on Town Boards/Committees/Commissions

- Planning Board Chair Markowitz was present for her appointment to the Minuteman Advisory Group on Interlocal Coordination (MAGIC) – she spoke to this appointment; the efforts currently being promoted by MAGIC; she suggested that an intern could be brought in to facilitate some of the work involved in participation in the MAGIC collaborative. There was discussion as to where to obtain the appropriate volunteer intern. Member Neyland moved to appoint Cindy Markowitz [Planning Board], as Planning Board Representative to the Minuteman Advisory Group on Interlocal Coordination (MAGIC) for a one-year term, effective immediately and ending on June 30, 2021. Seconded by Member Markiewicz. **Approved: 5-0.** Roll Call Neyland "aye," Markiewicz "aye," Fox "aye," Stemple "aye," and Fowlks "aye."

Discussion concerning community engagement regarding racism and inequity

- Chair Fowlks presented information on possible participation in the MAPC Racial Equity Municipal Action Plan (REMAP) program and the webinar being offered on August 6th. He, Member Markiewicz and Member Neyland planned to attend this program's introduction presentation.

Select Board & Town Administrator's reports/updates

- COVID-19 Status Update – TA Ferrara reported that the Town is holding steady at 31 cases of COVID diagnosed since March. However, the Public Safety officials remain vigilant and other regions have seen some resurgence of cases.
- TA Ferrara reported that:
  - The State has extended their authorization of our regional agreement for Veterans' Services for three years. Residents seem pleased with our current VSO program.
  - In response to the current heatwave, the Regency has offered designated public spaces as cooling facilities. These areas will be compliant with Phase 3 COVID protocols. They are also offering discounts on rooms. This information has been communicated via NIXLE, to email list subscribers, posted to the website and forwarded on social media.
  - CISCO has notified the Town of their intent to sell the Beaverbrook campus. He participated in a stakeholder meeting with CISCO officials earlier today. He related the rationale that the CISCO officials provided. This is a significant impact as they are the town's biggest taxpayer. They have indicated they would like to work with the Town, as they do understand this impact and are willing to discuss who might be a suitable purchaser. It was agreed that this will be an ongoing discussion. The Board discussed this and the potential impact, both to finances and resources, and on the Town and the hard decisions that will need to be made. This event was not factored into the Assessor's abatement scenario presentation of earlier this year.
- Member Markiewicz reported that the Recreation Comm. discussed Flerra summer playground and the other programs they are working on. He advised them that money could be tight for the Liberty Fields project.
- Member Fox reported that he is working on gathering materials for upcoming Building Comm. and Water Resources Comm. meetings. Planner Corson is scheduling a meeting and a MAPC staffer will be presenting the layering of water resources prospective.

- Member Stemple reported that the Steele Farm Advisory Comm. is meeting this week.
- Chair Fowlks reported on plans for the Boxborough 2030 review. The consensus of the Board was to conduct this review as a stand alone meeting and not as part of a regular session on November 9th. Planning Bd. Chair Markowitz provided input, and agreed to the November 9th schedule.

Adjourn

At 9:01 PM, Member Neyland moved to Adjourn. . Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Neyland "aye," Fox "aye," Stemple "aye," Markiewicz "aye," and Fowlks "aye."

EXHIBITS

Exhibits

Item#		
		Agenda
6	a	Regular Minutes of 6/29/20 – Draft
	b	Executive Session Minutes of 6/29/20 - Draft
7	a	Communications & Field Use Application – Black Lives Matter – Acton
	b.	Request/Communications with IAGB
	c.	Regional Housing Consulting – IMA and related documents
	d	iv. Maynard Inclusionary Housing Bylaw
	f	9/1/20 Election Warrant
		Internal Communication & Outgoing Communications
		Minutes, Notices and Updates
		Announcements

Ma

	BOXBOROUGH POLICE DEPARTMENT POLICY AND PROCEDURE	PP Draft
	In-Car Video Recording	Issued Date:
		Revision Date:

I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of a mobile video recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. The goal of this department's in-car camera program is to ensure that audio visual recordings provide as true and accurate depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events. Experience has shown that those agencies using mobile audiovisual recording equipment in patrol vehicles have much higher conviction rates and substantial reductions in the amount of time officers spend in court.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of mobile video cameras in police vehicles can also give patrol officers added protection against false accusations of police misconduct during traffic stops.

In instances where an officer is injured or killed, investigating officers can review the audiovisual recording and, through video forensics, clarify and identify evidence that can lead investigators to specific persons or vehicles. The chance of apprehending offenders in these instances is dramatically improved and can save hundreds of hours of investigative time.

The purpose of this policy is to provide officers with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems.

II. POLICY

It is the policy of the Boxborough Police Department to:

A. Video record motor vehicle stops, pursuits and police responses in vehicles equipped with recording equipment; and,

B. Retain video recordings pursuant to records retention standards set forth by the Secretary of the Commonwealth, and make the video available for court and other proceedings.

III. DEFINITIONS:

A. *In-Car Camera System and Mobile Video Recorder (MVR)*: Synonymous terms referring to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

B. *MVR:* Mobile Video Recorder.

C. *MVR Manager*: An employee assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of MVRs, media duplication, storage and retrieval, and procedures.

IV. PROCEDURES

A. Duties and Responsibilities:

1. Officer's' Responsibilities [41.3.8]

a. The inspection of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.

b. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.

c. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:

i) Camera Lens:

a) Windshield and camera lens free of debris; and

b) Camera facing intended direction.

ii) Recording mechanism:

a) System capturing both audio and video; and

b) System playing back both audio and video tracks.

iii) Malfunctions, damage or theft of in-car camera equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. A subsequent written report shall include information on the suspected cause(s) of equipment failure and any recommendations for corrective action.

iv) Remote Audio Transmitter functional:

a) Adequate power source;

b) Connection to the recording equipment; and

c) Remote activation of system via transmitter.

d) Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.

2. Supervisors' Responsibilities [41.3.8(b)]

Supervisory personnel who manage officers equipped with mobile surveillance systems shall ensure that

1. All officers follow established procedures for the use of surveillance systems, handling of video/audio recordings and the completion of related documentation.

2. Recordings made of arrests and other criminal offenses, critical incidents, and incidents that come to their attention that may be of value for training purposes are reviewed.

3. Repairs and replacement of damaged or nonfunctional MVR equipment is performed.

4. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the MVR manager is advised in a timely manner.

5. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, and departmental accidents), a supervisor or officer-in-charge shall respond to the scene and ensure that:

A. The recorded media is removed from the recorder;
B. The media is logged into evidence

6. Supervisors may conduct periodic reviews of recorded media in order to:
   a. Asses officer performance;
   b. Assure proper functioning of the MVR equipment;
   c. Determine if the MVR equipment is being operated properly; and
   d. Identify recordings that may be appropriate for training

7. Supervisors may review recordings of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy.

8. Minor procedural infractions discovered during the review of media should be addressed in re-training. Should the behavior(s) or action(s) become habitual after being formally addressed, the appropriate disciplinary or other corrective actions will be sought.

3) MVR MANAGER RESPONSIBILITIES [41.3.8(C)]

A. The MVR Manager shall ensure that adequate recording media cards are on hand and available for issuance.
B. The MVR Technician shall be responsible for the following:
   1. Scheduling of repair and installation of new/current devices
   2. Latest software updates

C. Recording [41.3.8(a)]

a. MANDATORY RECORDING: Officers assigned to vehicles with video recording equipment will activate the same to record the following:

1. Traffic stops (to include, but not be limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);

2. Priority responses;

3. Vehicle pursuits;

4. Prisoner transports; and

5. Crimes in progress.

b. OPTIONAL RECORDING: Officers, at their discretion, may record any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.

NOTE: Officers may audibly and visually record any incident in which all involved parties consent. At the beginning of any public contact or traffic stop, the officer shall notify the citizen that the events are being audibly and visually recorded. This notification does not apply to crimes in progress or similar situations where notification is impractical.

STOPPING OF RECORDING DURING AN INCIDENT: When the MVR is activated to record an event, it shall not be deactivated until the event has been concluded unless:

a. The incident or event is of such duration that the MVR may be deactivated to conserve recording times;

b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and

c. The intention to stop the tape has been noted by the officer either verbally or in a written notation.

4) Use of In-Cruiser Audio and Video Recording [41.3.8.]

A. Operation

1) All patrol officers shall be trained to have an in-depth working knowledge of the system. It shall be the individual's responsibility to activate the microphone every time [s]he records an incident or event.

2) With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.

3) Officers shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.

4) The officer shall ensure the cruiser is positioned correctly during each motor vehicle stop, realizing the importance of capturing the widest possible angle on tape to ensure nothing happens outside the field of view of the camera.

a) Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

B.) Upon initial contact with any person being recorded, the officer must inform the person that his/her statements and comments are being recorded. [i]

C.) This procedure allows for operator discretion and judgment.

There is, however, no allowance for the failure to record each motor vehicle stop. The limits of discretion are established relative to the use of the microphone and the ability to record events prior to a motor vehicle stop (e.g., recording a vehicle crossing the yellow line). [41.3.8(a)]

5) Media [41.3.8(a)]

a. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor or MVR technician may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.

6) RETENTION 41.3.8(c)]

a. Media containing evidentiary material shall be retained in accordance with policy dealing with evidence. See the department policy regarding **Evidence and Property Control**.

7) Media Duplication [41.3.8(b)]

a. All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the Chief or his or her designee.

b. To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MVR Manager.

c. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

d. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the MVR Manager for disposition. All recordings shall be kept in accordance with the current Massachusetts records retention laws.

8) Equipment Installation

a. All MVR equipment shall be installed so as to activate automatically with emergency equipment (lights) **[or when a wireless transmitter is operating]**. The system may also be activated manually from the control panel affixed to the interior of the vehicle.

b. The placement and operation of system components within the vehicle shall be based on officer safety requirements.

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[i] M.G.L. c. 272, §99.

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR NOVEMBER 3, 2020, STATE ELECTION

SS. MIDDLESEX
To the Constables of the City/Town of **BOXBOROUGH**

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

WARD 0/ PRECINCT 1

BLANCHARD MEMORIAL SCHOOL, 493 MASSACHUSETTS AVE., BOXBOROUGH, MA

on **TUESDAY, THE THIRD DAY OF NOVEMBER, 2020,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

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

ELECTORS OF PRESIDENT AND VICE PRESIDENT. . . . ..FOR THIS COMMONWEALTH
SENATOR IN CONGRESS . . . . . FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. . . . . THIRD DISTRICT
COUNCILLOR . . . . . THIRD DISTRICT
SENATOR IN GENERAL COURT . . . . . MIDDLEXEX & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT . . . . . 37TH MIDDLESEX DISTRICT
REGISTER OF PROBATE. . . . . MIDDLESEX COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems –- systems that collect and wirelessly transmit mechanical data to a remote server –- with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.

Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle's on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law's requirements concerning access to the vehicle's mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or $10,000 per violation.

A YES VOTE would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

A NO VOTE would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated

candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

A YES VOTE would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

A NO VOTE would make no change in the laws governing voting and how votes are counted.

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

Given under our hands this __28th___ day of ___September_____, 2020.
(month)

_____ _____

_____ _____

_____ _____

Select Board of BOXBOROUGH

_____
(Indicate method of service of warrant.)

_____ _____, 2020.
Constable (month and day)

Warrant must be posted by **October 27, 2020,** (at least *seven days prior* to the **November 3, 2020**, State Election).

8a

From: Sharon Garde
Sent: Tuesday, September 22, 2020 8:53 AM
To: Ryan Ferrara; Cheryl Mahoney
Cc: Garde Sharon
Subject: Re: Joining ABCC - Resident interest form

Hi Cheryl and Ryan,

I have already been in touch with Hongbing about this. She has applied for a few grants over the years and we have worked with her for that. She came to our last meeting and met everyone. We think she would be a great fit with the committee and we would love to get her appointed.

Thank you
Sharon

> On Sep 22, 2020, at 8:40 AM, Cheryl Mahoney <cmahoney@boxborough-ma.gov> wrote:
>
> Sharon,
> Hongbing Tang has contacted the TA's office about her desire to serve on the ABCC. Can you reach out to her. Once reviewed please contact Ryan (cc'ng me) if the ABCC is interested in her being appointed. We can then put her appointment on an upcoming BSB agenda. BSB schedule attached.
>
>
> Thanks,
> Cheryl
> 978-264-1714
> _____
> _ When writing or responding, please be aware that the Secretary of
> State has determined that most email is a public record and, therefore, may not be kept confidential. If you have received this communication in error, please notify me immediately by replying to this message. Thank you.

> From: Hongbing Tang
> Sent: Monday, September 21, 2020 9:38 PM
> To: Cheryl Mahoney
> Subject: Joining ABCC - Resident interest form
>
> Hi Cheryl,
>
> Hope this email finds you well. I am interested in serving ABCC. Attached, please see my resident interest form.
>
> Please let me know what to do next.
>
> BTW, I had an online watercolor exhibition last month at the Jones Library in Amherst, MA. Invited by Amherst Arts Night Plus, I created a short 4-minute video that was aired on Amherst TV channel 12. Below is the link of my video on Youtube.
The Lost to be Found - Hongbing Tang Watercolor Exhibition

> Thanks very much with best regards,
>
> Hongbing

Town of Boxborough
Town Administrator's Office

Memorandum

To: Boxborough Select Board, Town Moderator, John Fallon

From: Ryan Ferrara, Town Administrator

Date: September 28, 2020

Re: Review of options regarding Town Clerk position based on pending retirement of Town Clerk, Elizabeth Markiewicz in June 2021

Town Clerk, Elizabeth Markiewicz, provided notice on August 25th of her intention to retire from her elected position of Town Clerk in June 2021. This is one year earlier than the end of Liz's current elected term. Upon being made aware of the Town Clerk's pending retirement, I reached out to Town Counsel, John Giorgio, to provide an overview of the options available to the Select Board regarding next steps. For discussion under the "Personnel Updates" section of the BSB meeting agenda this evening, Attorney Giorgio's response is as follows:

Hello Ryan:
You have requested an opinion concerning the potential retirement of the Town Clerk and implications thereof. In my opinion, there are several options, depending on when Liz's retirement will be effective.

In short, if Liz retires on an effective date prior to the date of the 2021 Annual Town Election and provides proper notice, the Board may choose to place the remainder of her unexpired term on the ballot. In the alternative, however, the Board could instead appoint a Temporary Town Clerk to serve until the 2022 Annual Town Election. The Board would have to appoint a Temporary Town Clerk, rather than place the office on the ballot, if Liz will retire at any time after the 2021 Town Election or if the Board receives notice any later than 64 days before the election. Be further aware that although the Board has the authority to appoint a Temporary Town Clerk whenever the position of Town Clerk becomes vacant for any reason pursuant to G.L. c. 41, §14. The Temporary Clerk appointed by the Select Board, however is only authorized to perform Town Clerk duties other than the duties of a Town Clerk at Town Meeting. For Town Meeting, each town meeting would need to elect an Acting Town Clerk as the first order of business to perform the duties of a Town Clerk for the duration of the meeting. Finally, the transition of the position from elected to appointed requires approval at a special or annual town meeting and at an annual town election.

There are two methods to fill vacancies in the office of the Town Clerk. The first is in accord with G.L. c.41, §10. As you know, the Board may place a vacant elected office on the ballot for the remainder of the unexpired term provided that the vacancy occurs prior to the date of the election, and that it provides the Town Clerk with no less than 64 days-notice that the office will appear on the ballot. G.L. c.41, §10; G.L. c.53, §§7, 10. This would mean that Liz would need to notify the Board of a retirement date at least 64 days prior to the 2021 Annual Town Election, and, further, that the Board provide the Clerk with at least 64 days-notice that the office would appear on the ballot for the remainder of the expired term. The second method is to appoint a Temporary Town Clerk who can serve until the expiration of the Clerk's term, and who need not be a resident of the Town. G.L. c.41, §14. Be reminded, however, that the law reserves to Town Meeting the right to elect its own clerk for that meeting. We have a script to assist the Moderator in running that process, which we will be happy to share. Note that if the effective date of Liz's retirement is after the May 2021 Annual Town Election, the only choice would be to appoint a Temporary Town Clerk to serve until the 2022 Town Election.

In terms of converting the position of town clerk from an elected to an appointed position, the process is governed by G.L. c. 41, §1B and requires approval at either a special or annual town meeting and then by the voters at an annual town election held at least 60 days thereafter. Thus, if the Town were to include an article for such purposes on the warrant for a fall or winter town meeting, the ballot question approving the change would be required to appear on the 2021 election ballot. If no special town meeting is held, or a meeting is held within 60 days of the annual town election, the question would appear on the ballot at the May 2022 Annual Town Election. Please note, further, that such a change goes into effect depending on whether the office also appears on the ballot at the same time. If it does, the change is effective immediately, if it does not, i.e., there is time remaining in an existing elected term, it will take effect upon the vacating of the office, whether by resignation, death, retirement, or expiration of term.

From a practical perspective, if the ballot question to convert the town clerk position to appointed and the election of a new town clerk appear on the same election ballot, whether at the 2021 or 2022 Annual Town Election, and assuming the ballot question passes, the position of Town Clerk would become an appointed position as soon as the election results are certified. The "newly elected" clerk would serve only until the Select Board's appointee was sworn into office. Of course, if the ballot question fails, the newly elected Town Clerk would serve for the term to which they were elected.

I am available to discuss any further questions you might have.

John

Internal Communications and Outgoing Communications
September 28, 2020

1. Mass. Alcoholic Beverages Control Comm. (ABCC) – COVID-19 related Advisories:
   Email communications between Mass. Alcoholic Beverages Control Comm. (ABCC); Admin. Asst. Mahoney and Regency GM Christina Phanord regarding:
   a. Governor's 9/10/20 Order extending Outdoor alcohol service allowance. – ABCC Memo attached.
   b. Governor's 9/24/20 Order allowing bar service w/food service – ABCC Memo attached.

2. Draft proposed language from Sustainability Committee concerning Carbon Pricing Bill (H2810) – original 2019 requested language attached. *

**indicates that the item is included in the agenda packet as well as in the general notebook*

2 *

9-24-20

Cindy Luppi, Coordinator
Massachusetts Campaign for a Clean Energy Future
cluppi@CampaignForCleanEnergyFuture.org

Ms. Luppi:

Thank you for sending a copy of the Municipal Leader Carbon Pricing Support Letter (H2810) for our review and considered support. In an effort to learn more about the proposed legislation, at our invitation, State Senator Jamie Eldridge and State Representative Dan Sena kindly attended our Boxborough Select Board (BSB) July 13 meeting and presented information about H2810. After additional research and further discussion, the BSB continues to have significant reservations about H2810. Our reservations are summarized below.

- Low and fixed income households will have to front the costs of higher fuels in the beginning of the program.
- Many small businesses have tight margins and will be hurt by paying more to heat/cool their buildings and operate their cars and trucks. The added tax may be the same $ that would have gone to hire a new employee or to benefit an existing one.
- The subsidy paid to the lower three quintiles is a transfer of wealth from one segment of society to another. The majority of the households in Boxborough fall in the highest quintile and would be paying the subsidy.
- We are not convinced that an increased price for carbon fuels will substantially affect demand. Will higher costs for gasoline stop people from commuting and going about their daily business using cars? In New England, we have to heat our houses. Will we substantially reduce our heating?
- There needs to be more definition regarding the specific green infrastructure programs that would be funded by the 30% portion of the tax and clarity on the annual administrative costs to implement this program.

The BSB supports action to counter the negative effects of climate change. However, we have significant reservations about H2810's approach and effectiveness. We are open to other approaches and would be willing to consider support for alternative legislation that avoids some or all of the problems as outlined above.

The BSB welcomes feedback from Massachusetts Clean Energy Future regarding ways to accomplish our common goal – minimizing the impacts of a warming planet.

Sincerely,

Town of Boxborough Select Board

DRAFT

To: *Governor Charles Baker, Speaker of the House Robert DeLeo, Senate President Karen Spilka, & Members of the 191st General Court of the Commonwealth of Massachusetts*

Subject: **Local Officials Supporting Massachusetts Carbon Pricing Legislation**

We, the undersigned elected and appointed officials of municipalities from across the Commonwealth, write in support of carbon pollution pricing being implemented in our state. We ask that you pass *An Act to promote green infrastructure and reduce carbon emissions* (H.2810) before the end of the current legislative session (2019-2020).

Massachusetts has a history of leadership on the issues of national importance, from healthcare to public education to marriage equality to clean water. Now we should step up in meaningfully addressing one of the most pressing challenges we face: climate change.

As local officials, we are already facing the impacts of climate change first hand in our communities. Coastal cities and towns have experienced record flooding and damage from more powerful storms – but impacts are not only limited to our sea shore. Inland communities are facing extreme heat, drought, and inland flooding that threatens small businesses, stable municipal budgets, and the health of our most vulnerable citizens.

If we are to counteract these issues, we need comprehensive funding that invests where it matters: fossil fuel use in our buildings (to increase energy efficiencies and access cost savings from heating with renewables), clean transportation (to electrify our bus fleets and increase access to regional mass transit), and climate adaptation (to fund innovative solutions to local climate threats). *An Act to promote green infrastructure and reduce carbon emissions* (H.2810) is a key policy that will allow us to achieve this. It invests up to $6 billion every 10 years in green infrastructure like local clean transportation, climate adaptation, renewable energy, and electrification for municipal fleets.

Among the local benefits of this legislation are:
-- Funding clean transportation options like local electric charging stations and the electrification of municipal vehicles fleets (e.g. school buses).
-- Dedicated funding for local clean energy and climate adaptation. This includes microgrids, modern seawall upgrades, and planning that builds upon the state's existing MVP program.
-- Monies directed towards investments that reduce energy costs for municipalities and school districts.

At the same time, it has 1) a net beneficial impact on statewide economic growth (predicted to increase Gross State Product by $600 million), 2) creates over ten thousand local jobs, and 3) is one of the best climate policies when it comes to creating predictability for small businesses.

We respectfully ask that you pass H.2810 in the current legislative session (2019-2020). This is an important step in beginning to make the critical investments in our local communities that protect us from worsening climate change impacts, save money for our municipalities, and increase the wellbeing of all our constituents.

The undersigned,

Original Proposed 2019

Minutes, Notices and Updates
September 28, 2020

Minutes

1. Minutes of the Personnel Board meeting of July 14, 2020
2. Minutes of the Water Resources Committee meeting of August 12, 2020

Notices – *MOST MEETINGS CONDUCTED VIA ZOOM*

1. Notice of a Finance Committee meeting held September 22, 2020
2. Notice of an Economic Development Committee meeting held September22, 2020
3. Notice of a Water Resources Committee meeting held September 23, 2020
4. Notice of a Boxborough Building Committee meeting to be held September 29, 2020
5. Notice of a Personnel Board meeting to be held October 6, 2020
6. Notice/Invitation from the Economic Development Committee to participate in an on-line discussion of the UMass Study September 24th and October 3rd #
7. Notice of an Acton Health insurance Trust meeting to be held September 17, 2020
8. Legal Notice /Abutters Notice from the **LITTLETON** Conservation Commission – regarding the Notice of Intent Application of NBP II Littleton, LLC proposing to raze existing bldg., and repave existing pavement. To install new water, electrical and LED lighting and a new stormwater mgmt. system at 153 Taylor Street.
9. ***Notices from surrounding communities [e.g. Public Hearing Notices/Decisions]:***
   Littleton Planning Board – Hearing Notices October 1, 2020 to consider:
   - Amendments to the Town's Zoning Bylaw and General Bylaw concerning Wireless Telecommunications concerns aka 5G
   - Special Permit Application of the Justice Resources Institute/Concord Family + Youth Service to allow site updates including a new parking are, increasing impervious cover in an Aquifer District located at 22 King Street.

 # Indicates that this item had been previously distributed