



**Boxborough Building Committee**  
**Minutes January 9, 2020 – Approved Jan 23, 2020**  
**Grange Hall**  
**Boxborough Town Hall**  
**29 Middle Rd.**  
**Massachusetts Avenue, Boxborough**

**BBC Meeting**

Members Present:

Gary Kushner  
Les Fox  
Abby Reip  
Maria Neyland  
Bill Litant  
Dave Follett

Members Absent:

Ling Chen

Others Present:

Hoff Stuart (ConsCom alternate)  
Cindy Markowitz (planning board alternate)  
Ryan Ferrara – TA  
Chief Warren Ryder - advisor  
Chief Paul Fillebrown - advisor  
Lt. Jason Malinowski (Per Diem and Stow building committee)

Les called meeting to order at 6:35 pm as a quorum was present.  
Brief discussion with goodbye's to Bo at his passing this week.

The Minutes for November 19, 2019 were moved by Bill Litant and seconded by Maria Neyland, but to be amended to correct spelling of Cindy M's name (Markowitz); note that Cindy is Planning Board alternate, and Hoff is ConsCom alternate. Approved as amended, 6-0.

Chair Fox observed that with the consensus of the Nov 19 meeting to focus efforts on the town-owned Stow Road parcel, the BBC will no longer be acting as a building site selection committee, but rather as a typical municipal building committee. Therefore, the committee should consider a revised charter or charge, and new membership.

Jason Malinowski noted similarities with Southborough's recent experience with their new public safety building. It is about 33K sq. foot building, similar to program sizing estimates for Boxborough. It was constructed for \$22.1M excluding land.

Les provided some background on the acquisition of the 72 Stow Road parcel, and distributed a summary handout. The property was purchased by the Boxborough Housing Board in 2010 using \$850,000 of funds from the Boxborough Affordable Housing Trust (BAHT). Some additional trust funds were expended on evaluations and maintenance. The trust funds arise from a Ch 40B lawsuit settlement and are managed by the BAHT Trustees; the Trustees appropriate these funds, not Town Meeting. Using appropriations from the trust funds, the Housing Board had done some site evaluation prior to purchase, including 21E assessment, appraisal, soil evaluation, and perc tests for a conceptual affordable housing development that would be town-sponsored. The Housing Board and Housing Trust want to ensure the BAHT funds are made whole if the land is not used for affordable housing. In 2010 a Memorandum of understanding (MOU) was created between BoS (BSB), Housing Board (BHB) and the Housing Trust (BAHT) to address this possibility. The MOU is on file with the Town Clerk. On December 12, 2019 the Housing Board and Housing Trust met to discuss the situation. They concluded that there should be a broad-based discussion to arrive at a consensus of what would be fair to all parties for restoration of funds to the Housing Trust. Town Counsel has advised that the town has broad latitude in this matter – there are a number of approaches to valuation and no fixed rules.

As a follow-up to the Nov 19 meeting, HKT developed an outline for scope of work for a feasibility study for a public safety building on the Stow Road land. Town Administrator Ryan Ferrara distributed copies. Feasibility study cost estimate is \$70,000. Ryan noted that under Ch 30B procurement law, this level of spending (i.e., exceeding \$30,000) requires a bid process.

Some discussion ensued on the best approach, noting that the project will become complex and professional help would be desirable. At what point should we be engaging an Owners Project Manager (OPM)? The new BBC would probably go to the Town no sooner than winter 2020 to request funds for schematic designs and/or construction funds.

Ryan distributed a document provided by HKT, entitled “Flow Chart for Designing and Constructing Public Facilities.” There was insufficient time to discuss in depth but it was appreciated that it spoke to many of the process steps we will need to address.

Chair Fox noted that the committee had arrived by consensus to focus on Stow Road, and that we should formalize this with a vote, as well as the matters of the make-up and charge of the Building Committee going forward.

Chair Fox distributed a draft new charge for the committee for discussion.

The committee then addressed several motions as outlined in the Agenda:

1. **VOTE:** Les Moved to recommend to Select Board that the new public safety facilities be developed on the town property on Stow Road currently in custody of the Housing Board and Abby Reip seconded, no discussion and **approved 6-0**.
2. **VOTE:** Les Moved to recommend to Select Board to appoint a new Building Committee to pursue development of the Stow Road property for public safety and potentially other town facilities (e.g., community center) and Dave Follett seconded. There was no discussion and **approved, 6-0**.
3. **VOTE:** Les moved to recommend and submit to Select Board the draft charter as amended with notes below for new Building Committee and seconded by Dave Follett, **approved 6-0**.

Notes: Recommendation is to have 11 voting members with 6 from original BBC and potentially members from the Planning Board, Recreation Commission, Sustainability Committee, Housing Board, Board of Health, Council on Aging and at least 2 at large town members. The chiefs will be advisors as they do not reside in the town. The Conservation Commission will decline a seat on the building committee as voted at

their last meeting; the reason being that the Stow Road site has no conservation value or wetlands restrictions. The enumerated list section starting with the “the BBC’s work shall include...” to be removed.

Further discussion ensued.

Les did validate with Town Counsel that a Planning Board member can participate on the committee, even though they would eventually be voting on site plan approval.

There was some discussion that we would like to have a local policeman (potentially state police) and local firefighter as non-appointed advisors.

There was discussion that the new committee should consider, but not immediate plan for including other desirable municipal facilities in addition to public safety, for example a community center, softball field, etc.

The decision on disposition of the existing police and fire station buildings will remain with the Select Board.

The committee discussed Boxborough Insurance building (Daigle building) which may be coming up for sale. The site would allow a direct access to the Stow property from Mass Avenue. The site was originally walked by Abby and others. The site was rocky and had a stream running through it. The current thought is to not pursue, but will ask for right of first refusal, depending on terms.

Question: should we pursue an OPM RFQ by providing direction to Ryan Ferrara? This should be taken up by the new constituted BBC team and not in the current charter.

Seeking re-commitment of the current BBC board members to the new building committee. Gary Kushner indicated that he would continue.

Maria Neyland moved to adjourn at 8:25 PM and seconded by Abby Reip, approved 6-0

Respectfully submitted,  
Gary Kushner and Les Fox

**List of documents and articles:**

1. Agenda for Jan 9, 2020
2. Draft minutes for November 19, 2019
3. “Flow Chart for Designing and Constructing Public Facilities” – HKT Architects
4. “Public Safety Project – Feasibility study for 70 & 72 Stow Road” – HKT Architects
5. Proposed new BBC charter