



**BOXBOROUGH SELECT BOARD**  
**Meeting Minutes**  
**April 27, 2020**

**Approved: June 1, 2020**

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

**ALSO PRESENT:** Ryan Ferrara, Town Administrator; and Department Assistant, Cheryl Mahoney; Jennifer Barrett, Town Accountant; Liz Markiewicz, Town Clerk; John Fallon, Moderator; and BXB-TV Coordinator, Kirby Dolak.

Along with Finance Committee Chair Kushner; members - Keith Lyons; Becky Neville; and Ling Chen and resident, Jeanne Kangas

At 7:01 PM Chair Neyland called the meeting to order, noting that this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order.

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

**Announcements**

Chair Neyland read the Announcements.

**Approval of payroll and payable warrants**

- Chair Neyland reported that there were seven warrants that were approved by her as the designate representative of the Select Board and all of the Board members were provided same for review.
  - Payables 2020-36 dated 3/31/20, Total \$147,375.09
  - Payables 2020-36NC dated 3/31/20, Total \$1,164,344 (2 signatures)
  - Payables 2020-37 dated 4/7/20, Total \$304,251.62
  - Payroll 20-20 dated 4/8/20, Total \$154,177.50
  - Payables 2020-39 dated 4/21/20, Total \$99,271.70
  - Payroll 20-21 dated 4/22/20, Total \$160,096.50
  - Payables 2020-40 dated 4/28/20, Total \$33,281.56

*The Board passed over Item#4-Minutes and took Item #5, out of order*

**Citizen's Concerns**

Jeanne Kangas spoke on several items; providing her input on not filling vacant positions, freezing wages and on another community's furloughing of staff during the current crisis. The Board noted that these items would be discussed further during the joint Finance Committee discussion. Kangas also spoke to the article to change the Clerk to an appointed position; suggesting that preference should be given to a qualified Boxborough resident when hiring.

**Annual Town Meeting/ Election Preparations - Joint Meeting with Finance Committee**

Finance Committee Chair, Gary Kushner, called the Finance Committee to order. Present were Chair Kushner; members - Keith Lyons; Becky Neville; and Ling Chen; along with Town Accountant, Jennifer Barrett.

- There was discussion of the two Elections re-scheduled to Tuesday, June 2<sup>nd</sup>. Town Clerk Markiewicz advised that holding COVID-19 social distancing practices have required changes to her normal election procedures. She has re-located these Elections to the Blanchard School Gym and is working to determine what will be necessary to address health/sanitary concerns.
  - Member Bak moved to notify residents of the Annual Town Election to be held on Tuesday, the second day of June, 2020, from 7:00 A.M. to 8:00 P.M. at the Blanchard Memorial School Gym, 493 Massachusetts Avenue, Boxborough, MA 01719, for the following purpose: To cast their votes in the Annual Town Election for candidate for the following offices: Select Board, 3-year term 2 seats; Library Trustees, 3-year term, 2 seats; School Committee, 3-year term, 2 seats; Board of Health, 3-year term, 1 seat; Planning Board, 3-year term, 2 seats; Planning Board, 2-year term, 1 seat; Moderator, 1-year term, 1 seat. Seconded by Member Stemple. **Approved: 5-0** by Roll Call Stemple "aye," Bak "aye," Fox "aye," Fowlks "aye," and Neyland "aye." The motion was made and seconded and then a friendly amendment was suggested by Clerk Markiewicz which was accepted as moved and seconded.
  - Member Fowlks moved to notify residents of the Special State Election for the office of the Representative in General Court, Thirty-seventh Middlesex District, to be held at Blanchard Memorial School Gym, 493 Massachusetts Avenue, Boxborough, MA

01719, on Tuesday, the second day of June, 2020, from 7:00 A.M. to 8:00 P.M. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Stemple “aye,” Bak “aye,” Fox “aye,” Fowlks “aye,” and Neyland “aye.”

- Clerk Markiewicz spoke to an item just recently added to this agenda, concerning encouraging absentee/early voting for the Elections of June 2<sup>nd</sup>. There has been interest about preemptively mailing out ballots; but, State law does not allow this. We are, however, allowed to send absentee/early voting applications to all registered voters. She related how she would manage this mailing and the cost involved in this effort (≈ \$1.00 per household). The consensus of the Select Board was this was sensible to protect our residents and supported the Clerk’s efforts. Markiewicz noted that she does not have the funds for this so she has drafted a Reserve Fund Transfer Request (RFT). The Finance Committee provided input as to the appropriate amount to cover the anticipated costs. This RFT is on the FinCom’s agenda for Thursday night. As this is an effort to encourage social distancing, this may be a COVID-19 this should be a reimbursable expense. It was suggested that Reverse 911 call could be used to get the word about absentee/early voting. Clerk Markiewicz clarified that the Polling location will be fully staffed and opened for the times that the Select Board just voted for those that still want to come in and vote. Member Fowlks moved to recommend that the Boxborough Finance Committee consider, upon the recommendation of the Town Clerk, to allocate \$3,000 from the Reserve Fund (Reserve Fund 132 - Account #001-132-5960-0000) to the Election and Registrars Budget-162 (Election and Registrars Printing Services - Account #001-162-5317-0000) for the purpose of mailing absentee/early voting applications to all registered voters in Boxborough for the June 2, 2020 Special State Election and Annual Town Election. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak “aye,” Stemple “aye,” Fox “aye,” Fowlks “aye,” and Neyland “aye.”

### Minutes

- Member Fowlks moved to approve the regular session minutes of March 30, 2020, as amended. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak “aye,” Stemple “aye,” Fox “aye,” Fowlks “aye,” and Neyland “aye.”

### FY 2021 Budget /Annual Town Meeting/ Election Preparations - Joint Meeting with Finance Committee (Continued)

- Discussion opened on the FY 2021 Budget. There have been significant changes to budgets – including the suspension of CPIU increase of 2.6% until January. Accountant Barrett reviewed some of the various revisions – e.g. salaries; consulting; conference; debt expenses and salary lines. There was discussion as to the upcoming 2020 Flerra Playground program and the financial impact. With the reductions, to these non-fixed costs, the proposed FY 21 Budget that the FinCom will be presenting has been reduced to \$22,250, 815.00. TA Ferrara related his discussions, today, with ABRSD Supt. Light regarding the District’s FY 21 budget, which they are still reviewing. Supt. Light has a real concern about those unanticipated expenses that will be necessary to ensure social distancing for the safety of students and personnel; including decreasing class sizes when they return in September. There was discussion on the status of the District’s E&D funds and the maximum levy in Acton. We don’t know what this will look like in September but the District needs to understand that every little bit helps. Kushner spoke to the School Fiscal Review Comm.’s efforts. With so many unknowns, they do not have defined number. District is hoping to provide more clarity by Town Meeting. Acton still needs to set a new Town Meeting date.
- There was a review of the updates on 2020 Town Meeting - Articles; Recommendations; Ordering of warrant and Scheduling. TA Ferrara thanked Barrett and Fallon for all of their work in developing this warrant. The intention was to make these articles as concise and transparent as possible in an effort to keep ATM to two nights. He reviewed the index as to ordering/structure (consent)/funding sources. There were some revisions since the version distributed on Friday. TA Ferrara identified several articles that were previously in the Consent Agenda, but had been pulled out and placed at the front of the warrant. There was a review of the structure presented. BSB Chair Neyland spoke to the joint letter at the front of warrant that she and FinCom Chair Kushner drafted. TA Ferrara discussed the relocation of the ATM and Elections noted in the front of the warrant. There was a review of some minor revisions to some recommendations. Articles that needed further discussion were called out by the participants
  - Article 3 – Elected Officials Salaries – Kushner reported that he had communicated with the effective Boards on the proposal to forego salaries in FY 21. and there were no adverse responses. It was noted that the ABRSC also supports this. This saves \$6,500.00.
  - Article 4 – Personnel Plan/Schedule Amendments – recent edits reviewed and others were suggested. It was determined that only one table – 2.5% increase indicator would be included. It was noted that these increases would not occur until January 2021.
  - Article 6 & 7 – Fire Personnel/SAFER Grant – personnel has been re-identified as firefighter/EMT.
  - Article 8 – Feasibility Study – expanded scope, editorial edits and revisions to recommendations were reviewed.
  - Article #9 - Discussion was opened on the Town Clerk appointment article (#9), specifically as to the earlier Citizen concern’s comment on preference for resident applicants. The participants shared their experience and public sector training as to “best practices” regarding issues with this type of qualifier; along with the impact on the candidate pool, if required. The Town did not include this preference when we converted the Tax Collector position over several years ago. It was noted that the Clerk’s responsibilities have become increasingly complex, with all of the open meeting law and transparency mandates put in place by

the State. Current Clerk, Markiewicz spoke to this; she may speak at Town Meeting to not support this change; as there many residents that would be qualified. However, she noted that as an appointed position you could attract those with professional experience in this field. This would not go into effect until Markiewicz's term runs out in 2022. At that time, the hiring process would be similar to other department head position and like those other department heads they would report to the Town Administrator. It was noted that this resident preference could be included in a job posting but not in this Town Meeting article motion. Comments from Town Meeting floor will be taken under advisement if it is approved. This is outside of the Consent Agenda as there was there was one recommendation that was not unanimous.

The four consent agendas; some of the articles therein; along with the required voting thresholds for them were reviewed.

- **Financial/Authorization Consent Agenda**

- o Most of these are "housekeeping" in nature.
- o Borrowing costs –Accountant Barrett the borrowing scenarios/options that are being discussed with the Bonding consultant.
- o OPEB Trust Transfer is reduced to \$50,000.
- o The UCC Lease article language has been updated so the Select Board would now be able to approve these renewals going forward.
- o Cable Funding – The FY 21 IMA for Cable services should be presented at the next Select Board's meeting.
- o Closing out Articles returning approximately \$110,000. Responses as to why some articles are being closed out should be prepared, if necessary. There was a side discussion as to the status of the Acton Skate Park project.
- o Language has been added to the Ch. 90 paving reimbursement that speaks to the decision made to refrain from having the supplemental paving article that we've had the past few years.
- o Senior Work-off amendment is to approve a proxy doing the work to receive credit.
- o The MS-4 Bylaw is a General Bylaw not a ZBA bylaw, implementing this is an EPA requirement.

- **Free Cash/Capital Consent Agenda**

No major changes here.

- **Stabilization/Capital Consent Agenda**

The funding for two capital articles - the DPW Dump Truck and 2<sup>nd</sup> Cruiser (marked) have been moved from borrowing to Stabilization. The standing cruiser replacement cycle was discussed. FinCom supports the rationale for a 2<sup>nd</sup> cruiser in FY 21.

- **CPA Consent Agenda**

There is nothing controversial in the CPA Articles #29-35.

The two remaining CPA articles – Hager Bridge project and the Conservation Trust Transfer did not receive unanimous recommendations so they are outside of Consent.

- **Planning Consent Agenda**

- o Consists of the ZBA Bylaw articles. It was agreed that the recommendations provided by Economic Development Comm. can be added. The article redistricting the Priest Lane parcel was part of the Town Center settlement agreement.
- o The proposed Lighting Bylaw Article did not receive FinCom's unanimous approval.
- o Citizen's Petition –The Moderator has worked very hard with the Petitioner. Moderator Fallon reviewed his efforts and provided an update of her intentions, including possibly passing over this at Town Meeting to further refine this proposal. This is the last article.
- FinCom report, in the back, was reviewed. The ABRSD statement submitted prior to the lockdown, by Supt. Light may not be included as circumstances have changed significantly since then. The warrant should now be complete, with a few exceptions. TA Ferrara requested that the Board's vote be qualified to allow for revisions based on Town Counsel's review and any administrative changes that may be identified.
- Member Fowlks moved to reschedule Boxborough's Annual Town Meeting to June 22, 2020. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak "aye," Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye."
- Member Fowlks moved to approve 2020 Annual Town Meeting Warrant of April 27, 2020, as presented and as possibly amended for administrative changes. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak "aye," Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye." The Board expressed their appreciation to the staff members for this work during a difficult time.

There was discussion of Resident outreach efforts: The Town is receiving positive feedback for the changes to Town Meeting being implemented. The new date and location will be announced using a Reverse 911 and circulated on social media. Moderator Fallon and Chair Neyland will be submitting a Beacon Guest Editorial.

- Town Meeting Preparations: Pre-Town Meeting Forum - Re-scheduled to May 12, 2020. Social distancing and required PPE logistics are being worked on. We need to rethink everything, including the layout in the different venue. Dolak provided input as to the broadcast equipment that may be available. TA Ferrara noted that the Regency is allowing us use of the Parade Room for two nights, at no charge. However, the Town will have to pay for any technical support/infrastructure that the hotel provides. This is going to require a lot of coordination and communication. The June 3<sup>rd</sup> presentation submission deadline will not change, even with the new June 22<sup>nd</sup> schedule.

Finance Committee adjourned their meeting at 8:49 PM

#### Personnel Updates - TA Ferrara

- Though the Assistant Town Administrator and Building Dept. Support positions are vacant, he has put hiring on hold until October. He will make a determination at that time, if a further delay is necessary.
- However, two public safety dispatchers were retiring and those positions had to be filled. After advertising, Chiefs Ryder and Fillebrown were able to interview candidates via Zoom, and offers have been made.

#### General Business

- TA Ferrara provided an update on the Route 111/Massachusetts Avenue Sidewalk Project; the regular construction concerns are further complicated by COVID-19 issues. They are meeting on Thursday with MassDOT to discuss. The Order of Taking presented tonight is different from the previous Order of Taking; this is for construction purposes only. Member Stemple moved to approve the Order of Taking for a Temporary Construction Easement for property adjacent to 329 Massachusetts Avenue to allow for the construction of a sidewalk as endorsed by Town Meeting at the December 10, 2019, Special Town Meeting, and to designate Chair Neyland to sign on behalf of the Board, given the COVID 19 situation. Member Bak initially seconded but then removed same as she had received an abutter's notice. Subsequently seconded by Member Fowlks. **Approved: 5-0 by** Roll Call Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye." Member Bak abstained.
- The Board re-opened discussion the availability of Local Options under the "*Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020*". TA Ferrara provided an overview on both proposed local options to be considered by the Board. There was discussion as to the process to announce these extensions and getting the word out to residents (e.g. web posting, Reverse 911)
  - Pursuant to an "*Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020*", effective April 3, 2020, Member Fowlks moved to adopt the Local Option to Extend the Due Date for Exemption and Deferral Applications, Section 10(a)(iv). Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak "aye," Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye."
  - Pursuant to an "*Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020*", effective April 3, 2020, Member Fowlks moved to adopt the Local Option to Waive Interest on Certain Payments Made After Due Dates Section 11. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Bak "aye," Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye."

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

- Member Stemple spoke to Molly Biron's resignation from the Sustainability Committee. Member Fowlks spoke to Biron's various efforts in the community, especially involving local students. Member Stemple moved to accept the resignation of Molly Biron from the Sustainability Committee. Seconded by Member Bak. **Approved: 5-0 by** Roll Call Bak "aye," Stemple "aye," Fox "aye," Fowlks "aye," and Neyland "aye."

#### Select Board & Town Administrator's reports/updates

- Member Bak reported that:
  - The Public Celebrations and Ceremonies Comm. has decided, in light of current crisis, to cancel the Memorial Day parade. They are working on posting a Memorial display on website. They also decided to defer presenting the Golden Fife and Parade Marshal this year. The intention is to award two of each in 2021.
  - The Economic Development Comm. continues to work with the UMass Amherst team. They are currently focusing on Mass. Ave. businesses. They are looking to do the charette in September. They are working on an informational flyer for Town Meeting.
- Chair Neyland reported on the School Building Comm. efforts. They are working on their upcoming MSBA submission. They had previously got a low quote on modular, but that was before the COVID 19 crisis, and other schools may be looking at acquiring them for social distancing. They are still looking at the original project start date. Though there are currently many unknown; they are still committed to staying in budget.

- TA Ferrara provided a COVID-19 Status Update: Web posting of confirmed case numbers has been reworded from “cases” to “households.” Those numbers increased over the weekend from 9 to 13. The Emergency Response Team meets daily Monday – Friday, via Zoom. He meets with Acton and ABRSD administrators every Tuesday. He also participates in a weekend conference with Partners Healthcare, Mayors and other Town Administrators/Managers. Currently, Gov. Baker has set May 4<sup>th</sup> for reopening, but this will probably be pushed off. We are a long way off from normal. There are a lot of questions and proposals for re-opening protocols. There was discussion about the many available information sources and resources. There was discussion about managing social distancing in the Town’s open spaces and how various businesses/public facilities are addressing their re-openings. Planning and data continues to be fluid and evolving. There was discussion as to how the potential reimbursement for the COVID-19 related expenses are being tracked. TA Ferrara that the standard is 75%, however all of the submitted expenses are subject to review and audit before they approved. He also noted that any reimbursement submission/processing is likely to be 1 ½ to 2 years out. He is pleased with how Town personnel and the Response Team have been working through our new normal. He asked that the Board share any resident feedback they receive with him.

**Adjourn**

At 9:29 PM, Member Fowlks moved to adjourn. Seconded by Member Bak. **Approved: 5-0** by Roll Call Bak “aye,” Stemple “aye,” Fox “aye,” Fowlks “aye,” and Neyland “aye.”

**Exhibits**

Item#

- Agenda
- 4 a Regular Minutes of 3/30/20 – Draft
- 6 a Proposed Annual Town Election Warrant  
2020 Special State Election Warrant
- c Draft Warrant
- 8 a Order of Taking – Temporary Construction Easement
- b. DLS Bulletin 4/3/20
- 9 a Emailed resignation from Molly Biron
- 10 a Email from Senator Eldridge – “Social Safety Net for Vulnerable Populations in our Communities  
Internal Communication & Outgoing Communications  
Minutes, Notices and Updates  
Announcements



# TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

**SELECT BOARD**  
**Meeting Agenda**  
**Monday, April 27, 2020**  
**7:00 PM**  
**Town Hall, 29 Middle Road, Boxborough, MA**

Item #	Estimated Start Time		Action Vote/ Accept & POF
1.	7:00 PM	<p><b>Call to Order - <i>this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order. See Page 3 of this Agenda for remote participation instructions.</i></b></p> <p>2nd Floor, Town Hall, Boxborough, Massachusetts</p> <p><i>Select Board meetings have a number of topics and issues that must be discussed and deliberated by the Board. We ask that residents hold their comments until the Board has had the opportunity to get their questions answered. Due to time constraints, the Board may not be able to accommodate comments from all residents on all topics. Please wait to be recognized by the Chair before addressing the Board. We ask that participants be respectful and civil. We thank you for your understanding.</i></p> <p><i>[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]</i></p>	
2.	7:00 PM	<b>Announcements</b>	
3.	7:05 PM	<b>Approval of payroll and payable warrants</b> Report on approval of payroll and payable warrants (this may not be necessary, depending upon who signs the warrants)	
4.	7:08 PM	<b>Minutes</b> a. Regular session, March 30, 2020	<b>ACCEPT &amp; POF</b>
5.	7:10 PM	<b>Citizen's Concerns</b>	
6.	7:15 PM	<b>FY 2021 Budget /Annual Town Meeting/ Election Preparations - Joint Meeting with Finance Committee</b> a. Elections re-scheduled to Tuesday, the second (2nd ) day of June, 2020. i. Vote to notify residents of the Annual Town Election <i>NB: Vote shall be pursuant to the Annual Town Election Warrant provided.</i> ii. Vote to notify residents of the Special State Election for the office of the Representative in General Court, Thirty-seventh Middlesex District <i>NB: Vote shall be pursuant to the Special State Election Warrant provided.</i> b. FY 2021 Budget - Updates c. Discussion/Updates on 2020 Town Meeting - Articles; Recommendations; Ordering of warrant and ATM Scheduling i. <i>Vote to reschedule Boxborough's Annual Town Meeting from May 11, 2020 to June 22, 2020</i> ii. <i>Possible Votes on revisions to 2020 Annual Town Meeting Warrant Articles, if necessary</i> <i>Possible Votes on revisions to 2020 Annual Town Meeting Warrant Article recommendations, if necessary</i> iii. <i>necessary</i> iv. <i>Vote to approve 2020 Annual Town Meeting Warrant of April 27, 2020, as written/revise</i>	<b>VOTE:</b> <b>VOTE:</b> <b>VOTE:</b> <b>POSSIBLE VOTE:</b> <b>POSSIBLE VOTE:</b> <b>VOTE:</b>

Item #	Estimated Start Time		Action Vote/ Accept & POF
		<ul style="list-style-type: none"> <li>d. Resident outreach efforts, including Beacon Guest Editorial, BXB-TV Town Meeting Summary broadcast               <ul style="list-style-type: none"> <li>i. Pre-Town Meeting Forum - Re-scheduled to May 12, 2020</li> <li>ii. Town Meeting Preparations. [Presentations, Materials, Motions...]</li> </ul> </li> </ul>	
7.	8:05 PM	<b>Personnel Updates - TA Ferrara</b>	
8.	8:10 PM	<b>General Business</b>	
		<ul style="list-style-type: none"> <li>a. Route 111/Massachusetts Avenue Sidewalk Project <i>Vote to approve the Order of Taking for a Temporary Construction Easement for property adjacent to 329 Massachusetts Avenue to allow for the construction of a sidewalk as endorsed by Town Meeting at the December 10, 2019, Special Town Meeting</i></li> </ul>	<b>VOTE:</b>
		<ul style="list-style-type: none"> <li>b. Further discussion of Local Options under the "Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020".               <ul style="list-style-type: none"> <li>i. <b>Local Option to Extend the Due Date for Exemption and Deferral Applications, § 10(a)(iv)</b>, which includes a local option to extend the due date under G.L. c. 59, § 59 for applications for exemptions from April 1, 2020 to a date not later than June 1, 2020. This due date extension, if exercised, will automatically apply to deferrals under G.L. c. 59, § 5[18A] and [41A], residential exemptions under G.L. c. 59, § 5C and small commercial exemptions under G.L. c. 59, § 5I.  <i>Pursuant to an "Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020", effective April 3, 2020, Vote to adopt the Local Option to Extend the Due Date for Exemption and Deferral Applications, Section 10(a)(iv).</i></li> <li>ii. <b>Local Option to Waive Interest on Certain Payments Made After Due Dates § 11</b>, which includes a local option to waive interest and other penalty for late payment of any excise, tax, betterment assessment or apportionment thereof, .... or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made after its respective due date but before June 30, 2020.  <i>Pursuant to an "Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the acts of 2020", effective April 3, 2020, Vote to adopt the Local Option to Waive Interest on Certain Payments Made After Due Dates Section 11</i></li> </ul> </li> </ul>	<b>VOTE:</b>
9.	8:20 PM	<b>Update on Town Boards/Committees/Commissions</b>	
		<ul style="list-style-type: none"> <li>a. <i>Vote to accept the resignation of Molly Biron from the Sustainability Committee.</i></li> </ul>	<b>VOTE:</b>
10.	8:25 PM	<b>Select Board &amp; Town Administrator's reports/updates</b>	
		<ul style="list-style-type: none"> <li>a. COVID-19 Status Update</li> <li>b. Reports</li> </ul>	
11.	8:45 PM	<b>Adjourn</b>	
		<b>2020: 5/11/20; 6/01/20; 6/15/20; 6/29/20; 7/13/20; 7/27/20</b>	
		<b>Boxborough Leadership Forum (BLF): 5/12/2020 [Pre-town Meeting Review]</b>	
		<b>2020 ATM Re-scheduled to: 6/22/2020</b>	
		<b>2020 Annual Town Election Re-scheduled to 6/2/2020</b>	

To Join Zoom Meeting

<https://zoom.us/j/93543355770?pwd=WXdHWlI5cHI5QzZCbHZXTFJXT0Fkdz09>

Meeting ID: 935 4335 5770

Password: 349373

One tap mobile

+13126266799,,93543355770# US (Chicago)

+19292056099,,93543355770# US (New York)

Dial by your location

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+1 929 205 6099 US (New York)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

+1 301 715 8592 US

Meeting ID: 935 4335 5770

[Find your local number: https://zoom.us/j/93543355770?pwd=WXdHWlI5cHI5QzZCbHZXTFJXT0Fkdz09](https://zoom.us/j/93543355770?pwd=WXdHWlI5cHI5QzZCbHZXTFJXT0Fkdz09)





**BOXBOROUGH SELECT BOARD**  
**Meeting Minutes**  
**March 30, 2020**

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

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

**ALSO PRESENT:** Ryan Ferrara, Town Administrator; Assistant Town Administrator, Sean Donahue; and Department Assistant, Cheryl Mahoney; Jennifer Barrett, Town Accountant; Finance Committee members: Gary Kushner, Chair; Becky Neville, Keith Lyons and Ling Chen, who arrived at ~8:00 pm)

Along with John Fallon, Moderator; Liz Markiewicz, Town Clerk; Police Chief Warren Ryder; Fire Chief Paul Fillebrown, Jr.; John Markiewicz and Judy Reid

At 7:02 PM Chair Neyland called the meeting to order, noting that this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order; reviewing the protocols for conducting this type of remote meeting. Because of technical issues this meeting was not broadcast live.

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

**Announcements**

Chair Neyland read the Announcements.

At 7:12 PM, the Finance Committee called their meetings to order.

**Approval of payroll and payable warrants**

Accountant Barrett reported that two warrants (#2020-35, Payables for \$125,202.82 and #2020-19, Payroll for \$144,331.16) were approved by Chair Neyland as the designate representative of the Select Board and with all of the Board members for review.

**Minutes**

- Member Stemple moved to approve the executive session minutes of February 27, 2020 as written. Seconded by Member Fowlks. **Approved: 3-0-2** Roll Call – Fowlks “aye,” Stemple “aye,” and Neyland “aye.” Members Bak and Fox abstained.
- Member Fowlks moved to approve the regular session minutes of March 2, 2020 as written. Seconded by Member Bak. **Approved: 3-0-2** Roll Call,” Bak “aye,” Fowlks “aye and Neyland “aye.” Members Stemple and Fox abstained
- Member Fowlks moved to approve the executive session minutes of March 2, 2020 as written. Seconded by Member Bak. **Approved: 3-0-2** Roll Call,” Bak “aye,” Fowlks “aye and Neyland “aye.” Members Stemple and Fox abstained

**Citizens Concerns**

Though the public was present no concerns were presented

**FY 2021 Budget /Annual Town Meeting/ Election Preparations- Joint Meeting with Finance Committee -**

• **FY 2021 Budget Status Update**

TA Ferrara noted that with the current situation and some of the input has been received the Town is looking to pare down. He handed the discussion off to Accountant Barrett. Version 5, sent out today, has only one specific revision. Based on discussions among the Recreation Commission and the stakeholders the borrowing for the Liberty Fields Rehabilitation Project has been removed from the FY 21 Budget and as a capital warrant article. FinCom supports this. This drops the articles total and the FY 21 budget total, significantly. RecCom will bring it forward at a subsequent Town Meeting. They are leaving the CPC Article portion for now, which the CPC supports. The only other update was concerning the ABRSD’s Debt percentage(s).

• **Review of Warrant - Voting Recommendations; Ordering of warrant and ATM Scheduling**

Ryan presented the current version of the warrant, updated today. There are currently 47 Articles which included the Liberty Fields borrowing article, now pulled. There was discussion about pushing off the final votes on articles/funding as evolving circumstances are requiring us to reconsider several items.

- Joint BSB/FinCom Statement – This has been added as page 2. People have concerns about the economy, so messaging is essential here. Budgets take a long time to develop; in just the last few weeks have economic concerns become critical. We have to recognize that residents may experience economic hardship but we need the time prior to Town Meeting to review and revise these budgets and structuring. To that end an initial pass has been made in reviewing articles.
- Town Election – It has been changed to June 2, 2020. Clerk Markiewicz noted that combining this with the 6/2/2020 Special State Election is easier for all.
- Donation Announcement – it was determined that In addition to the Food Pantry information, a link to the AB United Way will be provided so people can donate to ABUW on-line.
- Consent Agenda statement page – There was a review of the intent of this page. TA Ferrara noted that there are several XXX placeholders. These will be updated to reflect tonight’s voting. If the boards are all in agreement this will work.
- Articles were reviewed:
  - Personnel Plan - Under recommendations the Personnel Bd has only indicated their vote count. They can speak to this on Town Meeting floor. They will be discussing these recommended amendments to the Schedule on Thursday.
  - At this point the discussion turned to the scheduling of Town Meeting, factoring in the social distancing protocols and the need to have as many warrant items updated and resolved before the warrant is published. Again, messaging is essential. We need to clearly communicate, to reduce confusion and finalize positions; getting as much information as possible to voters prior to Town Meeting. There was a review benefits and issues involved in three scheduling scenarios under existing Mass. Law and current COVID-19 exceptions, provided by Moderator Fallon. We need to decide tonight whether to stick with the May 11<sup>th</sup> start date. The consensus of the Select Board and Finance Committee members was to support rescheduling to June 11, 2020. Member Bak moved to change the date of the Boxborough Annual Town Meeting from May 11, 2020 to June 15, 2020. Seconded by Member Fowlks. **Approved: 4-1** by Roll Call Fowlks “aye,” Stemple “aye,” Fox “aye,” Fox “aye,” and Neyland “nay.” There was a review of the changes to the FY 21 Budget/Town Meeting timeline. It was determined that the final warrant will be signed on April 27, 2020.
  - The review of Articles continued - focusing on those that could be pushed off or revised; an effort should be made to reduce/eliminate bonding. There was a review of some of FinCom’s fiscal assumptions going forward. New growth is a major driver here; and the Town cannot factor potential numbers in until the units in a new development [e.g. the Enclave on Stow Road] come online. There was also a review of the impact on FY 21 budgeting. The Liberty Fields bonding article is gone. Accountant Barrett spoke to those articles that were identified as being funded by bonding; Short term BAN work; the Town’s current bonded commitments; the previously approved capital articles awaiting bonding; how these acquisitions/projects are packaged for bonding; the required timeline to act on bonding these articles; bonding costs and the necessity for the bonding cost article. The Select Board and Finance Comm. provided their input. Barrett will be reaching out to our bonding consultant on tonight’s discussions. It’s all about timing. There are capital articles that will need to remain in the warrant and we’ll just need to push out the borrowing. We need to able to clearly and concisely communicate these complex structures related to the bonding/borrowing process at Town Meeting. There was discussion of the impacted articles – the Police Cruiser should remain, but perhaps funded with free cash. However, there could be push back on public safety software. There was discussion of DPW dump truck article. This acquisition has been on the capital plan for some time; has been pushed off twice; Dir. Kukkula does not believe this truck will survive another winter and there are two other trucks coming up for replacement. These trucks can usually be delivered in 3-4 months. FinCom suggested funding out of stabilization.
  - A review is underway on possible cost saving adjustments to submitted FY 21 Budgets and their related articles. Conferences/travel expenses – reducing these down to just those required for licensing/certification. Employee Benefits components are fixed costs. Suspending hiring and either suspending or delaying most of the wage adjustments outlined in the FY 21 Classification/ Compensation Schedule Article. The Personnel Board will be discussing this. The consensus of the Select Board was to support keeping the proposed FY 21 Schedule and salary budget lines, however they would welcome further input from the Personnel Board and Finance Comm. Elected Official Stipends – several cannot be eliminated (e.g. Town Clerk and Constables). It was suggested that suspending these stipends would be a positive gesture by elected officials, many decline or donate theirs already and some have indicated that they will be doing so this year. Article 5 – Operating Budget belongs to the Finance Committee, however as revisions are made, going forward, recommendations may need revising. There was discussion about some of the Select Board and Finance Comm.’s respective recommendations (e.g. CPC – Liberty Fields, will need to be revised, as we are pushing off the bonding of the project, along with the summary). As previously discussed the Select Board supports pulling the 2<sup>nd</sup> part – Bonding Portion of the Liberty Fields Project. Member Bak moved to recommend to support the CPA funding for Liberty Fields project in the amount of \$250,000. Seconded by Member Stemple. **Approved: 5-0** by Roll Call Bak “aye,” Fox “aye,” Stemple “aye,” Fowlks “aye,” and Neyland “aye.” Some of the other CPC Articles were reviewed. Other

articles were reviewed and updates to these were discussed. The status of Fire Staffing and the related articles were discussed. The current situation brings these staffing issues to the forefront. The majority of the Fire Dept. calls are medical in nature not fire related. The consensus of both the Select Board and Finance Comm. is to continue to support this and the SAFER Grant proposal. There was a further discussion of Borrowing costs; as the possible cost cutting measures and funding re-assignments, under discussion impact the Town's overall bonding and this amount for this article. The Water Resources article has greater flexibility; now allowing for legal expenses. OPEB Fund Transfer – the consensus was to support scaling back to \$50,000 from the historic \$100,000 commitment. The Town has been proactive on this funding over the years. The funding sources were discussed. FinCom will be reviewing this further at their Thursday meeting. The Finance Comm. has pulled the Stabilization Fund Transfer. Close out of Articles – There was a review of this history of some of the listed articles. A hard look needs to be taken at any other outstanding articles. Chief Ryder indicated that he would support pushing off the Radar Unit replacements to a fall Special Town Meeting (STM). Chief Fillebrown would like to keep the Gas Meter/Detectors article in. This is a personnel safety protection concern as these are wearable CO<sup>2</sup> detectors and their existing units are out of date. Fuel Tank Monitoring funding should stay as is an EPA requirement and was previously pushed off. The Library is pulling its Patron PC article and will use an alternative funding source to acquire these computers. IT upgrades – keeping our technology current is essential however the components will be further reviewed to see if revisions could be considered. The Finance Comm. will be discussing the BPD Cruiser article. It was noted this is on the FY 21 capital schedule. Public Safety Records management article will be further reviewed. Chief Ryder provided some detail on these systems and how'd they would be used. As 90% of these upgrades would impact the Fire Dept. he related some of Chief Fillebrown's concerns. Chief Ryder again indicated he would support pushing this funding off to a fall STM. This article would remain for now. The BFD Turn out gear - this is also equipment necessary to protect personnel. The DPW Infield Groomer will remain for now. It was discussed that the DPW Supplemental Paving article may be pulled. There was a review of the current funds available for paving (Town, TNG and Ch. 90) and DPW's proposed paving schedule. Citizens Petition – Markowitz advised that the Planning Bd will not be recommending this. There was discussion on the Citizen Petition protocols and structure. There was an overview of the Zoning Amendment articles. Planning Board is meeting next week and will be providing revisions after that meeting. The MS-4 Water Bylaw is a General not a Zoning Bylaw. It was noted it cannot be on the consent agenda as the Planning Board did not support unanimously. Markowitz advised that the minority vote has chosen not to provide a minority opinion. The Sustainability Comm. has pulled their Devens Hazardous Waste collection article. There was discussion about issuing a universal statement to informing voters of the efforts being made to address costs in the current climate. FinCom will communicate their warrants article and FY 21 Budget discussions to the Select Board. It is likely that the Personnel Bd. will have input on their article. The Board passed over approval of the warrant as it will now be finalized on April 27, 2020.

The Finance Committee adjourned their meeting.

- Member Fowlks moved to move the Town election date to June 2, 2020. Seconded by Member Stemple. **Approved: 4-0-1** by Roll Call Fowlks "aye," Bak "aye," Stemple "aye," and Neyland "aye." Member Fox abstained.
- **Resident outreach efforts, including Beacon Guest Editorial, BXB-TV Town Meeting broadcast**  
The information on the new dates will be "blasted-out" similar to the COVID 19 information blast.  
The DPW flashing LED signs would be very helpful for our current situation.  
These new dates and Town Meeting Preparation timeline will be communicated to Boards/Committees for as it relates to their Presentations, Materials, and Motions.

#### **Personnel Updates - TA Ferrara**

- There are two staffing vacancies at Town Hall – Building Dept./BoH Department Assistant and with Donahue's upcoming departure – Assistant Town Administrator. There are currently no plans to fill these, as we have a de facto hiring freeze in place. There was discussion as to the current economy climate and remaining sensitive to residents' concerns.
- Chief Ryder is currently looking to fill two positions in Dispatch, due to retirements. As they are public safety position, they will need to be filled as soon as possible.

#### **General Business**

- Member Fowlks moved to accept \$12,500 grant from the Littleton Electric Light and Water Department (LELWD) to support the Boxborough Police Department motorcycle program. Seconded by Member Stemple. **Approved: 5-0** by Roll Call Fowlks "aye," Fox "aye," Bak "aye," Stemple "aye," and Neyland "aye."
- Chief Ryder spoke to this and his department's long-standing positive relationship with LELWD. Chief Ryder is going with a gas model; speaking to the positives of a gas model to an electric model given his department's intended uses for the bike.

- Member Fowlks moved to accept \$10,000 to Boxborough Police and \$10,000 to Boxborough Fire gifts from Middlesex Savings Bank. Seconded by Member Stemple. **Approved: 5-0 by Roll Call,** Fowlks "aye," Fox "aye," Bak "aye," Stemple "aye," and Neyland "aye."
- TA Ferrara provided background on the respective funding. Chief Ryder spoke to intended purposes – being considered and that these may now need to be re-assessed. Fillebrown concurred.
- The Board passed over approval of the Animal Control Officer IMA with Town of Littleton.
- Pursuant to the recommendation of the Recreation Commission, Member Fox moved to appoint, Brian Picca to the position of Lead Director and Courtney Stevens, Kate Contini, and Laura Spurling, as Directors for the 2020 Summer Program for terms effective immediately and ending on August 31, 2020. Seconded by Member Fowlks. **Approved: 5-0 by Roll Call** Fowlks "aye," Fox "aye," Bak "aye," Stemple "aye," and Neyland "aye."

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

- Public Celebrations and Ceremonies Committee - 2020 Memorial Day and Fifer's Day Events - Though there is concern that these events may have to be postponed/cancelled processing these requests will, at least allow them to occur. Giving us a positive to look forward to. Pursuant to the recommendation of the Public Celebrations and Ceremonies Committee Member Bak moved to approve the 2020 Memorial Day and Fifer's parade permit request(s) to be held, on Monday, May 25, 2020 and Saturday, June 20, 2020 (rain date of June 21,2020), respectively, and to waive any applicable fees. Seconded by Member Fowlks. **Approved: 5-0 by Roll Call** Fowlks "aye," Fox "aye," Bak "aye," Stemple "aye," and Neyland "aye."

#### **Select Board & Town Administrator's reports/updates**

- COVID-19 Status Update. TA Ferrara opened this discussion noting that since the start of this meeting Chief Ryder has advised that we are up to 3 confirmed cases. A virtual response center is up and running and they are conferencing daily. This is very fluid situation. Both Chief have been on 7 days a week since this emergency was called. These are real expenses but there is the possibility of reimbursement. Sen. Eldridge has arranged for the Town to receive \$600.00. With our Emergency Declaration we will be eligible for some reimbursement, so we are tracking costs. We are housing essential personnel at the Regency at discounted rate. Police Officers are patrolling in vehicles solo. Chief Ryder expanded on these protocols. Officers are working multiple shifts. Dispatch center is isolated. This helps to eliminate cross contamination. Chief Fillebrown spoke to his department's issues as they attempt to isolate. Call back personnel are only allowed in bays. He, and others, are staying at Regency to limit contact. We seem to be ahead of other communities with putting these precautions in place.

The Board expressed its sincere appreciation for all of the hard work being done.

- Member Stemple reported that the Veterans Tribute Committee received a \$15,000 grant from the State.
- Chair Neyland reported that the ABRSD Building Project is proceeding, for the time being. They will continue to discuss going forward. They continue to identify cost cutting measure identifying \$700,000 in savings from initial numbers.
- Member Fox reported that both the BBC and WRC have been on pause since the emergency was declared. Work continues with MAPC personnel on the mapping project.
- Markowitz asked about the status of new construction in Town. TA Ferrara reported he has spoken with the Building Inspector, reviewing the current projects as construction has not been halted we are working on updating the Bldg. Dept. webpage. Today, there was blasting at Enclave project site and they have been asked hold off so as to not encumber the public safety staff; freeing them up to be available for calls. Fillebrown confirmed and this is now paused.

#### **Adjourn**

At 10:12 PM, Member Fowlks moved to adjourn. Seconded by Member Stemple. **Approved: 5-0 by Roll Call** Fowlks "aye," Fox "aye," Bak "aye," Stemple "aye," and Neyland "aye."

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**TOWN OF BOXBOROUGH**

**ANNUAL TOWN ELECTION WARRANT**

**JUNE 2, 2020**

**Middlesex, SS.**

To the Constables of the Town of BOXBOROUGH

**GREETINGS:**

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 Annual Town Meeting to vote at:

**Blanchard Memorial School Gym  
493 Massachusetts Avenue, Boxborough, MA 01719**

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

To cast their votes in the Annual Town Election for candidate for the following offices:

- Select Board, 3-year term, 2 seats
- Library Trustees, 3-years term, 2 seats
- School Committee, 3-year term, 2 seats
- Board of Health, 3-year term, 1 seat
- Planning Board, 3-year term, 2 seats
- Planning Board, 2-year term, 1 seat
- Moderator, 1-year term, 1 seat

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
(month)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Boxborough Select Board

(Indicate method of service of warrant.)

\_\_\_\_\_, 2020.  
Constable (month and day)

Warrant must be posted by **May 26, 2020**, (at least *seven days prior* to the **June 2, 2020**, Annual Town Election).

6a11

COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2020 SPECIAL STATE ELECTION

Middlesex, SS.

To the Constables of the City/Town of BOXBOROUGH

**GREETINGS:**

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 Special State Election to vote at:

**Blanchard Memorial School Gym  
493 Massachusetts Avenue, Boxborough, MA 01719**

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

To cast their votes in the Special State Election for the candidate of political parties for the following office:

REPRESENTATIVE IN GENERAL COURT. . . . . THIRTY-SEVENTH MIDDLESEX DISTRICT

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
(month)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boxborough Select Board

\_\_\_\_\_  
(Indicate method of service of warrant.)

\_\_\_\_\_, 2020.  
Constable (month and day)

Warrant must be posted by **May 26, 2020**, (at least *seven days* prior to the **June 2, 2020**, Special State Election).



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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF BOXBOROUGH

ORDER OF TAKING

At a regularly convened meeting of the SELECT BOARD of the TOWN OF BOXBOROUGH held this \_\_\_\_ day of April, 2020, it was voted and ordered as follows:

The SELECT BOARD of the TOWN OF BOXBOROUGH, duly elected, qualified, and acting on behalf of the Town, in accordance with the provisions of Massachusetts General Laws, Chapter 79, and the vote under Article 4 of the December 10, 2019 Annual Town Meeting of the Town of Boxborough, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the Town, a **temporary easement** for roadway, drainage, and slope construction purposes, such purposes to include, without limitation, grading, slope shaping and restoration, clearing and grubbing, loam and seeding, construction access, erosion control measures, and such other work as is necessary to survey, construct, inspect, and complete roadway and drainage improvements upon and within the abutting public way and other permanent easements acquired for public way purposes,, including entry by foot, vehicle, and heavy equipment for all purposes stated herein and uses incidental thereto, over, in, through, under and upon the lands lying within or abutting Massachusetts Avenue in the Town of Boxborough, Massachusetts, depicted as “Temporary Grading Easement 2235± SF” on that plan entitled: “Easement Plan, Location: Massachusetts Ave/Route 111, Town: Boxborough, Massachusetts, Prepared for: Town of Boxborough”, dated November 2019, prepared by Places Associates, Inc., a copy of which is attached hereto and incorporated herein.

The temporary easement shall expire **two (2) years** from the date this Order is recorded, provided that the completed grades, slopes, and erosion control measures in such easement premises shall remain undisturbed in perpetuity.

This taking does not include any structures presently situated on the easement premises, but does include the right of the Town to remove such structures whenever their removal shall be required for said easement purposes. This taking further includes trees, shrubs, and other vegetation within the easement premises whose removal is necessary to carry out the purposes of the easements taken herein, but shall not include private utility lines and structures.

The lands affected by this taking are owned, or supposedly owned, by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the Town.

The owners listed in **Schedule A** have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking, all in accordance with the provision of General Laws, Chapter 79, Section 6, as amended.

No betterments are to be assessed under this taking.

*[signatures on following page]*

IN WITNESS WHEREOF, we, the duly elected and qualified Select Board for the Town of Boxborough have hereunto set our hands and seal on the date set forth above.

TOWN OF BOXBOROUGH  
SELECT BOARD

\_\_\_\_\_  
Maria Neyland, Chair

\_\_\_\_\_  
Wes Fowlks

\_\_\_\_\_  
Susan Bak

\_\_\_\_\_  
Leslie Fox

\_\_\_\_\_  
Robert Stemple

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss \_\_\_\_\_, 2020

Then personally appeared the above-named member of the Select Board for the Town of Boxborough, as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument as his/her free act and deed, and the free act and deed of the Town of Boxborough, before me.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**SCHEDULE A**

<b>Property Address</b>	<b>Owner</b>	<b>Book</b>	<b>Page</b>
329 Massachusetts Ave. Boxborough, MA	Jesse A. Floyd Michelle A. Brosnahan	31415	259





Geoffrey Snyder  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

## Bulletin

BUL-2020-02

### **An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19**

TO: Local Officials  
FROM: Patricia Hunt, Chief, Bureau of Municipal Finance Law  
DATE: April 3, 2020  
SUBJECT: **An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19**

This Bulletin provides guidance to local officials regarding changes in municipal finance laws included in [An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the Acts of 2020](#), (the Act). Unless otherwise noted below, these changes became effective on April 3, 2020, upon Governor Baker's signing the Act into law.

#### **I. Town Meeting Delays**

##### **A. Power of Boards of Selectmen and Town Councils to Delay Annual Town Meeting**

**Section 1 of the Act** - Before its amendment, [G.L. c. 39, § 9](#) provided that an annual town meeting must take place during the months of February, March, April, May or June; however, a board of selectmen or town council, by vote, could delay the annual town meeting as long as the town meeting completed its business on or before June 30<sup>th</sup>. Section 1 adds the following exception to the June 30<sup>th</sup> deadline "in the event of an emergency that poses an immediate threat to the health or safety of persons or property that prevents the completion of the business of the delayed town meeting on or before June 30 if the governor has declared a state of emergency with respect to such emergency."

This exception is available, if necessary, to towns that must delay their town meetings beyond June 30, 2020 due to the COVID-19 outbreak and the declaration of a state of emergency by the governor. Towns are advised to consult with their local counsel regarding the form of vote. See Section I-B of this Bulletin for recess and continuation of town meetings by a town moderator where the town meeting warrant has already been issued.

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## **B. Power of Moderator to Continue Scheduled Town Meetings in Event of Public Health Emergency (Application to Districts)**

**Sections 2 through 4 of the Act** - These sections amend [G.L. c. 39, § 10A](#) by adding “public health” emergencies as a reason for a moderator to recess and continue town meetings already scheduled by warrant. Prior to the amendment, section 10A applied to weather-related and public safety emergencies. Under the amended section 10A, during and for a period of five days after a weather-related, public safety or public health emergency, a town moderator may, in consultation with public safety or public health officials and the board of selectmen, declare a recess and continuance of the town meeting to another time, date and place certain; however, the continuance is limited to a period of 30 days. There are notice, posting and other requirements regarding the time, date and place of the recessed and continued meeting. Additionally, within 10 days after the initial declaration by the moderator of recess and continuance, a local public safety or public health official designated by the board of selectmen must submit a report to the Attorney General providing the justification for the moderation’s continuance.

These amendments also clarify that a moderator may invoke section 10A more than once to recess and continue a town meeting during the same emergency; however, each continuance period must not exceed 30 days and the moderator may not continue the meeting more than 30 days after the rescission of the declaration of emergency by the governor. Additionally, if a town does not have a moderator, the board of selectmen may recess and continue the town meeting under the amended section 10A.

Under [G.L. c. 41, § 119](#) and [c. 48, § 66](#) (fire districts only), the moderator of a district meeting has the powers of a moderator of a town meeting. As a result, a district moderator may recess and continue scheduled district meetings under [G.L. c. 39, § 10A](#). For purposes of section 119, a district means a fire, water, sewer, water pollution abatement, refuse disposal, light, or improvement district, or any other district formed for the purpose of carrying out any of these functions, whether established under general law or special act. [G.L. c. 41, § 1A](#).

Because several town moderators had already invoked Section 10A to recess and continue a scheduled town meeting due to the outbreak of COVID-19, the amendments to section 10A were made retroactive to March 10, 2020. (See Section 19 of the Act.)

## **II. Emergency Liabilities in Excess of Appropriation if the COVID-19 Emergency Prevents the Adoption of an Annual Budget**

**Section 5 of the Act** - Under [G.L. c. 44, § 31](#), no department financed by municipal revenue, or in whole or in part by taxation, of any city, town or special purpose district, except Boston, may incur liabilities in excess of appropriation “except in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property, and then only upon a declaration by the governor of a state of emergency with respect to the disaster ....” On March 10, 2020, the Governor declared a state of emergency regarding COVID-19. As a result, cities, towns and special purpose districts may, with the approval of the Director of Accounts (director) of the Division of Local Services (DLS), expend from any available funds in the treasury in relation to the emergency without an appropriation by following the procedure described in [Bulletin 2020-1](#).

Section 5 amends [G.L. c. 44, § 31](#) by inserting the following:

If the declared emergency prevents the adoption of an annual budget by a town or district by the June 30 preceding the start of the fiscal year, the board of selectmen, town council or district commissioners shall notify the director and the director may approve expenditures, from any appropriate fund or account, of an amount sufficient for the operations of the town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal year pursuant to a plan approved by the board of selectmen, town council or district commissioners and such authority shall continue for each successive month while the emergency continues to prevent the adoption of a budget. The director may promulgate and revise rules or regulations regarding the approval of emergency expenditures described in this section and accounting with regard to such expenditures.

This amendment will allow deficit spending, with the approval of the director, on a month-to-month basis in fiscal year 2021 if the town or district was prevented from adopting a budget for fiscal year 2021 due to Governor Baker's Declaration of Emergency issued on March 10, 2020. Additional guidance will be issued by the director, like that contained in [Bulletin 2020-01](#), that will explain the procedure to follow to obtain the director's approval to deficit spend under this provision.

### **III. Director's Authority to Allow Appropriations after June 30, 2020 from Free Cash Certified as of July 1, 2019**

**Section 6 of the Act** provides:

"...[I]f the adoption of an annual budget in a city, town or district is delayed beyond June 30, 2020, as a result of the governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus, also known as COVID-19, the director of accounts of the department of revenue may authorize the appropriation from the available balance of the city's, town's or district's undesignated fund balance or "free cash" certified by the director under section 23 of chapter 59 of the General Laws as of July 1, 2019, as a funding source for the city's, town's or district's fiscal year 2021 expenditures, including, but not limited to any such undesignated fund balance in an enterprise fund or special revenue account...."

Ordinarily, under [G.L. c. 59, § 23](#), appropriations from certified free cash may only be made until the June 30<sup>th</sup> following its July 1 certification date. As a result, free cash certified by the director as of July 1, 2019 is available for appropriation only up to and including June 30, 2020. This section allows the director to authorize the appropriation from free cash certified as of July 1, 2019 after June 30, 2020 where the city, town or district has been prevented from adopting its FY 2021 annual budget by June 30, 2020 due to the Governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus. Once a city, town or district can meet and adopt its FY 2021 budget, this section will allow the director to permit appropriations from free cash certified as of July 1, 2019 as a funding source for its FY 2021 expenditures. Pursuant to Section 6, the director will issue additional guidance regarding the implementation of this provision.

#### **IV. Amortization of Deficit Resulting from COVID-19 Over a Three-year Period**

**Section 7 of the Act** - Under [G.L. c. 44, § 31](#), deficit expenditures not otherwise provided for must be funded in full when setting the tax rate for the next fiscal year. Section 7 of the Act permits the amortization over a three-year period of the amount of a city, town or district's fiscal year 2020 deficit resulting from the outbreak of the 2019 novel coronavirus also known as COVID-19, as described in the governor's March 10, 2020 declaration of a state of emergency. This applies to both expenditure deficits and revenue deficits related to the emergency. Examples of revenue deficits that could result from the emergency are reduced meals tax and room occupancy revenues. This legislation is similar to [St. 2015, c. 10, § 58](#) which, due to the extreme snow removal costs incurred the previous winter, permitted amortization of snow and ice expenditure deficits over three years. Again, the director will issue additional guidance on the implementation of this section.

#### **V. Continuation of Expenditure Authorization for Departmental Revolving Funds under [G.L. c. 44, § 53 E ½](#) in FY 2021**

**Section 8 of the Act** - Under [G.L. c. 44, § 53 E ½](#), a city or town may authorize by bylaw or ordinance one or more revolving funds and must annually before July 1 vote the limit on the total amount that may be expended from each revolving account. Section 8 of the Act allows the continued expenditure in FY 2021 from these departmental revolving funds at the same level of expenditure authorized by the city or town for FY 2020 until the city or town adopts its FY 2021 annual budget at which time the legislative body of the city or town must adopt the FY 2021 expenditure limits for each departmental revolving fund.

#### **VI. Suspension of Time Period for Cities and Towns to Exercise Right of First Refusal to Purchase Lands Classified under G.L. c. 61, 61A and 61B**

**Section 9 of the Act** - Section 9 suspends the time periods that require a city or town to "act, respond, effectuate or exercise an option to purchase" under [G.L. c. 61, § 8](#), [c. 61A, § 14](#) and [c. 61 B, § 9](#). The suspension is during and for a period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of emergency. If a city or town receives notice of intent to convert or sell classified land during this period, we advise that local counsel be contacted for advice.

#### **VII. Due Dates of Real and Personal Property Tax Bills and Applications for Exemptions and Waiver of Interest on Certain Late Payments**

**Sections 10 and 11 of the Act** include several provisions regarding local tax bills.

##### **A. Local Option to extend the Due Dates of Property Tax Bills**

**Sections 10(a)(i-iii)** include a local option to extend the due dates of property tax bills under [G.L. c. 59, §§ 57](#) and [57C](#) from April 1, 2020 (for semi-annual billing communities with annual

preliminary bills) or May 1, 2020 to a date not later than June 1, 2020. This local option applies to semi-annual tax billing communities and quarterly tax billing communities. The local option is exercised by the chief executive officer of a city, town or district. The chief executive officer is a mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter. In a district, the chief executive officer is the prudential committee or commissioners.

## **B. Local Option to Extend the Due Date for Exemption and Deferral Applications**

**Section 10(a)(iv)** includes a local option to extend the due date under [G.L. c. 59, § 59](#) for applications for exemptions from April 1, 2020 to a date not later than June 1, 2020. This due date extension, if exercised, will automatically apply to deferrals under [G.L. c. 59, § 5\[18A\] and \[41A\]](#), residential exemptions under [G.L. c. 59, § 5C](#) and small commercial exemptions under [G.L. c. 59, § 5I](#). This second local option is exercised in the same manner described in Section VII-A of this Bulletin.

## **C. Local Option to Waive Interest on Certain Payments Made After Due Dates**

**Section 11** includes a local option to waive interest and other penalty for late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made after its respective due date but before June 30, 2020. This third local option is also exercised in the same manner described in Section VII-A of this Bulletin.

This section allows the waiver of interest and penalties regarding late payments of bills with a due date of March 10, 2020 or after, when such bills are paid late but paid on or before June 30, 2020. This section does not permit waiver of interest and penalties regarding bills with due dates before March 10, 2020 or if the bill is not paid by June 30, 2020.

Section 11 also provides that a city or town shall not terminate an essential service of a resident, including but not limited to, water, trash collection or electricity, for nonpayment of taxes or fees with due dates on or after March 10, 2020 if paid on or before June 30, 2020, if the inability to pay resulted from circumstances related to the outbreak of COVID-19 or the governor's March 10, 2020 declaration of a state of emergency.

## **D. Clarification of Due Dates When Municipal Office is Closed Due to COVID-19**

**Section 10(b)** - Under [G.L. c. 59, §§ 57, 57C](#) and [59](#), there is an automatic extension of due dates for tax payments and applications for exemptions when a municipal office is closed for a weather-related or other public safety emergency until the next day that the municipal office is open. Section 10(b) of the Act clarifies that these automatic extensions do not apply if municipal offices are closed as a result of the outbreak of the 2019 novel coronavirus or the declaration of a state of emergency issued by the governor on March 10, 2020 and that due dates shall only be extended by the exercise of the local options described in Sections VII- A and B of this Bulletin.

## **E. Notice to Taxpayers**

Tax bills (with due dates of April 1, 2020 or May 1, 2020) should have already been mailed in the formats described in [IGR 2019-1](#), [IGR 2019-2](#), [IGR 2019-3](#) or [IGR 2019-4](#), as applicable. Where

tax bills have been mailed, the attached Notice must be sent to taxpayers by separate mailing if any of the local options described above are exercised. If a city or town has not adopted all three local options or June 1, 2020 due dates, the attached Notice must be amended, as appropriate, by the city or town to reflect its exercised options.

If the tax bills have not been mailed and any of the above local options are exercised, the format and content of the tax bills themselves should not be changed. Instead, tax bills should be issued in the form described in [IGR 2019-1](#), [IGR 2019-2](#), [IGR 2019-3](#) and [IGR 2019-4](#), as applicable, and the mailing must include the attached Notice (worded to reflect the local options and due dates approved by the city/town) in the same mailing as the tax bill. (See Sections IV-B-1 of [IGR 2019-1](#), [IGR 2019-2](#) and [IGR 2019-3](#) and Section V-B-1 of [IGR 2019-4](#) for insertion by collector of tax billing information in same envelope as a tax bill.)

### **VIII. Waiver for Hours Worked and Earnings Received During State of Emergency Regarding Services Performed by Certain Retirees Under [G.L. c. 32](#)**

**Section 14 of the Act** includes a waiver for hours worked and earnings received by certain retirees during the state of emergency. Cities and towns are advised to contact the Public Employee Retirement Administration Commission (PERAC) for more information regarding this section.

### **IX. Other Provisions of the Act**

The Act also includes other non-finance provisions related to cities and towns, including **Section 17** regarding the suspension of certain deadlines affecting local permits and local permitting authorities. Cities and towns are advised to review the Act with their local counsel.

**Index of Referenced Statutes, attached:**

**8b i. G.L. c. 59, § 59**

**8bii. G.L. c. 59, § 5[18A]**

**8biii. G.L. c. 59, § [41A],**

**8biv. G.L. c. 59, § 5C**

**8bv. G.L. c. 59, § 5I**

8bi

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 59:** ASSESSMENT OF LOCAL TAXES

**Section 59:** ABATEMENTS

Section 59. A person upon whom a tax has been assessed or the personal representative of the estate of such person or the personal representative or trustee under the will of such person, if aggrieved by such tax, may, except as hereinafter otherwise provided, on or before the last day for payment, without incurring interest in accordance with the provisions of section fifty-seven or section fifty-seven C, of the first installment of the actual tax bill issued upon the establishment of the tax rate for the fiscal year to which the tax relates, apply in writing to the assessors, on a form approved by the commissioner, for an abatement thereof, and if they find him taxed at more than his just proportion or upon an improper classification, or upon an assessment of any of his property in excess of its fair cash value, they shall make a reasonable abatement; provided, however, that a person aggrieved by a tax assessed upon him under section seventy-five or section seventy-six or reassessed upon him under section seventy-seven may apply for such abatement at any time within three months after the bill or notice of such assessment or reassessment is first sent to him. A tenant of real estate paying rent therefor and under obligation to pay more than one-half of the taxes thereon may apply for such abatement. If a person other than the person to whom a tax on real estate is assessed is the owner thereof, or has an interest therein, or is in possession thereof, and pays the tax, he may thereafter prosecute in his own name any application, appeal or action provided by law for the abatement or recovery of such tax, which after the payment thereof shall be deemed for the purposes of such application, appeal or action, to have been assessed to the person so paying the same. The holder of a mortgage on real estate who has paid not less than 1/2 of the tax thereon may, during the last 10 days of the abatement period of the year to which the tax relates, apply in the manner above set forth for an abatement of such tax provided the person assessed has not previously applied for abatement of such tax, and thereupon the right of the person assessed to apply shall cease and determine. The holder of a mortgage so applying for abatement may thereafter prosecute any appeal or action provided by law for the abatement or recovery of such tax in the same manner and subject to the same conditions as a person aggrieved by a tax assessed upon him.

Notwithstanding any other provision of this section, a person who acquires title to real estate after January first in any year, shall for the purposes of this section be treated as a person upon whom a tax has been assessed.

An application for exemption under clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Eighteenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-second, Fifty-third, Fifty-sixth and Fifty-seventh of section 5 may be made on or before April 1 of the year to which the tax relates, or within 3 months after the bill or notice of assessment was sent, whichever is later.

If any application for abatement of tax is, after the period or date prescribed by this section, delivered by United States mail, or by such alternative private delivery service as the commissioner of revenue may by regulation permit, to the assessors, the date of the United States postmark, or other substantiating date mark permitted by regulation of the commissioner of revenue, affixed on the envelope or other appropriate wrapper in which such application is mailed or delivered shall be deemed to be the date of delivery, if such application was mailed in the United States in an envelope or other appropriate wrapper, first class postage prepaid, or delivered to such alternative private delivery service, properly addressed to the assessors. As used in this section, "United States postmark" shall mean only a postmark made by the United States post office.

Notwithstanding the foregoing provisions, if the last day for making an application for abatement of tax falls on a Saturday, Sunday, legal holiday or day on which municipal offices are closed as authorized by charter, by-law, ordinance or otherwise for a weather-related or public safety emergency, the application may be made on the next day that a municipal office is open.

## Chapter 59: ASSESSMENT OF LOCAL TAXES

### Section 5: Property; exemptions

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

**Eighteenth A.** Real property, to an amount determined as hereinafter provided, of a person who by reason of poverty, or financial hardship resulting from a change to active military status, not including initial enlistment is in the judgment of the assessors unable to contribute fully toward the public charges and which property is owned and occupied by him as his domicile or owns the same jointly with a spouse or jointly or as a tenant in common with a person not a spouse and is occupied by him as his domicile provided, that such person has been domiciled in the commonwealth for the preceding 10 years.

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors may grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the city or town. The agreement shall provide:—

- (1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 8 per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, not later than the beginning of the fiscal year to which the tax relates;
- (2) that the total amount of such taxes due, plus interest, thereon, does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;
- (3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee in a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of clause (2);
- (4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and
- (5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement; and
- (6) that the tax deferral and recovery agreement shall not exceed 3 tax years, that the total amount of the taxes due, plus interest, shall be paid in 5 equal payments over a 5-year period, and that the first payment shall be due 2 years after the last day of the tax deferral.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this chapter, plus interest as provided hereinafter.

A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section 53 of chapter 60, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this clause may be made pursuant to section 52 of said chapter 60; (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

## Chapter 59: ASSESSMENT OF LOCAL TAXES

### Section 5: Property; exemptions

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July 1 of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Twenty-second F, Twenty-second G, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-first C1/2, Forty-second, Forty-third, Fifty-sixth or Fifty-seventh shall not receive an exemption on the same property pursuant to any other provision of this section, except clause Eighteenth or Forty-fifth.

**Forty-first A**, Real property, to an amount determined as hereinafter provided, of a person sixty-five years of age or over and occupied by him as his domicile, of a person who owns the same jointly with his spouse, either of whom is sixty-five years of age or over, and occupied as their domicile, or of a person who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided, that such person has been domiciled in the commonwealth for the preceding ten years and

(1) has so owned and occupied as his domicile such real property or other real property in the commonwealth for five years; or

(2) is a surviving spouse who inherits such real property and has occupied such real property or other real property in the commonwealth as his or her domicile for five years and who otherwise qualifies under this clause; and provided further that such person, and such person and his spouse, if married, had, during the preceding year, gross receipts from all sources not in excess of twenty thousand dollars. Any city or town may also, by vote of its legislative body, adopt a higher maximum qualifying gross receipts amount for the purposes of this section; provided, however, that such maximum qualifying gross receipts amount shall not exceed the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62, for a single person who is not a head of household.

In determining the total period ownership of an applicant for exemption under this clause, the time during which the same property was owned by a husband or wife individually shall be added to the period during which such property was owned by said husband and wife jointly. In computing the gross receipts of such an applicant or of such an applicant and his spouse, if married, ordinary business expenses and losses may be deducted but not personal and family expenses.

Any such person may, on or before the deadline for an application for exemption under section 59, apply to the board of assessors for an exemption of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not such person's spouse, the exemption shall not exceed that proportion of total valuation which the amount of such person's interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with said board of assessors on behalf of the city or town. The said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates;

(2) that the total amount of such taxes due, plus interest, for the current and prior years does not exceed fifty per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of

such surviving spouse. Any additional taxes deferred, plus interest, on said real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the fifty per cent requirement of subparagraph (2);

(4) that if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, said board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under the provisions of this chapter, plus interest as hereinafter provided. A lien filed pursuant to this section shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner or owners and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

In addition to the remedies provided by this clause, the recorded statement of the assessors provided for in this clause shall have the same force and effect as a valid taking for nonpayment of taxes under the provisions of section fifty-three of chapter sixty, except that: (1) interest shall accrue at the rate provided in this clause until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section sixty-two of chapter sixty; (2) no assignment of the municipality's interest under this clause may be made pursuant to section fifty-two of chapter sixty; (3) no petition under section sixty-five of chapter sixty to foreclose the lien may be filed before the expiration of six months from the conveyance of the property or the death of the person whose taxes have been deferred.

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## Chapter 59: ASSESSMENT OF LOCAL TAXES

### Section 5C: Exemptions for residential real property in cities or towns assessing at full and fair cash valuation

Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of clause Eighteenth of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section fifty-nine.

For purposes of this section, with respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant to a proprietary lease as such member's domicile and is used as such member's principal residence for income tax purposes shall be deemed to be real property owned by such member for purposes of this section, provided that the portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is the percentage of such member's shares in the cooperative corporation to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for exemption from taxation pursuant to this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this paragraph are met. This paragraph shall take effect in a city or town upon its acceptance by the city or town.

8bv

## Chapter 59: ASSESSMENT OF LOCAL TAXES

### Section 5I: Exemption; conditions

Section 5I. With respect to each parcel of real property classified as class three, commercial, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than ten percent of the value of the parcel; provided, however, that such exemption shall only apply to property that is occupied by a business that, at that location and all others combined, had an average annual employment of no more than ten during the previous calendar year as certified by the secretary of labor and workforce development or, where the business is a sole proprietorship or partnership not subject to the provisions of chapter 151A, as determined by the assessors, and the assessed valuation of which is less than one million dollars. This exemption shall be in addition to any exemptions allowable under section five. The value of exemptions granted under this section shall be borne by the combined value of class three commercial property and class four industrial property.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such commercial exemption may apply for such commercial exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section 59.

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**From:** Molly Biron

**Date:** January 2, 2020 at 9:45:18 PM EST

**To:** Ryan Ferrara <[rferrara@boxborough-ma.gov](mailto:rferrara@boxborough-ma.gov)>

**Cc:** Francie Nolde

**Subject:** Resignation from Sustainability Committee

Hi Ryan,

Hope all is well. I will unfortunately need to resign from the Sustainability Committee. I have moved out of MA for the indefinite future and am no longer a Boxborough resident.

Please let me know if you need anything else additionally from me.

Thank you,  
Molly Biron

10a

\* #

From: Eldridge, James (SEN) <James.Eldridge@masenate.gov>  
Sent: Tuesday, April 14, 2020 2:06 PM  
To: selectmen@town.boxborough-ma.us  
Cc: Ryan Ferrara <rferrara@boxborough-ma.gov>; Carr, Michael (SEN) <Michael.Carr@masenate.gov>  
Subject: Social Safety Net for Vulnerable Populations in our Communities

Dear Boxborough Select Board,

I hope you and your families are safe and healthy, and as a municipal official you are managing all right during the COVID-19 pandemic. If my office or I can be of any assistance, please be in touch. While we are all working remotely, you can email me at this State House email address, or call the office at 617-722-1120.

I write to you to provide information about social safety net resources for the most vulnerable populations in your community, and the Senate District in general. Last week, I was on a Zoom Call with a town board in the Middlesex and Worcester District, and there were a lot of questions about food insecurity, more support from the state for social services at the local level, and people already struggling to pay their rent or mortgage.

I want to assure you that I am advocating for a significant Emergency Supplement Budget in the hundreds of millions of dollars, including emergency food assistance for our food pantries, rental assistance, and state aid for town boards providing direct relief to people struggling from the COVID-19 pandemic.

To provide additional support to any of your constituents that you're aware of needing support, and to better understand what every community's needs are, I have created a Constituent COVID-19 Relief Online Form, for anyone to fill out. It can be a family that has lost a job and needs help with unemployment or welfare; or a small business owner who was forced to close and is seeking a loan or grant; or a senior citizen or a person with a disability struggling with food insecurity; or a non-profit organization needing financial support; or immigrant residents seeking assistance. Below is the link to the form.

<https://www.cognitofrms.com/SenatorJamieEldridge/senatoreldridgecovid19constituenthelp>

All information is held confidential.

On the housing front, given the rising number of our constituents who could barely afford to pay their rent or mortgage in April, and do not know how they will pay it on May 1st, I wanted to highlight what some other communities and elected officials are doing across the state, and how perhaps your community could do the same. If a town was able to provide rental or mortgage assistance, it would be a major relief. If your community is a CPA community, the Mass Housing Partnership has laid out how a CPA community can dedicate CPA funds for rental assistance, at this link here:

<https://www.mhp.net/news/2020/guidance-on-setting-up-an-emergency-rental-assistance-program>.

Essentially, for a town, Town Meeting can vote to make CPA funds available for rental assistance. While I understand Town Meetings are delayed due to the COVID-19 pandemic, this fund could still be very helpful to residents who owe back rent or are overdue on their mortgage payments. Any town can set aside general funds for rental assistance now, which the City of Waltham recently did, here is the story:

<https://patch.com/massachusetts/waltham/waltham-helping-waltham-during-coronavirus-crisis>

Finally, I wanted to share with you what the Acton Boxborough United Way is doing. They have created a COVID-19 Impact Fund

<https://www.abuw.org/index.php/en/>, which can pay for rent or mortgage payments, electric bills, and other critical needs during the pandemic. They also provide information on volunteers able to help non-profits serving vulnerable populations, through the Neighborhood Brigades, and have a weekly Food Insecurity call. I know that there are similar efforts in every community, and my staff and I are available to strengthen those efforts, in any way.

Once again, thank you for your service as a municipal official. I am pleased with the "Municipal Relief and Flexibility" legislation that the Massachusetts Legislature and Governor Baker have worked together to become law, to better support towns and cities, but I understand there is much more work to do, especially to support our vulnerable populations.

Sincerely,

Senator Jamie Eldridge



**Internal Communications and Outgoing Communications  
April 27, 2020**

1. Letter from Comcast [xfinity] Sr. Mgr. of Government Affairs, dated April 13, 2020, to the Select Board, advising of programing changes.
2. Email from State Senator Jamie Eldridge, dated April 14, 2020, to the Select Board regarding Social Safety Net for Vulnerable Populations in our Communities. #\*

# Indicates that the item had been previously distributed

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



**Minutes, Notices and Updates  
April 27, 2020**

**Minutes**

NONE

**Notices – ALL MEETINGS CONDUCTED VIA ZOOM**

1. Notice of a Library Board of Trustees meeting held April 15, 2020
2. Notice of a Recreation Commission meeting to be held April 17, 2020
3. Notice of an Economic Development Committee meeting held April 23, 2020
4. **Notices from surrounding communities [e.g. Virtual Public Hearing Notices/Decisions]:**
  - Acton ZBA –**  
Hearing Notices for May 7, 2020 to consider applications of:  
Christian Lanciaux for a Special Permit to reconstruct a garage at 3 Wood Lane.  
Grandview Acton, LLC for a Comprehensive Permit to develop 32 dwelling units (8 affordable) at 361-363 Great Road.
  - Littleton Planning Bd –**  
Hearing Notices for May 7, 2020 to consider application of:  
The Town for a Special Permit to allow for the construction of a new Library building at 35 Shattuck St.  
Mass. Cohousing LLC for a Special Permit – Sr. Residential Development and Aquifer/Water Resources Bylaw at 336-338 King Street.
  - Stow Planning Bd –**  
Hearing Notice for May 12, 2020 to consider application of:  
To discuss proposed Zoning Bylaw Amendments  
Decision to APPROVE/GRANT, with conditions Special Permit and Site Plan approval to JKC Properties LLC – 108 & 118 Great Road.  
Decision to APPROVE/GRANT, with conditions Modification of Definitive Subdivision Plan to Habitech Inc. – Property Map Sheet R-17, parcels 4A-1, 4A-2, and 4A-3.

## SELECT BOARD'S ANNOUNCEMENTS

APRIL 27, 2020

Over the past few weeks and especially in the last week, the realities of COVID-19, commonly referred to as the coronavirus, have truly come to light in our country, state and town. As of Monday, April 27<sup>th</sup>, there have been thirteen households with confirmed cases in Boxborough. Health officials ask that you continue to remain vigilant to limit the spread of the disease.

The Town is actively working with local and state officials so that we have the latest information in order to make the best decisions possible to ensure the safety of our residents. This is an unusual situation which requires a proactive response. In an effort to keep you informed the Town has created a COVID-19 INFORMATION Hot Button on the Town's homepage, which we will continue to update.

To do our part to reduce the spread of Covid19, we are taking the following steps:

- Town Hall Administrative offices continue to provide core municipal services, remotely, and departments are available by phone and email. Applications and bills can be dropped in the mail slot at the entrance of Boxborough Town Hall and most fees can be paid online.
- Town Hall, DPW, and the Sargent Public Library, are closed to the public. There is limited access to the Police and Fire stations.
- On April 13, 2020 this Board adopted the Local Option **extending the due date for Real and Personal Property taxes from May 1<sup>st</sup> to June 1<sup>st</sup>**. More information is available on Town's website on the Tax Collector and the COVID-19 Information pages.
- Tonight, the Board will also be **considering adopting local options** to Extend the due dates for Exemption and Deferral Applications and the waiving of interest on certain payments made after due dates.
- The **Transfer Station** remains open for normal operating hours. However, they cannot accept bulk items at this time.
- Onsite Council on Aging programs including Van Service are still suspended. However, the Council on Aging is now offering free daily virtual **exercise classes via ZOOM**.
- The Town continues to offer social service referrals for all ages. Go to the **"Financial and Social Services Assistance"** link on the COVID-19 Information page or call 978-264-1734.
- Additionally, by Order of Governor Baker:
- Acton-Boxborough Schools are closed for the remainder of the academic year.
- Non-emergency child care programs are also suspended
- Restaurants may only provide take-out or delivery

- Only businesses identified as “Essential” shall remain open to the public; all other business are encouraged to close their physical operation facilities.
  - All social gatherings are discouraged and you should practice social distancing
  - For a full read on these orders, please visit [mass.gov](https://www.mass.gov)
- Residents are encouraged to use the **online options** available to access/request services and to process payments. Please go to that department’s webpage for more information.
  - SAVE THE DATE.... **Boxborough’s Annual Town Meeting** is re-scheduled to Monday, June 22<sup>nd</sup> at 7PM. Please check the Town’s website for any changes to this schedule.
  - The Secretary of State has rescheduled the Special Election to fill Representative Benson’s **37<sup>th</sup> Middlesex District** seat to June 2<sup>nd</sup>
  - The Town’s **Annual Election** to will be held on June 2<sup>nd</sup>. Please go to the Town Clerk’s webpage to learn more about the absentee ballot process or call her at 978-264-1727.
  - The **FY 21 Budget is process continues**. Some committee meetings are still being held, but are being conducted remotely. Select Board meetings continue to be broadcast via BXB-TV and Verizon Channel 39 and Comcast Channel 9. The Town is also actively working to provide remote participation for those public meetings that have been deemed necessary. Sign-on Instructions are provided on a committee’s agenda. We will continue to post budget and warrant article updates as they become available.
  - Due to the Covid-19 emergency, we have to delay **updating our website**. This is in an effort to allow Town employees to focus on the crisis at-hand. This will also help to avoid any unforeseen communication issues with the launch. As soon as practicable, we will resume the project. We appreciate your patience.
  - Residents are advised that as a result of the continuing uncertainties due to Covid-19 conditions the Boxborough Minutemen Company has decided to cancel this year’s **Fifer’s Day** fair.

- In our continued efforts to reach more residents about upcoming programs, events and initiatives, the Town is in the process of developing **communications through email**. If you are interested in getting emails from the Town, go to the Town's website to sign up.
  
- **Town Departments** welcome your questions and feedback on services. Please contact them through the email hyperlink appearing on each department's webpage or give them a call.
  
- The **Select Board wants to hear from you**, and we invite residents to contact us regarding issues of concern. The Board can be contacted via email from the link on the Select Board's webpage.