

**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING WARRANT & PROCEEDINGS
DECEMBER 10, 2019**

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, MA on Tuesday, December 10, 2019 at 7:00 p.m. to act on Articles 1 through 6 of this Special Town Meeting Warrant.

LIST OF ARTICLES

- 1. CONSOLIDATED DOUGLAS/GATES AND CAROL HUEBNER EARLY CHILDHOOD PROGRAM ELEMENTARY SCHOOL BUILDING PROJECT**
- 2. UMASS AMHERST: ECONOMIC DEVELOPMENT PLAN**
- 3. POLICE ACADEMY TRAINING & COVERAGE**
- 4. ACQUISITION OF EASEMENTS FOR ROUTE 111 SIDEWALKS**
- 5. PAYMENT OF PRIOR FISCAL YEAR BILLS**
- 6. ZONING BYLAW AUDIT**

Moderator John Fallon called the Special Town Meeting to order at 7:02pm. There were 168 voters in attendance.

Mr. Fallon made some announcements and reminded everyone that there was a Special Town Election Tuesday, December 17, with only one question on the ballot. Article 1 on the school debt has to pass at both town meeting and the town election. The Select Board and FinCom members were introduced, as well as the new Town employees. He described the Town Meeting process.

Maria Neyland, Select Board Chair, moved that any adjourned sessions of the Special Town Meeting be held on Wednesday, December 11th; and further, that no debate will begin on any new article after 10:30 p.m.

Action on the motion: Motion carried unanimously.

Ms. Neyland moved that once final action has been taken on an Article, and the next order of business has been taken up, or the session of the Special Town Meeting has been adjourned, the Article may not again be considered at that Special Town Meeting unless the Moderator determines in his discretion that reconsideration would be in the best interest of the voters.

Action on the motion: Motion carried by majority vote.

Members of the School Building Committee and the Acton-Boxborough Regional School Committee and staff were introduced.

ARTICLE 1 CAPITAL BUDGET – DOUGLAS/GATES ELEMENTARY SCHOOL BUILDING PROJECT

(Two-thirds vote required)

Tessa McKinley, Chair of the Acton-Boxborough Regional School Committee, moved that the Town hereby approves the \$116,028,519.00 borrowing authorized by the Acton-Boxborough Regional School District, for the purpose of paying costs for the design and construction of a new CT Douglas/Paul Gates Elementary School and Carol Huebner Early Childhood Program into a single facility on the Gates School Site located at 75 Spruce

St, Acton, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the District's School Building Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) forty nine point seven percent (49.7%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2-1/2); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

Summary:

This Article requests voters to approve funds to construct a new "twin" elementary school to replace the existing Douglas and Gates elementary schools and provide additional classrooms for the Carol Huebner Early Childhood Program. This vote is subject to a $\frac{2}{3}$ vote at the December 10, 2019 Special Town Meeting as well as a majority vote at a subsequent ballot on December 17, 2019 to request a proposition 2 $\frac{1}{2}$ debt exclusion for these funds.

The C.T. Douglas Elementary School, opened in 1965, and the Paul P. Gates Elementary School, opened in 1967, are both at or are near the end of their useful lives and in need of replacement. Additionally, the Carol Huebner Early Childhood Program is operated out of the District's Administration Building (the former Merriam School), in a location that is over 60 years old and not accessible to children with disabilities.

Community planning for the projects began in 2015 when the District undertook a comprehensive master planning initiative which engaged Dore and Whittier Architects to study all of the District's facilities in order to develop a comprehensive capital plan. Through the master planning process, the District identified several schools in need of major repair or renovation. The highest priority needs were identified at the C.T. Douglas Elementary School as there were concerns for indoor air quality, lack of accessibility, hazardous materials, and significant overcrowding.

In April 2016, using information from the master planning process, the District applied to the Massachusetts School Building Authority (MSBA) for acceptance into their CORE program for a potential renovation or replacement of the C.T. Douglas Elementary School. In February 2017, MSBA accepted the ABRSD into their CORE program and invited the District into an eligibility period for a possible new or renovated school. In June 2017, the District established a Regional School Building Committee comprised of citizens from both Acton and Boxborough. In December 2017, both towns approved \$1.3 million for a feasibility study. The MSBA paid \$600,000 of these costs. In 2018, an architect and owner's project manager were hired to begin a feasibility study to determine the best possible solution for the community.

From August 2018 through September 2019, the School Building Committee oversaw the completion of a feasibility study conducted by Arrowstreet Architects. The feasibility study examined sixteen possible solutions for either repair or replacement of the C.T. Douglas Elementary School. The feasibility study considered renovating or replacing the Douglas School individually, but also considered co-locating this school with either the Gates or Conant schools.

Through the feasibility study, the School Building Committee determined that the most cost-effective solution for the District was to build a "twin" elementary school. The Building Committee considered multiple sites for the new school including the current Douglas, Gates and Conant sites. Through extensive study of the sites, traffic, and wetlands, as well as considerable input from the community which expressed a desire to keep the Douglas Elementary School in West Acton, it was determined that the current Gates site would be the most

suitable location for the new Douglas-Gates Elementary School. It was further determined that it would be most cost effective to include nine additional classrooms for the preschool program. This solution will allow the District to address three of its most significant needs in one project, while receiving reimbursement from the MSBA.

The proposed “twin” school has multiple benefits for students and for the citizens of Acton and Boxborough including:

- The school will increase the number of classrooms available to the District and will help the District meet predicted future enrollment needs
- The school will be fully accessible for persons with disabilities and provides:
 - Two elevators
 - Sound amplification in all learning spaces
- The school will feature state-of-the-art educational opportunities for students including:
 - Two dedicated Science, Technology, Engineering, Arts and Mathematics (STEAM) labs
 - A large gymnasium and a second smaller gymnasium that will provide age appropriate access for students of all ages through adult community members
 - A two-story library/media center that can be accessed directly from either of the schools
 - Specialized breakout spaces designed to support students in special education and English Learners
 - A first-floor wing devoted to the preschool, with fully accessible spaces and access to art, music and physical education classes
 - Specially designed, age-appropriate play areas and outdoor learning spaces
 - Dedicated art and music classrooms for each school
- The school is designed to meet “Net Zero” standards for energy efficiency, water use, and construction waste. To achieve this level of sustainability, school design features include:
 - The use of photovoltaic arrays (solar panels) on the roof and over the parking lot designed to produce sufficient energy to offset the building’s energy needs for heating, cooling and electricity
 - The primary heating system for the building uses geothermal wells supplemented by two electric boilers, allowing the school to be both combustion and fossil fuel free
 - A rainwater collection system that will gather rainwater from the roof to be stored in underground tanks for reuse in flushing toilets
 - Building materials from the demolition of the existing schools will be sorted on-site and recycled to the greatest extent possible

The new school is designed to meet the educational needs of students for the next fifty years. Further, the school building committee and District believe that the proposed school is of high value and cost-effective to the citizens of Acton and Boxborough. The building committee, comprised of citizens from each town, prioritized bringing forward a project that was cost-effective, and carefully studied a variety of factors including strategies to shorten the project timeline (thus reducing costs), and opportunities for value engineering aspects of the building to reduce costs while maintaining a strong educational program. Due to the timing of the project in relation to the overall performance of the economy, the District has the opportunity to take advantage of historically low borrowing rates which will in turn keep the costs to taxpayers as low as possible.

The total project cost is \$117,328,519. This includes the \$1.3M feasibility study funding that was already approved and reimbursed from the state. Of the remaining \$116 million, the MSBA will reimburse \$38 million, and the District will be responsible for \$78 million. The Acton share of these costs will be \$66.3 million and the Boxborough share will be \$11.7 million. The tax impact on an average single family home is estimated to be \$452 - \$509 per year in Acton, and \$314 - \$354 per year in Boxborough.

This project solves multiple problems with one cost-effective solution that will provide students of Acton and Boxborough with continued access to high quality facilities and safe learning environments for the next fifty years.

Acton-Boxborough Regional School Committee recommends (10-0):

Mary Brolin, Chair of the Acton-Boxborough Regional School District Building Committee, made a presentation in favor of the motion. The Acton-Boxborough Regional School Committee recognizes the need for this project and supports the work that the School Building Committee has done to date in partnership with MSBA. This project will allow over 1,000 students to move to an appropriate facility that will meet their educational needs well into the future. The Douglas and Gates elementary schools were built in 1965 and 1967, respectively. In the intervening 50 years our population has grown and education and building codes have changed. These schools were originally built for 270 to 300 students but currently enroll almost 400 students each. The new building would allow us to support the educational program, and address space concerns, accessibility, efficiency and environmental quality. The Carol Huebner Early Childhood Program, is housed partially in the administration building on Charter Road. This building was built over 60 years ago in 1957 and, like Douglas and Gates, lacks adequate accessibility and appropriate educational and outdoor play spaces. We recognize that a single building is a fiscally responsible choice. Consolidating these three separate educational programs, has the added benefit of increasing operational efficiency with shared common spaces. The new building will be fully accessible and ADA compliant and prioritizes energy efficiency and renewable energy sources. We believe this project will benefit Acton and Boxborough by allowing students to be educated in a school that will meet their educational needs well into the future.

Acton-Boxborough Regional School Building Committee recommends (17-0):

The Acton-Boxborough School Building Committee unanimously supports this project. During the feasibility study, we explored 16 renovation/addition and new build options, including a renovation/addition to the current Douglas building, building a single school building to replace Douglas, and siting a twin school on the Douglas, Conant or Gates properties. Ultimately, the site characteristics, in combination with significant community support for a location in West Acton, resulted in our recommendation for a new twin school building on the Gates property that will house the CT Douglas and Paul P. Gates elementary schools, as well as the Carol Huebner Early Childhood Program. The building is designed to meet the educational needs of 990 elementary and 130 preschool students, and will be fully accessible and ADA compliant.

We have partnered with the Massachusetts School Building Authority (MSBA) to ensure a comprehensive design. Further, MSBA will reimburse approximately \$38 million for the project, reducing the cost to taxpayers.

By building a twin school, we address the needs of more students with a shorter overall construction time, which simultaneously supports students and brings financial efficiencies to the taxpayers. We have designed a net zero energy building that uses a hybrid system of geothermal wells and two electric boilers for heating, resulting in zero hydrocarbon emissions. Electric use will be offset with electricity generated through photovoltaics (solar panels) over the parking lot and on the roof of the building. Rainwater will be collected to use in flushing of the toilets to work toward net zero water use and the construction process builds in net zero waste standards. Overall, the project will allow us to bring a higher quality education to our students and result in an energy efficient building that is designed to serve our community for the next fifty years.

Select Board recommends (4-0):

For the reasons stated above the Select Board recommends unanimously.

Finance Committee recommends (4-0):

Gary Kushner, Chair of the Finance Committee, gave the FinCom recommendation. The replacement of the old Douglas elementary school is long overdue and in badly need of replacement. The benefit to Boxborough is the support to the AB Regional school district and for the Boxborough students attending the Douglas school

(children in K-3 and future students). The proposed project is to replace two aging schools with a twin school. By replacing the two schools with a twin school we speed up the replacement of the Gates school by at least 5 years and this lowers the financial impact to the two towns due to inflation of building expenses and the sharing of infrastructure. Boxborough's ~15% student assessment means that in the first year Boxborough's share will be between \$314 and \$354 (30-year bond vs. 25-year bond) at a conservative 3% interest rate for a median priced house of \$610,000 or \$0.58 per \$1,000 for a 25-year bond and \$0.52 per \$1000 for a 30-year bond. The total cost of the project cannot exceed \$117,328,519 with \$1,300,000 already appropriated and spent on the initial design. The Massachusetts School Building Authority (MSBA) on October 30th approved an estimated maximum facilities grant of \$36,728,824 not including any funds for potentially eligible owner's or construction contingency expenditures. If the MSBA determines additional reimbursement for eligible owner's or construction contingency, then the total could increase to \$38,018,861. The region would then fund the remaining approximately \$78,009,658 at approximately an 85% Acton and 15% Boxborough. The actual split between the two towns is based on a 3-year rolling average of Boxborough vs. Acton students in the school system as defined in the AB Regional agreement. It should be noted that in 5 years there will be a reduction of \$92 per median priced house for the RJ Grey school project as it completes its 25-year bond life. The actual bonding timeframe (25 vs. 30 years) decision is made by the Region's Treasurer when the bond paperwork submittal occurs in the February-March 2020 timeframe.

The Town should note that the FinCom cannot provide a final number due to the number of approximations including the Boxborough school population, interest rates in February/March 2020, the MSBA final funding level and the term of the bond.

There are costs to the two towns for building a twin school including the non-reimbursed second office and the nine (9) integrated pre-school classrooms. Along with the education plan which drove many aspects of the design there were also decisions regarding sustainability of the building. The Building committee went with a slightly more expensive HVAC system using geothermal with two electric boilers at an additional cost of \$3.2M, but this leads to zero hydrocarbon emissions and does have a payback period. It should be noted that the actual cost of the geothermal system will not be known until the Regions starts to dig the first wells. Once the first wells are dug then we know how many wells will actually be needed. The building is planned to be net-zero energy with photovoltaics on the roof and above the parking lot and net-zero water by capturing rainwater and storing in a 20,000-gallon tank where gray water can be used (e.g. bathroom flushing).

Sustainability Committee Recommends. Larry Grossman, member of the Sustainability Committee, spoke on behalf of the Committee in favor of the school project. They strongly support the carbon neutrality goal of the project. Mr. Grossman stressed that there were very few buildings that met this standard for water, heat, and energy. He also commended the use of net zero construction standards.

Discussion:

Jackson Royal, Old Harvard Rd., was in favor of the school but had a couple of questions. Why have two separate administrations? Will Boxborough students be going to that school? Why should we pay for a school in Acton?

Marie Altieri, Deputy Superintendent, responded to the question. She said that 450-500 is ideal maximum for one principal and that 68 Boxborough students attend Acton schools now.

Heather Fleming, Stow Rd, said she had not made up her mind yet. She noted that the League of Women Voters recommended a yes vote and she read their statement in favor.

Kurt Marden, Old Harvard Rd., said there are a lot of costs to be borne by residents. Taxes are already increasing. The commercial tax base is eroding. The town needs a new fire station in the near future. He noted that the school has a year to come up with a cheaper solution and Boxborough could know more the cost.

Jeanne Kangas, Hill Rd., was in support of the article but didn't like how the funding was set up. Doesn't like that it's a Prop 2 ½ override, which will allow more spending by raising the levy limit. She pointed out that Boxborough could fund this without an override.

George Elenbaas, Middle Road, voted against regionalization. Not happy that the school is in Acton. He asked

what happens if Boxborough says “no” and Acton said “yes”. Mary Brolin said we would have a year to bring it back to Boxborough. Could call a district wide vote but that is discretionary. She said that the region is paying \$2.4M on Blanchard capital items.

George Krusen, Depot Rd., asked about the population graph. The graph indicated we are in a low point and it’s all growth from here. How was that calculated? Ms. Altieri said school populations are cyclical and they are already seeing signs of increase.

Jennifer Campbell, Patch Hill Rd., spoke in favor. The study has taken 4 years of planning. The Douglas School is in dire straits. We are a region and Boxborough will benefit from this new school.

Ling Chen, 1155 Burroughs Rd., asked if the \$38M is tied to any conditions. No.

Andrew Gruskay, Daniel’s Way, asked about the sewer project in West Acton—what is the impact? Mary said the school building project members were neutral on the sewers. School has a septic system design in case sewer article fails.

Becky Neville, Middle Rd., moved the question.

Motion to vote now passed by 2/3 majority.

Mr. Fallon called for a standing vote and tellers, who had previously been sworn, conducted the count.

Action on Article 1: Motion passed by 2/3 majority. 145 yes 9 no

ARTICLE 2 ECONOMIC DEVELOPMENT STUDY

(Majority vote required)

Richard Guzzardi, Chair of the Economic Development Committee, moved that the Town vote to appropriate the sum of Twenty Five Thousand Dollars (\$25,000) from Free Cash for the purpose of continued study of the economic environment in Boxborough, including detailed analysis, market feasibility and community feedback, resulting in the delivery of study reports outlining pertinent real estate and business trends and analysis of potential redevelopment/development scenarios for consideration by the Town, including all costs incidental and related thereto.

Summary:

The Boxborough 2030 Master Plan was written in part to identify how residents believe the town should be best developed in the years to come, including building on our existing assets. One of the most consistent themes to emerge was the need to encourage economic development while preserving our local character. A number of goals, strategies and actions were determined, including the creation of a long-term vision for the town’s commercial areas, prioritizing enhanced quality of life over an expanded commercial tax base, the formation of an Economic Development Committee (EDC), and developing a 10-15 year Economic Development Plan under the guidance of the EDC.

In order to help the town determine a clear path forward, the EDC engaged with the University of Massachusetts Amherst’s Center for Economic Development, Department of Landscape Architecture and Regional Planning (LARP) for assistance. UMASS proposed an Economic Development Study to be held over a period of twelve (12) months from September 2019 - August 2020 with a total anticipated cost of \$25,000.

The EDC wasn’t able to finalize the UMASS proposal prior to the May 2019 Annual Town Meeting, however UMASS was able to structure the study into two phases understanding that full funding wouldn’t come until the study received approval at Special Town Meeting. The town was able to fund expenses for Phase I with \$2,000 from available funds, and the study was launched in September 2019. The \$25,000 requested in this warrant article includes \$23,000 to be paid to UMASS Amherst, Center for Economic Development for Phase II of the study, and \$2,000 in expenses incurred by the town in carrying out and supporting the study work. By moving forward with Phase I utilizing available funds, the Town was able to take advantage of the UMASS LARP

2nd Year Student Studio Class, which is only run during the Fall semester from September - December. This was important, as there is no cost assessed to the town for the students' or professor's time spent as part of the studio program.

As such, the study was proposed in two phases, as follows:

Phase I performed by the LARP 2nd year graduate students from September - December 2019 will result in the delivery of an Existing Conditions Report and presentation to the town in December 2019. The Existing Conditions Report will supplement the work already begun through the Boxborough 2030 Master Plan, and will focus specifically on present economic development conditions and needs. The following tasks were performed under Phase I:

- Reviewed recent town and regional plans, reports, survey results, and related documents including data and notes from past meetings and charrettes.
- Conducted site visits and in-person interviews with key town personnel and stakeholders.
- Collected and analyzed the data relevant for understanding the potential market and demand for office, retail and other commercial space in the region.
- Conducted a commercial/industrial build-out analysis.
- Reviewed zoning codes and other regulations as they pertain specifically to economic development.
- Prepared and summarized several 'best-practice' case studies to profile revitalized suburban office parks and town center/commons-style developments in similar communities.

The final results of Phase I will be included in a presentation to the town in December, along with delivery of an Existing Conditions Report with potential development scenarios for the town to consider.

Phase II of the UMASS study will be conducted from January - August 2020 by paid staff, faculty and graduate students at the UMASS Center for Economic Development and will build on the Existing Conditions Report. This will include an in-depth market feasibility and long-term trends study relative to the economic potential and what is viable for Boxborough. Phase II will focus on an in-depth assessment of the potential scenarios, along with recommendations addressing current regulations, potential locations, physical site conditions and other factors. Phase II will involve the following tasks:

- Provide a detailed analysis of long-term trends for the suburban office and non-office commercial real estate market, including factors underlying changing business and household location preferences with assessment of the likelihood that these trends will continue. This portion of the study will result in a stand-alone "white paper" that will help inform the remainder of the study.
- Conduct an in-depth market feasibility study to collect and analyze data on the market potential and shopping practices of area residents using primary and secondary data sources.
- Interview public officials, business leaders, community group representatives and other stakeholders to gain their thoughts and perspectives on the alternate development scenarios.
- Conduct a community charrette focused on evaluating the scenarios for the reimagined office park and/or town center.
- Produce preliminary designs/sketches of the Town Center and 21st Century office park development scenarios.
- Analyze current town regulations to determine if they are consistent with the preferred scenarios and identify other potential impediments to growth.
- Provide a thorough assessment and evaluation of physical conditions at prospective sites, including transportation access, infrastructure needs, title and ownership, etc.
- Develop a concrete action plan building upon the above and detailing the necessary steps.

At the conclusion of Phase II, Boxborough will receive a white paper reporting the findings from the analysis, as well as a full report of findings providing a detailed comparative analysis of four different scenarios, including their relative strengths, weaknesses, opportunities and threats.

Economic Development Committee (EDC) recommends (6-0):

The EDC believes these funds are necessary and well-spent to help the community identify the specific actions and changes necessary to implement the goals of the Boxborough 2030 Master Plan. UMASS will provide professional research and analysis, including input from residents and businesses, to help determine what will succeed and what is desired for Boxborough. The EDC believes that a thorough review of our current environment, engagement of the broader community in the process and a deeper understanding of the market conditions is critical for the town to develop plans and make the decisions necessary to carry out the economic development objectives described in the Boxborough 2030 Master Plan.

Mr. Guzzardi made the EDC presentation. Master Plan showed people wanted thoughtful economic development. People want amenities: coffee shops, fitness centers. Office Park usage is declining, with 50% vacancy. The Town has significant water, septic, and land constraints.

UMASS has completed Phase 1 of the project and this article would fund the development of an action plan after exploring a number of scenarios, assessing physical and infrastructure constraints and getting input from residents and stakeholders.

Urged town meeting to vote yes to establish a community dialog and answer questions about where we want to go from here.

Select Board recommends (4-0):

For the reasons stated above the Select Board recommends unanimously.

Finance Committee recommends (4-0):

The Finance Committee recommends 4-0 . The graduate students and professors will help the town assess what may or may not work to revitalize our under utilized commercial properties in town. They will gather feedback from residents, study current trends, and provide the town with a report that will provide different scenarios for potential development and redevelopment consideration. This will provide the town with a service which if we were using a professional company would be much more expensive and the students are looking at this with a fresh perspective.

Planning Board recommends (4-0)

Discussion:

John Markiewicz, Patch Hill Rd., commended the EDC and Rich Guzzardi personally for all the work they did. Thinks it's a great opportunity for the town and a bargain. He urged that there be a lot of community involvement.

Jeff Glidden, Sargent Rd., said water quality is the main issue facing us. 1000 people in town don't have drinkable water. We should solve that first. Salt is the biggest problem. No development without good water.

Trina Troups, Pine Hill Rd., thought it looked economical. She said that retail establishments are all well and good but don't supply the types of jobs that are needed in town. What about small manufacturing? Mr. Guzzardi said that small business is also a focus of this study-whether biotech, or something else.

Mr. Glidden asked if there is a plan to pursue the report of WPI on the dire water issues. Les Fox, member of the Water Resources Committee, said the Water Resources Committee is working on these issues and looking at options to solve the salt issues and the septic issues. He said to be patient and stay tuned. Mr. Glidden said would like to be updated on the progress of the Water Resources Committee.

Action on motion: Motion carried unanimously.

ARTICLE 3 POLICE ACADEMY TRAINING & COVERAGE CONTINGENCY

(Majority vote required)

Ms. Neyland moved that the Town transfer the sum of One Hundred and Five Thousand, Five Hundred Dollars

(\$105,500) from Free Cash to pay for affiliated expenses associated with the labor replacement costs for three full-time, police academy trained, police officers, including all cost incidental and related thereto.

Summary:

This fund would be used to cover the costs related to the replacement of officers who have retired, transferred or otherwise left employment with the Town. The Boxborough Police Department is in the process of hiring new replacement officers for three employees, two of whom have accepted positions with the State Police and another who has accepted a position in another municipality. Relevant expenditures include:

- Overtime costs to cover replacement shifts during:
 - Application Period (Advertising & Recruiting – 4 weeks)
 - Interviews and Selection Period (2 weeks)
 - Background Investigation (2 weeks)
 - Psychological Testing, Medical and Drug Screening (2 weeks)
 - Academy Training (26 weeks)
 - Field Training (8 weeks)
- Academy, salary, tuition, gear and mileage
- Department uniforms and gear
- Medical and drug tests and psychological evaluations

Select Board recommends (4-0):

For the reasons stated above the Select Board recommends unanimously.

Ms. Neyland asked Police Chief Warren Ryder to present the case for the article.

Chief Ryder said that recruiting qualified officers is difficult. The pool of candidates is limited both locally and nationally. Turnover in Boxborough is high and there is a cost to replacement, primarily driven by the cost of filling open shifts during recruitment and training of new officers.

Finance Committee recommends (3-1):

Pro

The May 2019 Annual Town Meeting appropriated \$50,000 to be used for Police Department staff replacements in a special fund. The estimated cost to replace an officer with a full-time academy trained officer is \$41,224 each (\$123,672 for three). This cost covers the initial multiple weeks local training of an academy trained officer. If we must send three recruits to the police academy the cost will be \$105,212 each (\$315,636 for three). The projections are over and above the normal salaries within the Police Department budget. The town finds itself in a position of losing three officers by year end with no alternatives other than to backfill. The majority of FinCom recommends increasing FY20 ARTICLE 15 - Staff Replacement by \$266,000 fully funding to \$316,000 for a worst-case scenario. The unused funds will remain in the special fund for future requirements. There is a potential that if the Chief is able to hire prior to STM that the amount in this warrant article could be reduced on Town Meeting floor. We will continue to explore options and alternatives to present to the town for future consideration.

Con

Mr. Kushner said that he understands that the Town has endorsed the strategy of 2 officers per shift for 365 days per year and 24 hours per day. The concern of a minority of the FinCom is the Town funding police officers at the Academy and then the officers leaving. The Police union contract does state that they must reimburse a percentage of the cost (~\$3,000) to the Town if they leave early. On the other hand the Town is paying for the officers while they are at the academy. This would be money well spent if the officers were to stay in the Town for extended stays. We understand the Chief's needs along with the Town's needs and

requirements, but believe that we need to pursue the Town's staffing in other directions in future hiring and budgeting processes.

Discussion:

Mr. Markiewicz asked what happens if it doesn't get approved. Chief Ryder said reserve fund transfers. Mr. Markiewicz asked if the chief was concerned about the turnover. The Chief said that the State Police takes a lot of officers and offers higher pay. Nationally, law enforcement careers are not attracting people. Do officers that we train have to stay in Boxborough for any period of time? The biggest expense is overtime to fill the open shifts. Tuition is only \$5000.

Action on Article 3: Motion carried by majority vote.

ARTICLE 4 ACQUISITION OF EASEMENTS FOR ROUTE 111 SIDEWALKS

(Two-Thirds vote required)

Les Fox, Select Board member, moved that the Town vote to authorize the Select Board to acquire, by purchase, gift, or eminent domain, and upon such terms and for such consideration as the Select Board deems appropriate, permanent and temporary interests in lands abutting Massachusetts Avenue/Route 111 in the locations approximately depicted on the plan entitled: "Abutter Impacts, Location: Massachusetts Ave/Route 111," revised October 3, 2019, prepared by Places Associates, Inc., a copy of which has been placed on file with the Town Clerk, for public way and public way construction purposes, which purposes shall include, without limitation, the construction of public sidewalks, guardrails and wall, sloping, and drainage improvements, within and along Massachusetts Avenue/Route 111, a public way in the Town, and further to transfer from Free Cash \$35,000 for the purpose of such acquisition and construction and all costs related thereto, and to enter into all agreements and take all other actions necessary or appropriate to carry out such acquisition and construction.

Summary:

In October 2017, the Town was awarded a \$574,683 MassWorks Infrastructure Program Grant to construct a sidewalk from the Sargent Memorial Library east to Liberty Square Road. The Town's grant application was rejected for three consecutive years prior. During the course of the design of the sidewalk this past spring, it was determined by the Town's engineering firm, Places Associates, Inc., that additional property would be needed to construct the sidewalk. Additional land is needed, as outlined in the renderings on the following page, at 329 and 211 Massachusetts Avenue. The Town is requesting \$35,000 for appraisals, fee takings and preparation of legal documents to execute the conveyance. This article authorizes the Select Board to obtain the required permanent interests in the identified parcels. The Town has initiated conversations with the impacted property owners and anticipates having firm costs associated with the purchase of these parcels by the December 10th Special Town Meeting. With the land necessary to execute the project, the Town intends to proceed with construction of the sidewalk in spring 2020, with an anticipated completion date of summer 2020.

Select Board recommends (4-0):

For the reasons stated above the Select Board recommends unanimously.

Ryan Ferrara made the presentation in favor of the motion. The sidewalk would extend from the library to Liberty Square Road. Two sections of the sidewalk would require that the town take a piece of property from two properties along Massachusetts Ave. It would require a permanent easement on these properties. 88% of the sidewalk project is grant-funded. The Town is working with the homeowners to make this happen.

Finance Committee recommends (4-0):

The town was awarded a grant to pay for a section of sidewalks on Rt. 111. In order to begin construction of

these sidewalks the town must first take two slivers of land along Rt. 111. The Finance Committee recommends payment and associated costs (e.g. legal fees) for the two pieces of property that need to be taken to complete the sidewalk.

Discussion:

Norm Hanover, Boxmill Rd., was disturbed by the number of people who walk or ride a bike along Route 111. It's very dangerous. He thought the town was working on a sidewalk from Harvard to Acton. What's the status of that? Mr. Ferrara said he was only discussing what was in the warrant. Mr. Fox, Select Board member, said that it still is a long-range plan.

Mike Gayowski, Eldridge Rd., said when the Minutemen clean up along Rte. 111 –know how dangerous it is. He was in support of the article.

Mr. Markiewicz said that this has been a goal for a long time and happy to see that it's going forward. He asked about culverts and if MassDOT had signed off. He noted that between school and library is a gap. Mr. Ferrara said eventually sidewalk will be extended all the way to the school. Mr. Markiewicz asked how much is in the sidewalk fund. Mr. Ferrara said that the Town is paying design costs out of that fund.

Carrie Weaver, Pine Hill Rd., asked about a crosswalk to Summer from Liberty Square Rd. Mr. Ferrara replied that it was not in the scope of this project, but will be looked at.

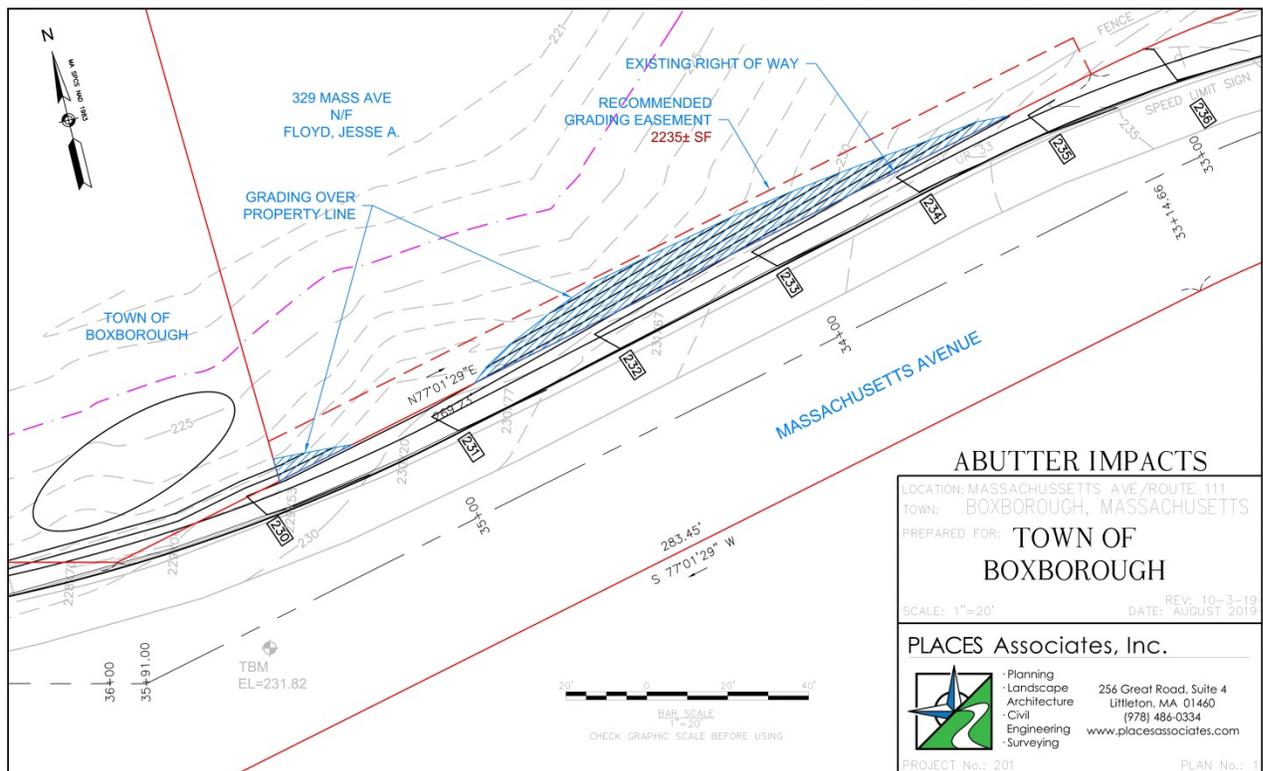
Justin Holzer, Liberty Square Rd., said you can't see cars coming west at end of Liberty Square Rd. Mr. Ferrara said that is why the sidewalk is designed the way it is to keep pedestrians away from the cars.

Carolyn Gutierrez, Whitcomb Rd., moved the question.

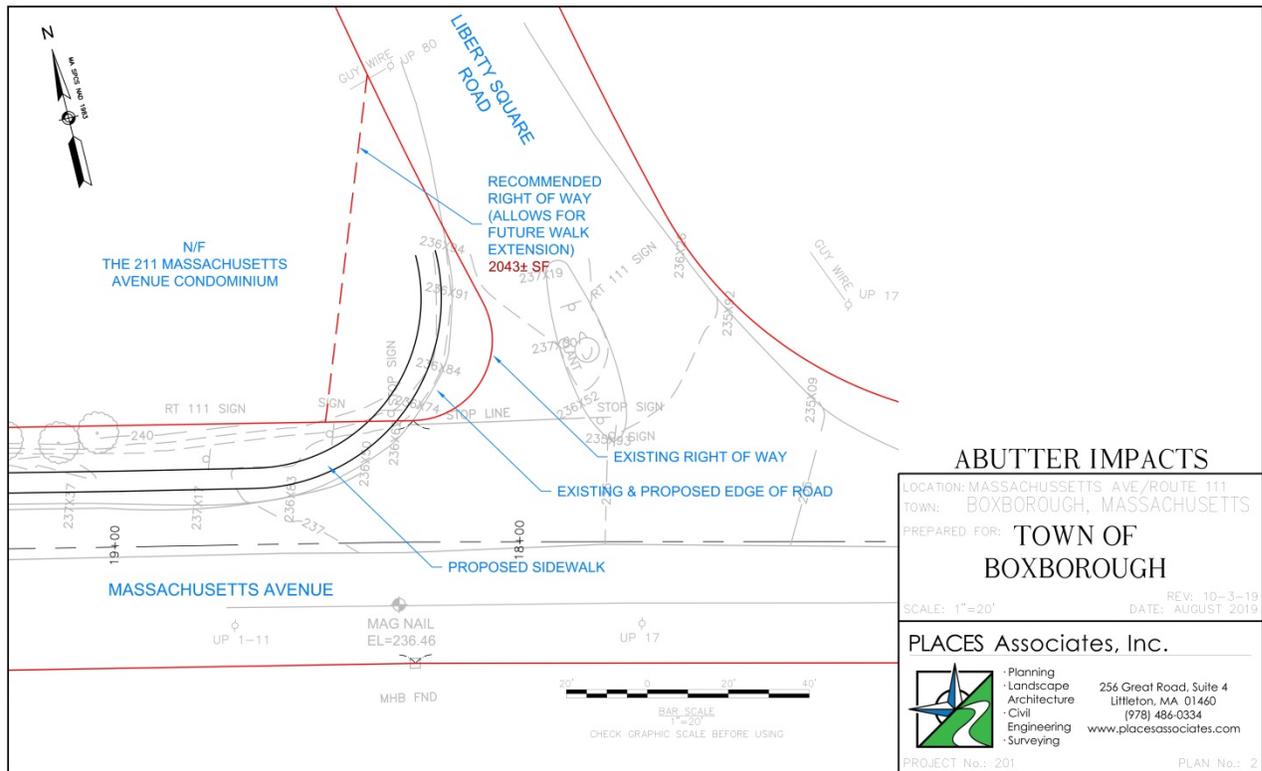
Motion to vote now carried by 2/3 majority, as declared by the moderator.

Action on Article 4: Motion carried unanimously.

Parcel One: 329 Massachusetts Avenue



Parcel Two: 211 Massachusetts Avenue at the corner of Massachusetts Avenue and Liberty Square Road



ARTICLE 5 PAYMENT OF PRIOR FISCAL YEAR BILLS

(Nine-tenths vote required)

Ms. Neyland moved to appropriate the sum of Seven Hundred Eighty Six Dollars and Nine Cents (\$786.09) from Free Cash for the purpose of paying invoices from a prior fiscal year.

Summary:

This is a housekeeping article. Funding of a prior year’s bill must be approved by Town Meeting.

- The original Nashoba Valley Medical Center invoice was delayed by the vendor. It was finally sent over one year later, \$711.09.
- The Sign Logic invoice was presented for payment when the vendor was reconciling their accounts after our fiscal year end. It was never sent upon work completed in the spring of 2019, \$75.00.
- ePay completed standard year-end reporting and the charges for services were noted during year end reconciling after the last warrants were recorded, \$2,855.50.
- Additional checks on supplemental accounts were processed without a warrant signature and though funds were available and the charges legitimate, they need to be processed correctly at this time, \$9,417.85.

Select Board recommends (4-0):

For the reasons stated above the Select Board recommends unanimously.

Finance Committee recommends (4-0):

The Finance Committee recommends paying these bills using free cash and reserved funds. The Town is

required to pay the bills when they are received. In this case, the bills came in after the close of the fiscal year.

Action on Article 5: Motion carried unanimously.

ARTICLE 6 ZONING BYLAW AUDIT

(Majority vote required)

Cindy Markowitz, Chair of the Planning Board, moved that the Town appropriate Ten Thousand Dollars (\$10,000) from Free Cash to pay for a zoning audit, including all costs incidental and related thereto.

Summary:

Boxborough's Zoning Bylaws (ZBL) are periodically amended and updated to address zoning changes desired by the Town. Boxborough's last recodification of its Zoning Bylaws was done in 1991. Over the years, the addition of zoning bylaw amendments and changes in language and definitions may have resulted in inconsistencies and insufficiencies in the zoning bylaws. A Zoning Audit, also known as a Zoning Diagnostic, would allow for a review of the current zoning bylaws and identify structural issues and potential minor "clean up" items. A Zoning Audit can reveal some easy-to-fix issues and some more complicated ones that may require policy decisions before developing zoning bylaw amendments or a more comprehensive zoning revision effort. The reason to do a Zoning Audit before embarking on more extensive revision effort is that it helps to sort out what the scope and sequence of a rewrite, if necessary, should be.

Ms. Markowitz made the Planning Board presentation in favor of the motion. She said that a zoning audit would help with future planning. The audit would identify structural issues, clarify ambiguous language and identify outdated or conflicting bylaws.

Planning Board recommends (5-0):

The Planning Board recommends a Zoning Bylaw Audit be conducted to clean up inconsistencies and insufficiencies in the current zoning bylaws and make the bylaws easier to understand and to administer. A zoning audit may identify the need for a larger, more comprehensive overhaul and could make it easier to adopt zoning bylaw amendments in the future.

The anticipated work product will be a Zoning Diagnostic Report that incorporates the findings from the audit. The findings may be used to develop future revisions or additions to the zoning bylaws.

Finance Committee recommends (4-0):

The Finance Committee recommends. It has been 28 years since the last independent review took place. Going forward, the Finance Committee recommends adding this service to the Capital Plan at 10 year increments.

Action on Article 6: Motion carried unanimously.

It was moved and seconded to dissolve the December 10, 2019 Special Town Meeting.
Meeting was dissolved at 8:55pm.

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

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before November 26, 2019.

Maria E. Neyland, Chair
Select Board

Wesley I. Fowlks, Clerk
Select Board

Susan M. Bak
Select Board

Leslie R. Fox
Select Board

Robert T. Stemple
Select Board