



Town of Boxborough Special Town Meeting

**TOWN OF BOXBOROUGH February 28, 2022
WARRANT AND PROCEEDINGS**



**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING
FEBRUARY 28, 2022**

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 Parade Room at the Regency Hotel, 242 Adams Place, Boxborough, Boxborough, MA on Monday, February 28, 2022 at 7:00 p.m. to act on Articles 1 through 6 of this Special Town Meeting Warrant.

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John Fallon called the Special Town Meeting to order at 7:03pm

Special Motions

John Fallon, Moderator, initiated the meeting and introduced Jonathan Eichmann, Town Counsel of KP Law and Rebecca Harris, Temporary Town Clerk. He explained the need for a procedural vote for an election of a Temporary Town Clerk for the purposes of the Special Town Meeting.

Mary Brolin moved to nominate Rebecca J. Harris to act as Temporary Town Clerk for the purposes of this meeting.

The motion was seconded by the Select Board. Wes Fowlks had a single ballot for the election of Rebecca Harris and the entire board validated it. Les Fox reported one vote for Rebecca Harris. John Fallon swore in the Temporary Town Clerk, Rebecca J. Harris.

Action on the motion: Motion carried by majority vote (unanimous).

John Fallon introduced the warrant and noted that on page 14 there is a Diversity Equity and Inclusion Survey. He explained that the motions will be shown on the screen, and will not all be exactly the same as what is in your warrant. John thanked Christina Phanord and the Regency for their support and offering the space and set up at a low cost. Mr. Fallon recognized Carter Terenzini, Interim Town Administrator, Rajon Hudson, Assistant Town Administrator, and Cheryl Mahoney, who is leaving the town’s employ later this week; he thanked her for her many years of service. John introduced the Select Board Chair Wes Fowlks, who introduced Select Board members Les Fox, Diana Lipari, John Markiewicz, and Jennifer Campbell. The Finance Committee was introduced by Becky Neville, Chair (Gary Kushner, Keshava Srivastava, Maria Neyland, Priya Sundaram, and Sachin Mathur).

Mr. Fallon described the process of Town Meeting.

Main Motion: WES FOWLKS, SELECT BOARD CHAIR
(Majority Vote Required)

Motion regarding reconsideration

Wes Fowlks 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 Annual Town Meeting has been adjourned, the Article may not again be considered at that Annual Town Meeting unless the Moderator determines in his discretion that reconsideration would be in the best interests of the voters.

Action on the motion: Motion carried by majority vote.

ARTICLE 1 PAYMENT OF PRIOR FISCAL YEAR BILLS

Wes Fowlks moved to (a) authorize the payment of so-called “late bills” from prior fiscal years for the following invoices in the following amounts:

Late bill vendor list	Invoice	Amount
Transcend Maintenance Services Inc	Box-202105	\$ 2,298.00
Guardian Information Technologies	17043	\$ 420.00
Guardian Information Technologies	17179	\$ 1,470.00
Nashoba Health Medical	8	\$ 1,081.50
Town of Littleton	LTBX201676	\$ 275.00
AC & M Fire Equipment	#25636, 25637 & 25635	\$ 295.00
		\$ 5,839.50

(b) appropriate the sum of ~~Five Thousand Five Hundred Forty-Four Dollars and Fifty Cents (\$5,544.50)~~ **Five Thousand, Eight Hundred Thirty-nine Dollars and Fifty Cents (\$5,839.50)** to provide for the payment of said late bills and (c) to meet said appropriation by a transfer of said amount from certified free cash.

\$5,544.50 (free cash)
 (Nine-tenths vote required)

Summary:

This is a housekeeping article. Authorization to pay a prior year’s bill must be approved by Town Meeting.

- The original Nashoba Valley Medical Center invoice was delayed due to the vendors switching over to a new billing system. The cost for this invoice is One Thousand Eighty-one Dollars and Fifty Cents (\$1,081.50)
- The Guardian Information Technologies invoice(s) were presented for payment when the vendor was reconciling their accounts after our fiscal year end closeout. The cost for these invoices is One Thousand Eight Hundred Ninety Dollars (\$1,890.00)
- Transcend invoices missed initial review of incoming emails and did not show as an outstanding bill as of June which would have given us an alert in time to have paid it from FY 2021, invoice amount of Two Thousand Two Hundred Ninety-eight Dollars (\$2,298.00).
- Town of Littleton invoice was missed during transition of fire department assistant amount of Two Hundred Seventy-five Dollars (\$275.00).
- ****amended after warrant printing: we were made aware on February 22nd that three AC & M Fire Equipment bills went unpaid (Town Hall, Library, and Historical Commission), totaling Two Hundred and Ninety-Five dollars (\$295.00).**

These invoices did not make the initial review for the closeout of FY 2021 and have been identified as outstanding bills for said fiscal year.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent)

The Select Board recommends for the reasons stated in the summary.

The Finance Committee recommends (6 Yes - 0 No - 0 Recused/Absent):

Finance Committee recommends (6-0): 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. The Finance Committee recommends paying these bills using

free cash, there will be no impact to the tax rate.

Discussion on Article 1: The motion was seconded. Jeanne Kangas, Hill Rd. asked what the last bill was for. Mr. Terenzini explained that it was for fire extinguisher inspections, outstanding from May-June of 2021.

Action on Article 1: Motion carried unanimously.

ARTICLE 2 FISCAL 2022 GENERAL FUND OPERATING BUDGET SUPPLEMENT – A

\$50,000.00 Free Cash
(Majority vote required)

Becky Neville moved to appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for supplemental appropriation to the Reserve Fund in the Fiscal Year 2022 General Fund Operating Budget (account #001-132-5960-000)

And to meet said appropriation by a transfer of said sum from certified free cash.

Summary:

The amount of unforeseen or emergency expenses this fiscal year have caused the Reserve Fund to run dangerously low, and there is a great concern that there will not be sufficient funds to maintain the reserves for the rest of the year. The key expenditures that are of concern are the Hager Well maintenance, consulting companies being utilized to cover vacancies for the financial departments and train new Town Hall staff for those departments. These services are anticipated to be utilized before the end of the fiscal year. There may be other unanticipated or emergency expenses that could potentially happen during this time, so this appropriation will be critical because of the concerns listed.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent)

The Select Board recommends for the reasons stated in the summary.

The Finance Committee recommends (6 Yes - 0 No - 0 Recused/Absent)

The Finance Committee recommends (6-0): Due to this year’s unforeseen or emergency expenses the Reserve Fund is dangerously low and may not have sufficient funds if needed for the rest of the year. The expenditures from the fund so far have really fallen into two categories Hager Well Maintenance (\$29,500) and consultants to fill in vacancies and train new Town Hall staff (\$70,608 as of 1/18/22). We anticipate the need for more consultant time before the end of the fiscal year. There may be other unanticipated or emergency expenses that we also incur. This money will be funded from Free Cash, there will be no impact to the tax rate.

Discussion on Article 2: Becky Neville explained that it has been a difficult year because of the expenses of the Hager Well and the number of employees leaving, especially in the financial sector. We need to hire consultants to train new people as well as fill in the gaps between hires.

Cindy Markowitz of Meadow Ln. wanted to know what is left in free cash. Ms. Neville responded that \$2.3 million is left in free cash (we like to maintain at least 10% of the budget, which is about 10% of \$11 million or \$1.1 million, not considering the regional school system piece).

Hong Li of Burroughs Rd. wondered how many people have left and why so many expenses. What is the % of the full budget for these costs? Ms. Neville explained that the Treasurer, Assessor, and Accountant have all left so there were training costs even when people are hired. We are down to \$39,000 now and hopefully we will not need to use it. Mr. Li urged that we don’t vote to increase the budget.

Action on Article 2: Motion carried by majority vote.

ARTICLE 3 FISCAL 2022 GENERAL FUND OPERATING BUDGET SUPPLEMENT – B

\$15,000.00 Free Cash
(Majority vote required)

Wes Fowlks moved to (a) appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) for supplemental appropriation to the Fiscal Year 2022 General Fund Operating Budget accounts as follows;

Department	Account	Amount	Account #
Treasurer/Collector	Personnel	\$10,000.00	001-145-5112-0000
Recreation	Personnel	\$5,000.00	001-630-5126-0000

And to meet said appropriation by a transfer of said sum from certified free cash.

Summary:

A recent financial review by others and two in-house studies have shown that the Town needs to add to the staffing resources that it provides to support its several finance units (Assessing, Accounting and Treasurer/Collector). In the run-up to this Town Meeting a detailed analysis was done of all of the Town’s governmental units at Town Hall to develop a staffing-plan as to how the Town might best meets those needs over time. During this same time, we also had vacancies in two key financial positions for which we lacked adequate back-up support fully trained in all of the functions of the offices (Assessing and Treasurer/Collector which process payroll). These events showed – in real time – the challenges to the Town’s business continuity that results from this lack of resources. This funding will provide for the creation of a half-time Administrative Assistant position in the Office of the Treasurer/Collector during the last four months of this fiscal year. The position will then be carried – in full – in the FY ’23 budget request for this office at a cost of roughly \$30,000. The article similarly provides for the creation of a part-time Department Assistant position for the Recreation Commission which is currently receiving staff support through the staff assigned to support the Office(s) of the Assessor and Town Accountant. The 400+/- hours a year being devoted by that staff member to support the Recreation Commission leaves us with less than 500 hours to support the Assessing and Accounting functions; functions which are in desperate need of even more time than we are requesting in FY ’23 as we attempt to minimize the initial costs of the added staffing. Like the position in the Treasurer/Collector’s office, this position will also be carried - in full - in the FY ’23 budget request at a cost of roughly \$10,000. With this added staffing we will have the equivalent of 4.0 full time equivalent (FTE) persons in our several finance units while our peers have 5.7. Our recreation unit will have a 0.2 FTE person while their peers have 0.7. These additions will not address all of the staffing issues that we have - and will leave tasks undone - but will make quantifiable progress toward meeting our needs.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent):

The Select Board recommends for the reasons stated in the summary.

The Finance Committee recommends (6 Yes - 0 No – 0 Recused/Absent):

The Finance Committee recommends (6-0) – The Finance Committee realizes there is a need for a 19.5 hour a week Administrative Assistant for the Treasurer/Collectors’ Office. When we lost our Treasurer/Collector earlier this year it meant we had to rely on other support staff from within Town Hall and very expensive consultants. We feel having a position dedicated to this office, who is trained specifically for this office is a necessary addition to staff.

We also support a 400 hour a year Department Assistant dedicated to the Recreation Commission. The increase

in programs offered and attended continues to expand. The registrations take a good deal of time from Town Hall staff, which takes away from support for our Account and Assessor.

Both positions will be funded out of free cash for the remainder of this year and there will be no impact on taxes this year.

Discussion on Article 3: Wes Fowlks explained that the town has found some needs for support for staffing at Town Hall, so we are proposing to alleviate some of the strain on current employees. Both positions will be funded out of free cash for this year, so no impact on current taxes.

Jim Gorman of Hill Rd. cited the phrase in the summary: “functions which are in desperate need of even more time than we are requesting for FY23” and asked if we budgeting enough in FY23 to cover these positions? Mr. Fowlks responded that that will be handled at ATM in May 2022.

Carter Terenzini explained that they went through a detailed analysis of the town’s staffing needs; the staffing plan they produced is constrained by minimal increases in expenses. In the long run, what we are currently proposing is not likely to be enough, but for now, with work flow changes we propose, it will be sufficient. We are trying to keep the costs as low as possible. He thinks this is a good way to go for about two years, and that the level of staffing proposed is all that they’ll be able to pass at Town Meeting.

Jim Gorman is for giving the legislative body the chance to make a choice rather than giving the town a lower level of staffing than is needed.

Action on Article 3: Motion carried by majority vote.

ARTICLE 4 FISCAL 2022 LIBRARY CAPITAL BUDGET SUPPLEMENT

\$15,000.00 Free Cash
(Majority vote required)

Mary Brolin moved to appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) for a Capital Budget Supplement for an item entitled Library – HVAC Software.

And to meet said appropriation by a transfer of said sum from certified free cash.

Summary:

The library is requesting the amount of \$15,000 so that it might upgrade the software which controls the HVAC system for the Sargent Memorial Library building. The HVAC control software system has reached its end-of-life, is no longer supported, and is showing signs of deterioration. When the system fails it would not be readily repairable. This would require emergency service calls that are more costly than regular maintenance and repairs. This article would provide funding for an upgrade to a new software system that has stronger security measures, a better, HTML5-based Web user interface, and technical support. (By Peishan Bartley)

The Library Board of Trustees recommends (5 Yes - 0 No – 1 Absent)

The Library Board of Trustees recommends this article unanimously for the reasons stated in the summary.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent)

The Select Board recommends this article for the reasons stated in the summary.

The Finance Committee recommends (6 Yes - 0 No - 0 Recused/Absent)

The Finance Committee recommends (6-0) – This article will be funded out of free cash, has no impact on the tax rate, and has been added to the Capital Plan.

Discussion on Article 4:

Presentation was given by Peishan Bartley, Library Director. HVAC Control Software needs an upgrade. The library is 12,000 sq ft with nice tall ceilings. For an HVAC system to be able to warm and cool and circulate air, we need a different kind of HVAC than what we have at home. Two rooftop units, 2 boilers, and the software is the brain that tells how these pieces work together – it reads various inside and outside temperature and water temperature. The boilers cannot turn on without the software; air quality and outdoor temperature and CO2 levels are monitored. Last update was in 2014; current system is Java based that is no longer supported. The new system is HTML5 with remote accessibility. Emergency service will be much more expensive; this was needed in 2014.

Dick Wagman from Leonard Rd. states that this software is almost identical to what he programs for a living. The key thing for people who aren't HVAC wizards is that there are complicated areas of large buildings that are occupied and not, with different needs for heating and cooling. He strongly supports this article.

Hong Li of Burroughs Rd. asked how often does this need to be replaced (Dr. Bartley responded 7-8 years). Why are you saying end of life rather than end of support? Peishan explained that there are no patches for current software. Will we have quotes from various vendors? Yes. That is why this money is requested.

Carlos Farrington from Depot Rd. asked what the software is based on? User side is HTML5. Basically no difference between Java and HTML – it has to do more with the system you are using than the actual software.

Are you changing the sensors and if so, how often? There will not be a compatibility issue; he is concerned about sensors and how often they will be replaced. The failure you had wasn't related to the software, it was related to a component. It is actually a failure in the component and would have to be reinstalled. User interface is HTML5. How implement? Dr. Bartley explained that every year they sign up for twice annual preventative maintenance tests and service (that is in their operating budget). We will build it into our capital plan so we will expect it.

Mary Brolin requested that Jason from Templeton be allowed to speak. John Fallon allowed him to speak, hearing no objection. Jason wanted to clarify that HVAC app is actually a specialized thing with various components so it's a very specific application. You would need the vendor to update the product or get a front-end solution; they are going towards cloud-based solutions. The scheduling and alarm-based solutions are helpful.

Action on Article 4: Motion carried by majority vote.

ARTICLE 5 FUNDING FOR PUBLIC WATER SUPPLY TESTING

\$75,000 Free Cash
(Two-thirds Majority Vote Required)

Les Fox moved to appropriate the sum of Seventy-Five Thousand Dollars and No Cents (\$75,000.00) for: a) use by the Water Resources Committee to locate and test potential sources of water on land of the Harvard Sportsmen's Club, Inc. and others, as identified on Exhibit(s) A and B, for use as a public water supply, and in conjunction therewith to perform a due diligence review preliminary to acquisition of lands and interests in lands for public water supply and water supply protection purposes, which review may include appraisal, legal and consultancy services incidental and related thereto, and (b) use by the Select Board to pay the costs of acquiring such interests in land as may be necessary and convenient to conduct such access, testing, and review, and any and all costs incidental and related thereto, and further to authorize the Select Board to acquire such interests in land for access, testing, and review by purchase, gift, or eminent domain, upon such terms and conditions as it shall deem reasonable, necessary and in the best interests of the Town, and to execute any and all documents and enter into any and all agreements related to the carrying out of the intent of this article,

And to meet said appropriation by a transfer of said sum from certified free cash.

Exhibit A. Parcels of the Harvard Sportsmen's Club land to be tested.

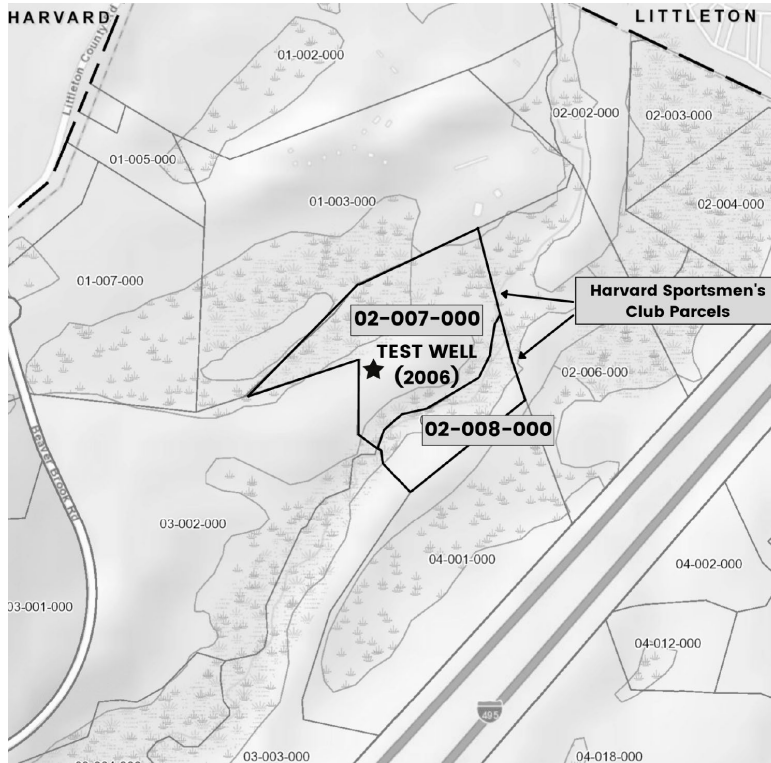
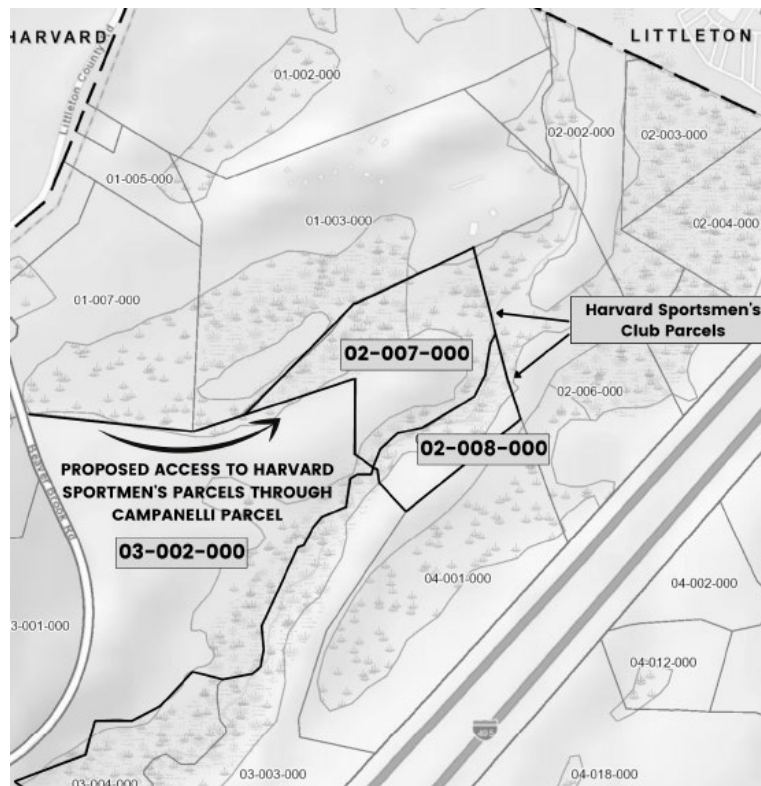


Exhibit B. Possible Access for testing through adjoining Campanelli land.



Summary:

The Water Resources Committee (WRC) has prepared an article for the May 2022 Annual Town Meeting proposing the use of CPA funds to acquire approximately 18 acres of land of the Harvard Sportsmen's club for protection of a significant water resource of the Beaver Brook Aquifer, and to enable a possible new source of drinking water for Boxborough residents and businesses west of I-495. The land includes two parcels identified on the town GIS assessors' maps as parcel 02-007 (12 acres) and parcel 02-008 (6 acres) as shown in Exhibit A. This article will fund certain expenses associated with due diligence testing to verify water quantity and quality, and to determine whether hazardous substances are present, before committing to acquire the land.

The Water Resources Committee recommends (4 Yes – 0 No - 1 Absent):

The Water Resources Committee (WRC) has prepared an article for the May 2022 Annual Town Meeting proposing the use of CPA funds to acquire 18 acres of land of the Harvard Sportsmen's club for protection of a significant water resource of the Beaver Brook Aquifer, and to enable a possible new source of drinking water for Boxborough residents and businesses west of I-495. The land consists of two parcels as shown in Exhibit A.

The town installed test wells on this land in 2006 and found it to be suitable for a public water supply system. Testing at the time showed the water was of very high quality and is possibly the largest available groundwater resource in Boxborough. The Open Space and Recreation Plan identifies this area as high priority for protection.

Before acquiring the land, the town will conduct an evaluation in accordance with MGL Ch 21E to determine whether there are hazardous substances present. A phase-one paper study may be sufficient, but physical access might be required. In either case, no funds are currently available for a qualified consultant to conduct a 21E evaluation. This article would provide such funds.

The WRC also wishes the existing (2006) test well to be re-tested for both quality and yield. The Salt Remediation Program of MADOT is willing to support the re-testing for yield. Re-testing will require input and coordination with MADEP. Re-testing the well will require access to the subject parcels.

The WRC believes CPA funds should not be used for due-diligence testing as this would diminish the amount available for land acquisition.

The WRC will need to contract an entity to provide engineering services and project management to oversee and coordinate the several activities. This article will enable work that is not within the scope for use of ARPA funds and the underlying Eligibility Guidelines for the State Drinking Water Revolving Fund.

It is the preference of the WRC to acquire access to the land for both 21E and water testing under license agreements to be executed with HSC, and Campanelli, owners of the adjoining property, as indicated in Exhibit B. This article would enable right of entry for testing by eminent domain, if necessary.

The Water Resources Committee recommends this article. It will permit the first critical steps to be taken to acquire and protect a major water resource for the benefit of the town.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent):

This article will fund and enable necessary due diligence activities required prior to the proposed purchase of private land containing a large water resource of significant benefit to the town, as outlined in the recommendation of the Water Resources Committee. An article to purchase the land will be proposed for Annual Town Meeting. An existing well should be re-tested to verify capacity before then. Access to the land must be assured to carry out testing. It is prudent and best practice to protect the town by conducting a 21E evaluation to determine whether hazardous substances are present. Expenses related to drilling and testing must be covered, as well as project supervision. There are currently no funds available for this work.

The Finance Committee recommends (6 Yes - 0 No – 0 Recused/Absent):

The Finance Committee recommends (6-0) – The primary purpose of the Water Resources Committee (WRC) warrant article is to secure a large and clean water source for the Town of Boxborough. This will ensure a long term, future high-quality water supply for the town as the need arises. There are currently issues with water contamination in residences and businesses west of RT495. The recommendation by the WRC is to acquire two parcels of land (18 acres) from the Harvard Sportsmen Club which sits above the Beaver Brook Aquifer. This water source was last evaluated in 2006 by digging test wells which showed a clean large-scale water supply. These well tests need to be repeated and requires a 21E evaluation. The town needs a negotiated agreement with the Harvard Sportsmen Club to perform the tests. In case an agreement cannot be reached WRC requests that the STM authorize the Select Board to acquire the rights of access only by Eminent Domain. The town will also negotiate with the Campanelli Corporation for access to Harvard Sportsmen Club parcels via Campanelli land parcel 3-002-000. The funding requested is to hire a consultant for the 21E evaluation and legal fees for the proposed acquisition. If the water supply tests, are positive then WRC will request use of CPA funds at the ATM in May 2022 to acquire the lands. CPA funds can be supplemented by grants. The Finance committee strongly believes that the STM should approve this warrant article. Funding would be free cash and will not impact the tax rate.

Discussion on Article 5: Les Fox of the Water Resources Committee gave a presentation. The intent of the article is for due diligence prior to purchase land with large water resource, reduce risk, including acquisition with Community Preservation Act (CPA) funds at Annual Town Meeting in May 2022. The goal is to maximize CPA funds available for purchase (Community Preservation Committee has reviewed a proposal and is supportive). He gave the history of the WRC and that it originally searched for a suitable water source and did some study in 2006 (CEM installed a test well) but then the committee disbanded. They want to make sure there are no hazardous materials and that the water source is suitable.

He showed the figures in the warrant for placement of test wells and explained that water quality testing and pump testing were done in 2006; they want to make sure quality and quantity of water is still there. Town has a practice that it doesn't buy land until it does a 21E evaluation to ensure that hazardous materials are not buried there – first, a desktop study to determine what the land was used for in the past, and then survey the exact location of where we would want to put in a well, want to hire a consultant for engineering and project management. WRC expects some funding from MA DOT salt remediation program. The MA DOT has funds because the practice of salting roads is contributing to salt in the aquifer.

Process: first would like to negotiate license with the owner (Harvard Sportsmen's Club) to test for water – that old license is no longer in operation. We don't have to go through a large part of HSC land to get to the test site, and Campanelli has agreed to let us access their land, at least in conversations we've had with them recently. Step one is STM and step two is ATM; at this STM we need the funds to do the due diligence. At ATM we would ask for \$ to acquire the land. WRC has \$ to do an appraisal.

This article will provide \$75,000 for due diligence and right of access. We hope to negotiate access and may need to use eminent domain, which hopefully will not be necessary. You can't vote for one and not the other (need to approve the funding and the right of access at the same time). We need to protect this water supply no matter what – that side of town has water quality issues and we need to maintain and secure this water source.

Frank Sweeney from Flagg Hill Rd, a member of HSC asked for permission for Kevin Connolly of HSC to speak, which was granted by Mr. Fallon. Kevin Connolly is on the Board of Directors of HSC. HSC heard about testing in 2006 via word of mouth, and then it fizzled and no one has approached them. HSC is concerned about the use of the land. Why are the "and others" not being discussed? Why not an option to put the well on the Campanelli

property?

Mr. Fox responded that it is complicated. We have just started the conversation with Jason at HSC, and we have started to discuss with Dan at HSC.

The chunk of land on Campanelli property has a Conservation Restriction (CR) on it which restricts the use of the land for a well. We would like to explore that, but it is hard to remove a CR (requires an act of state legislature). All the hydrogeological studies show that the HSC land is excellent for water supply.

Mr. Connolly is concerned that that is a vibrant part of their property and they are worried that it will result in access restrictions.

Mr. Fox responded that they should only imagine a small well head with a fence around it; it will not likely change the land or the access very much. They would need to work out what might be possible with the HSC.

Mr. Connolly would encourage the town to hold off on passing this so they can discuss it further with the WRC.

Mark Marlow of Depot Rd. is a member of the HSC and encouraged the town to vote no. He stated that if you think it's OK to empower some people with the right to steal land then go ahead and say yes; we do not want your money, and we are not going to sell it. There's plenty of water in Boxborough. We are going to force you into eminent domain; say no to a committee having the power of eminent domain.

Suzanne Schmitt of 952 Depot Rd moved to amend the motion under Article 5 by adding the words “only for the area west of interstate route 495” after “public water supply” in the motion.

Discussion on the amendment:

Les Fox can't speak for the whole WRC, but is fairly supportive. Becky Neville said the finance committee is opposed. The select board agrees with the Fin Com that it is too restrictive.

Discussion on the amendment: Dennis Reip of Old Harvard Rd. thinks the amendment should be rejected as too restrictive. There are a lot of people who live east of 495 who may need to use this water supply. Don't clutter this with amendments about other things.

Elizabeth MacDonald of Swanson Rd. thinks this amendment is an attempt to derail the whole thing, but the town should let them look into a public water supply. Aquifers can get tapped out and the fire at Harvard Ridge showed that the lack of water supply for fire.

Amendment was defeated by a majority vote.

David Fortini of Codman Hill Rd. stated that the HSC has been here since the 1930s and that he moved here in order to be closer to the HSC. The 12 acres that has been selected is the heart of the club; they are talking about purchasing the main portion of the facility – the clubhouse, the ranges, everything. He asked that the town please consider that we are not likely to sell that and it would have to be forcibly taken by the government. He is not a supporter of eminent domain, and believes there are other areas in Boxborough where we could look for water. This is coming up after the sale of property to Campanelli. Boxborough is a beautiful rural community; what does Campanelli intend to build that needs this water?

Robin Lazarow of Hill Rd. says that the \$75,000 is not based on any RFP; \$275k has already been requested from CPC without even having a formal appraisal. That all may not be enough to acquire it. There may be available

state funds for this that have not been explored. The original ask from the WRC was \$150k. Do we even know the full cost of all of this? There are too many unknowns and additional costs. She commends the WRC for their time and effort, but if the ultimate goal is to create a public water supply we have to think long and hard about whether the town is ready for this.

Dennis Reip of Old Harvard Rd. urged everyone to consider voting yes on this article. We do know that private sources of water are limited and once they're gone, they're not coming back. The future is uncertain and this is an appropriate incremental step to take. He requested to ask Les Fox to speak to this; he wanted to clarify about the 12 acres as their active area – it's mostly wetlands so they shouldn't be on that area with the activities they describe.

Mr. Fox responded by noting that there were no structures on the maps they mentioned and the area is very wet. There are no known structures on the areas we are talking about, and hope to have an arrangement where HSC can enjoy that land with the coexistence of the well.

Sam Gersh of 35 Swanson Ct. is alarmed by eminent domain. There's 90 years of lead in that land. We need that land as therapy and eminent domain is borderline criminal. He can't drink the water he has now, so why not put the money towards fixing that.

David Fortini of Codman Hill Rd. requested that the map be put up: 12 acres on map with 2006 test well is shown and the clubhouse is in the ½ mi protection zone. You would not want lead in the protection zone (½ mi protection zone).

Mr. Fox is not sure where the ½ mi zone comes from. You would have forested land in the 400 ft radius that DEP requires around the well. The Campanellis have their own well according to Mr. Fox; he doesn't know what they're going to do there.

Mr. Fortini said they are going to develop it, and that means that whatever water is found there is going to be used for the development by Campanelli. Essentially it is being taken for use by a developer to build homes and supply them with water.

Mr. Fox clarified that eminent domain would involve compensating the owner. Mr. Fox said that under current zoning, Campanelli has no right to build housing. The size of the well they have would service the entire campus at build out. Some years ago Mr. Fox tried to have a conversation with Mr. Hurley of HSC and he refused to talk.

Susan Bak of Burroughs Rd. moved the question and it was seconded. Two people objected to the assessment by the Town Moderator that a 2/3 majority voted. The Town Moderator as a matter of courtesy called for a standing vote. Tellers counted the standing vote and it passed with 82 yes votes and 28 no votes. The vote on moving the question passed by a 2/3 majority.

A vote on Article 5 was taken as a standing vote.

Action on Article 5 (2/3 majority vote required): Motion does not carry. (Yes: 62 and No: 49)

ARTICLE 6 FUNDING FOR TOWN ADMINISTRATOR SEARCH

\$12,500 Free Cash
(Majority Vote Required)

Wes Fowlks moved to appropriate the sum of Twelve Thousand Five Hundred Dollars and No Cents (\$12,500.00) for consultancy, advertisement, legal and related expenses in the recruitment of the Town’s next Town Administrator

And to meet said appropriation by a transfer of said sum from certified free cash.

Summary:

The former Town Administrator and the Select Board were not able to complete a contract and so the Select Board opted to sign a contract with an Interim Town Administrator. This was a 1-year contract with the intention of starting a search in the beginning of this calendar year in order to fill the position with a long-term hire who would to start in July 2022. At the time of the last Town Meeting there was no warrant article or budget for executing a search for a permanent Town Administrator. Additionally, since it could be argued that this was a foreseen expense a Reserve Fund Transfer was not an appropriate action to get the funding.

The Select Board recommends (5 Yes - 0 No – 0 Recused/Absent):

The Select Board recommends this article as it will allow the Town to contract with a professional recruitment firm to execute the search for a permanent Town Administrator and cover the related costs.

The Finance Committee recommends (6 Yes - 0 No - 0 Recused/Absent):

Finance Committee recommends (6-0): With the upcoming departure of Boxborough’s Interim Town Administrator, it is imperative for the Town to secure services of a professional consultant to aid in the recruitment of a replacement. This is a similar service we used in 2017 when we needed a new Town Administrator. This article will be funded out of Free Cash and will not impact the tax rate.

Discussion on Article 6: no discussion.

Action on Article 6: Motion carried by majority vote.

MOTION TO DISSOLVE MEETING

(Majority vote required)

Wes Fowlks moved to dissolve the February 28, 2022 Boxborough Special Town Meeting. Meeting was dissolved at 8:47 PM. **Motion carries by a majority vote.**

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.

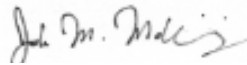
Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before February 14, 2022.



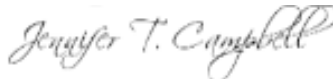
Wesley I. Fowlks, Chair
Select Board



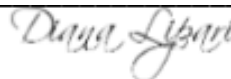
Leslie R. Fox, Clerk
Select Board



John M. Markiewicz
Select Board



Jennifer Campbell
Select Board



Diana Lipari
Select Board

116 voters in attendance, February 28, 2022

True Copy, ATTEST:



Rebecca J. Harris
Temporary Town Clerk, Boxborough