

Town of Boxborough Massachusetts



Annual Town Meeting
Monday, May 9, 2022 7:00 PM
Blanchard Memorial School, Gymnasium
493 Massachusetts Ave. Boxborough



TOWN OF BOXBOROUGH
MAY 9, 2022
LIST OF ARTICLES
ANNUAL TOWN MEETING

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CONSENT AGENDA

In an effort to streamline Town Meeting and therefore make it more inviting to voters, the Select Board will again use Consent Agendas. This will speed the passage of articles which the Select Board, after consulting with Town Counsel, the Moderator, and the Finance Committee, feels should generate no controversy and can be properly voted without debate. The purpose of a Consent Agenda is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

This year, there will be 2 Consent Agendas:

- The **Financial Consent** (Articles #10 through #21, inclusive) includes articles considered to be non-controversial. This consent includes a combination of staffing hours proposals, consulting proposals, standard authorizations, annual transfers, reoccurring programs, capital items, and Community Preservation Act Funds. These articles have been supported by both the Finance Committee and Select Board and are proposed to be funded with Free Cash and Bonding. These articles are indicated with (*).
- The **Non-Financial Consent** (Articles #24 through #29, inclusive) includes articles which have been supported by both the Finance Committee and Select Board. These articles are indicated with (**).



TOWN OF BOXBOROUGH ANNUAL TOWN MEETING MAY 9, 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 MGL Chapter 51, Section 1, to meet at the Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, MA on Monday, May 9, 2022 at 7:00 PM to act on Articles 2 through 35 of this Annual Town Meeting Warrant.

You are also required to notify all such residents of Boxborough to come to their polling place at Town Hall, Second Floor, Grange Meeting Room, 29 Middle Road, Boxborough, MA, on Tuesday the 17th day of May, 2022 at 7:00 AM for the Election of Town Officers. The polls will be open continuously until 8:00 PM when they shall be closed.

May 9, 2022

Counters/Tellers were sworn in by the Temporary Town Clerk: Heather Fleming, Adam Klein, Susan Bak, Karen Guzzardi, Christine Marlow, Becca Edson, Mary Brolin, Bob Stemple, and Elizabeth Fowlks.

Town Moderator, John Fallon convened Annual Town Meeting at 7:01 pm. It was the 240th Town Meeting. 199 registered voters were in attendance on night one. On night two, May 10th there were 283 registered voters in attendance, and on night three, May 12th there were 87 registered voters.

Special Motions

John Fallon 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 Annual Town Meeting.

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

Action on the motion: Motion carried unanimously

John Fallon asked if there were any other nominations and noted that he heard none.

Mary Brolin moved that Wes Fowlks, Chair of the Select Board, cast a single ballot for the election of Rebecca J. Harris.

Action on the motion: Motion carried unanimously

One vote was cast and examined by the Select Board. Les Fox reported one vote for Rebecca J. Harris. John Fallon swore in the Temporary Town Clerk, Rebecca J. Harris, using his powers under MGL 41-107.

Moderator Fallon made the following introductory remarks:

"Before we get started, I would like to make a few personal comments. As most of you know this will be my 18th and last meeting as your town meeting moderator. I would like to thank you for the privilege of being your moderator and all the cooperation many many people have given me. When I talk with other moderators, I tell them I have been fortunate to preside over meetings of intelligent and thoughtful people who listen to what is being said and take their job as legislators seriously and who usually conduct themselves in a pretty civil manner."

Mr. Fallon went on to outline the Rules of Town Meeting, the materials available at the back of the hall, the availability of the warrant, and procedural and logistical issues. He thanked volunteers, staff, and Temporary Town Clerk Harris for their help putting together the Warrant and the 2021 Town Report. He announced the Town Election on May 17, 2022; while there are no contested elections, it is a validation of democracy and gives the people on the ballot a vote of confidence.

We will have Fifer's Day on June 18th, and The Golden Fife Award and Parade Marshall are open again for nominations, due on May 20th.

The Star-Spangled Banner was sung by the Blanchard Chorus, directed by Margie Callaghan.

Lauryn Mansfield-Priest and Allison Mansfield-Priest led the meeting in a voluntary Pledge of Allegiance.

Mr. Fallon led a Moment of Silence for those who died during the last year from the town of Boxborough, from our Armed Forces, from COVID, and from all forms of injustice.

He stated that we have lost some good people during 2021 and 2022.

Introductions:

Boxborough Select Board (BSB) & Carter Terenzini, Acting Town Administrator

Mr. Fowlks introduced other members of BSB: Jennifer Campbell, Les Fox, Diana Lipari, and John Markiewicz.

Mr. Fallon thanked his volunteers on the Finance Committee, and announced that there are vacancies on the Finance Committee, so encouraged interested community members to talk to current members. Becky Neville, Chair, introduced the members of the Finance Committee: Priya Sundaram, Gary Kushner, and Maria Neyland. Not present were Keshava Srivastava and Sachin Mather.

Mark Barbadoro, Chair of the Planning Board introduced the other members: Rebecca Verner, Janet Keating-Connolly, Mark White, Cindy Markowitz, and Robin Lazarow, who he thanked for her years of service, because she is stepping down.

Boxborough members of the Acton Boxborough School Committee (ABRSC) were introduced by Chair Adam Klein: Vice Chair Nora Shine (not present), Evelyn Abayaah-Issah, and Tessa McKinley. They were joined again this year by some Acton members of the ABRSC as special guests, introduced by Adam Klein: Amy Krishnamurthy and Kyra Wilson Cook. Also present were Peter Light, Superintendent of Schools, Assistant Superintendent Marie Altieri, and AB Schools CFO Dave Verdolino.

Rajon Hudson, Assistant Town Administrator was introduced: he ran the A/V projector, so we could the motions and presentations and Kelley Price our new Administrative Assistant to the Town Administrator and Select Board was assisting him.

Town Department Heads and staff present were introduced:

Mr. Fallon stated that there are lots of new faces this year; feel free to go up before or after the meeting and introduce yourself to someone you do not know.

Fire Chief: Paul Fillebrown

Acting Chief of Police, Lieutenant Warren O'Brien, who was recognized for his 20 years of service years of service keeping us all safe; he will be retiring in June.

Library Director: Peishan Bartley

DPW Director: Ed Kukkula

Town Assessor: Lynda McQuade

Department Assistant in the Building Department: Kim Pelser (not recognized on the floor, but present)

Council on Aging and Community Services Coordinator: Kim Dee

Mr. Fallon recognized Cheryl Mahoney's service at town hall and town meeting for the past 15 years.

Littleton Community Television (LCTV) broadcasted the meeting live and also for later re-broadcast. Thank you to Kirby Dolak, LCTV's Production Supervisor and videographers/technicians, Judy Reid, Rob Crory, Dave Astolfi, and Diane Douglas.

Mr. Fallon also thanked the A-B Regional Schools tech team, led by Amy Bisiewicz, which had provided technical assistance and WIFI.

Thanks also to the Blanchard School's principal Dana Labb for being our gracious host and Blanchard School's Dan Ralls and his staff and to Ed Kukkula and our DPW crew for preparing the gym for tonight's Town Meeting.

In addition to the fine work of our paid staff, one reason this Town runs well is the dedicated work of literally hundreds of volunteers who so generously contribute countless hours of their time. We all owe a debt of gratitude to you.

He recognized two long serving volunteers:

- a) Bryan Lynch who was elected to the Planning Board in 1976 and the Board of Health in 2001 and has been on numerous other town committees over his long career, and
- b) Janet Glidden who has been a library trustee for over 20 years.

Both are stepping down from their positions this year.

Mr. Fallon outlined the rules of Town Meeting, following Town Meeting Time, including how the Consent agendas would work.

At the call of each Consent Agenda, the Moderator announced the number of each article. If one or more voters object to including any particular Article in the Consent Agenda, they said the word "Hold" in a loud voice when the number is called. The Article was then removed from the Consent Agenda and restored to its original place in the Warrant. We then debated and voted on it in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator asked that all items remaining be passed AS A UNIT by the voters.

Voters were asked to carefully review the list of articles proposed for each Consent Item. Summaries are included under each article printed in this warrant.

Main Motion: Wes Fowlks, Select Board Chair

(Majority Vote Required)

Motion regarding dates of adjourned session:

Wes Fowlks, Select Board Chair moved that any adjourned sessions of the 2022 Annual Town Meeting being held on Tuesday May 10th, Thursday May 12th, Wednesday May 18th and Thursday May 19th starting at 7 pm and further that no debate will begin on any new article after 10:30 pm.

Discussion on the motion: Jeanne Kangas moved to amend that motion to 10:00 pm.

Vote on Amendment (No new items will be picked up for debate after 10:00 pm):

Action on the motion: Motion to amend carried by majority vote.

Mr. Fowlks moved that any adjourned sessions of the 2022 Annual Town Meeting being held on Tuesday May 10th, Thursday May 12th, Wednesday May 18th and Thursday May 19th starting at 7 pm and further that no debate will begin on any new article after 10:00 pm.

Action on the motion: Motion on amended motion carried by majority vote.

Motion regarding reconsideration

Mr. 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 interest of the voters.

Action on the motion: Motion carried by majority vote.

Motion regarding Temporary Moderator

Mr. Fowlks moved that Dennis Reip be elected Temporary Moderator to preside over this meeting during Article 22 and at other times during this meeting as determined by the Moderator.

Action on the motion: Motion carried by majority vote.

Motion Regarding Timing of Articles: Start May 10th with Articles 22 and 23 and set a time limit on (initial) debate on Article 22

Mr. Fowlks moved that Article 22 be taken up as the first Article on Tuesday May 10 and Article 23 be taken up as the second Article on Tuesday May 10 and that further that if debate on Article 22 extends to 7:45 pm, Article 22 shall be tabled until the debate and vote on Article 23 is completed and then Article 22 shall be taken off the table and debate recommenced on that article.

(Note: This would take a 2/3 vote since it includes a motion to table)

Action on the motion: Motion carried unanimously.

**BELOW IS A REPRESENTATION OF WHAT WILL APPEAR
ON THE TUESDAY MAY 17, 2022 BALLOT:**

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote required)

Town Moderator, for a one-year term

Select Board member, for a three-year term

Board of Health member, for a three-year term

Library Trustees, two members, each for a three-year term

Planning Board, two members, for a three-year term

Acton-Boxborough Regional School Committee member, for a three-year term

Constable, for a three-year term

Town Clerk, for a three-year term

As well as other Town Officers as may be necessary.

The Select Board recommends unanimously (5-0).

The Finance Committee recommends unanimously (5-0).

Office	Term (yrs)	Name	Votes
Moderator	1	Dennis Reip <i>Write-in:</i> Blank	192 4 43
Select Board	3	Wesley Fowlks <i>Write-in:</i> Richard Guzzardi Blank	142 72 25
School Committee	3	Elizabeth Fowlks <i>Write-in:</i> Blank	176 2 61
Planning Board	3	Mark White Kathleen Vorce <i>Write-in:</i> Blank	166 175 3 134
Library Trustees	3	Robert McNeece Reeves Briggs <i>Write-in:</i> Blank	203 188 0 87
Board of Health	3	James Comolli <i>Write-in:</i> Blank	197 0 42
Constable	3	Andrew Weiner <i>Write-in:</i> Blank	191 1 47
Town Clerk	3	Rebecca Harris <i>Write-in:</i> Blank	215 0 24

Total Voters: 3,927

Ballots Cast: 239

Turnout: 6%

ARTICLE 2 RECEIVE REPORTS

(Majority vote required)

Mr. Fowlks moved that the Town vote to receive the reports of the Select Board and other Town Officers, Agents and Committees, including those published in the 2021 Annual Town Report.

The Select Board recommends unanimously (5-0).

The Finance Committee recommends unanimously (5-0).

Action on the motion on Article 2: Motion carried unanimously.

Planning Board Chair Mark Barbadoro gave the Planning Board report. The planning board has been extremely busy this past fiscal year, with several new developments and redevelopment projects. They completed site plan approval for ArrantaBio, the 2nd pharmaceutical company in town that will occupy approximately 130,000 sq ft at 1414 Mass Ave. Wastewater/processed water must be trucked offsite by a licensed wastewater contractor to ensure that no processed water ended up in the town's aquifer, as well as requiring improvements in landscaping and drainage around the site. Recent sales data indicated that the building recently sold for \$76 million in excess of the purchase price 5 years ago of \$6.25 million.

They reviewed and issued favorable decisions for a subdivision for two new homes at the end of Priest Lane, formerly part of the Town Center zoning. They are currently reviewing site plan and special permits for three two-family developments at Granite Hill at Mass Ave and Sara's Way. They are reviewing applications for redevelopment of 60 Codman Hill for warehouse distribution center. They heard two separate preliminary development proposals for developments at 244 Adams Place. Reviewed and endorsed ANRs under the subdivision control act and reviewed ongoing review of compliance items at the Enclave project. They reviewed several shade tree and stone wall removal applications. They reviewed and recommended that the town accept Taylor Farm Rd, while working on a tri-party agreement to maintain a modest amount of funds to ensure compliance with other town requirements.

They formed a working group with Sustainability Committee to bring 2 solar bylaws to this Town Meeting. Submitted a joint letter with the BSB to the MA Dept of Community and Housing Development regarding draft regulations for multi-family housing units around new MBTA regulations. Continued work with outside consultant for recodifying the Zoning Bylaw to address technical deficiencies and make the bylaw more user friendly. That will be brought to the next Town Meeting. The Planning Board worked on modifying the recently approved Stormwater Bylaw amendments, including ensuring that land disturbance on land over an acre will minimize disturbance to wetlands. We worked to update the Planning Board resource library on the town website. Worked with interim TA to develop a new Office of Land Use and Development, held 20 public meetings, made several site visits. They appointed an Associate Member who can review certain applications. The Planning Board representatives also sit on other boards including the CPC, DRB, EDC, WRC, Regional committees such as MAGIC and MAPC and Littleton Electric. He encouraged members of the public to attend Planning Board meetings which are generally held twice per month.

Adam Klein gave the AB Regional School Committee report. The School Committee and staff were proud to welcome back the 5,400 students back to in person school, and thanked the staff and teachers and particularly nursing staff and administrators for keeping everyone safe and for contact tracing. Especially thanked Dawn Bentley and the two fire departments for holding vaccination clinics. The Boardwalk Campus building project update was given: the name was given this fall, and

represents the connection between the two schools and the connection to the outdoor environment where students have gone to learn about the ecology of the area. The project will continue for another year, but is on track to open next fall. Our contractor prides itself in diversity in hiring (and using Boxborough-based contractors) and the building will be triple net-zero: net-zero water, net-zero energy, and net-zero waste. It will be the cleanest zero-carbon school building the state. Thanks to Mary Brolin and the School Building Committee. The project continues to be on time and on budget.

He went on to discuss the FY23 Budget, and emphasized the responsibility to the taxpayers and the community. There is a significant increase in healthcare costs, ability to return to school safely post-pandemic. After several below average years there were increased healthcare costs. They saw varying academic and social-emotional needs: it was important to rebuild the revolving accounts (school lunch, athletics, kindergarten, community education) post-pandemic and implement Multi-Tiered System of Supports (MTSS). Also working towards transition to free all-day kindergarten.

The three strategies for maintaining the long-view to meet present and future needs were: reducing expenses, shifting resources, and using reserves. Reduced expenses: reduced staff by 20.5 full-time equivalents, reductions in departmental and building level budgets. They shifted resources – reducing an assistant superintendent position to a director-level position and reallocated duties for central office positions. Use of reserves increased to \$1.8 million (increase of \$205,000 over FY22). Short-term costs will be addressed with these reserves, but this level of reserve use is not sustainable.

There is some concern about the retirement of the mascot and associated costs: there is no money in the budget for replacing uniforms or any other changes. There is planned replacement of old uniforms anyway in the future, so those will be replaced as needed and we will look at the various building representations of the mascot in facilities. There will be an assessment of those uses, and will be addressed as part of regular maintenance.

The final budget is \$102,899,440 (3.19% increase over last year); final assessment to the Town of Boxborough is \$13,257,674 (4.59% increase over last year). This increase is consistent with past years' increases. Boxborough's average increase over the past 5 years is 2.76% - our share of the budget is calculated on a rolling average of the number of students in the schools over the past 3 years.

Wes Fowlks, Chair of the Select Board, gave the Select Board report. He expressed thanks for volunteers and staff. There are a lot more people here than come to Select Board meetings, so he wanted to clear up some of the misconceptions about what is happening in town. He explained that Boxborough has had a transition year and wants to address the concerns the BSB have received about Town Hall turnover. Some town staff have left the state; last year, there were requests from Town Hall staff (Accountant and Treasurer/Collector) for support staff. That request was rejected, and soon after, they left. At one of our Select Board meetings, two staff asked for an increase in their compensation and titles because of the extra work they were doing. At the same time the Town Administrator said they were working on a staffing plan, and the Personnel Board recommended that these two employees be reclassified (but the Select Board denied that request amidst work on the staffing plan). Another employee wanted to be reclassified after years of asking, and subsequently left. We can't do a lot that private businesses can do; we can't counter offer as easily.

Mr. Fowlks wanted to make sure people know that the Select Board is not doing nothing to address these concerns. He also expressed his happiness with the current and new employees. He hopes for understanding from town residents and hopes they are understanding about the work that staff have

in front of them, and the limited resources that the Town has. He wanted to express gratitude to the public for their patience.

He also emphasized the fiduciary responsibility of the Select Board: this means people with a fiduciary duty must act in a way that will benefit someone else and put the town's interests ahead of their own. He stressed the need for some information to be private.

Mr. Fowlks said that the Select Board will be asking for more support, and being more deliberate about building Boxborough. The ability to have autonomy, mastery, and purpose are all important in the town staff.

There is a shift in the employment marketplace; where previously there was institutional knowledge that is now lost. They are thinking about how to reorient to provide growth opportunities for the people who work in town.

He is tabling one more aspect of his presentation until 8 pm.

Soon after 8 pm, Wes Fowlks turned over the presentation to Jamie Eldridge, State Senator for Boxborough, who commended John Fallon for his years of service serving on nine boards and committees since 1993 (*correction: 1985), including as Town Moderator since 2005. Senator Eldridge said that Mr. Fallon is among the best public servants that Boxborough has ever had. He has served on 9 (*correction: 11) boards and committees over these many decades. Senator Eldridge so appreciates the public service, friendship, and partnership of John Fallon to help make Boxborough so special. Whenever there's an event going on in the community, John always emails him personally and it's so important for legislators to know about those. He read the citation from the Senate: "Be it Hereby Known that the Massachusetts Senate Hereby extends its congratulations to John Fallon in recognition of your dedicated service to the Town of Boxborough for serving on *11 boards and committees since *1985, including as the Town Moderator since 2005, and be it further known that the Massachusetts Senate extends its best wishes for continued success" signed Senate President Karen Spilka and Senator Eldridge. (*amended later to correct number and dates)

Rep. Dan Sena presented a House citation and commended John Fallon for his years of service. He read the citation from the Senate: "Be it Hereby Known that the Massachusetts House of Representatives Hereby extends its congratulations to John Fallon in recognition of your dedicated service to the Town of Boxborough for serving on *11 boards and committees since *1985, including as the Town Moderator since 2005. The entire membership extends its very best wishes and expresses the hope for future good fortune and continue success in all endeavors." signed Ronald Mariano, Speaker of the House and State Representative Danillo Sena. (*amended later to correct number and dates).

Mr. Fallon received a standing ovation.

ARTICLE 3 SET SALARIES AND COMPENSATION OF ELECTED OFFICIALS

(Majority vote required)

Mr. Fowlks moved that the Town vote to fix the salaries and compensation of various elected officials for the fiscal year beginning July 1, 2022 as follows:

Select Board Members	\$400.00 each member/year
Board of Health Members	\$200.00 each member/year
Town Clerk	\$65,250.00
Constables	\$3.00 each copy/warrant posted
Planning Board Members	\$400.00 each member/year
Boxborough Members of A-B Regional School Committee	\$400.00 each member/year
Library Board of Trustees	\$200.00 each member/year
Town Moderator	\$100.00/year

Summary:

Elected members still may choose not to accept these stipends and instead choose to volunteer their time in service to the town. The budget reflects the choices made by each Board.

The Select Board recommends (4-1).

Majority (Pro): The majority feel that stipends should be available to those who choose to take them.

Minority (Con): The Minority of the Select Board does not believe that salaries or stipends for elected boards (excluding what is mandated by state legislature and full-time position of the Town Clerk). The salaries are taxed at the State and Federal level and are taking away monies that can be used on residents and resources within Town. Additionally, these salaries that are set are somewhat insignificant on an individual level, as even at one of the lowest tax brackets the salaries are after taxes only 80% of the intended. For example, childcare is currently \$20/hour, and so at these low levels they are mostly symbolic and the money could better serve the Town and its residents.

The Finance Committee recommends unanimously (5-0).

Discussion on Article 3: Wes Fowlks mentioned that the Select Board will forgo their stipends and use that money for events for Town Hall staff.

Action on the motion on Article 3: motion carried by majority vote.

ARTICLE 4 AMEND FY2022 PERSONNEL PLAN, INCLUDING THE CLASSIFICATION AND COMPENSATION SCHEDULE

(Majority vote required)

Sheila Bauer, Personnel Board Chair moved that the Town vote to amend certain sections of the Personnel Administration Plan including the Classification and Compensation Schedule in the matter that is set forth in the document on file with the Town Clerk entitled "Proposed Changes to Personnel Administration Plan – May 2022" and available on the Town's website or take any other action relative thereto.

Summary:

Vote 1: Administrative changes to the plan

Various grammatical and clarifying changes made throughout document.

Article V: The Position Classification Plan, Section 3 and 3a

In Sections 3 and 3a change the word "allocation" to "classification" to provide clarity and consistency in the general usage of the terms for the purposes of the Classification and Compensation Plan.

Article VI: The Pay Plan, section 2

Amend the title of the section to "Promotions and Reclassifications" to reflect the full content of the section. Provide new language under subsection b to reflect how an employee's pay rate shall be determined if their position is reclassified to a higher grade. The section, with the new language in bold reads as follows:

Promotions or Reclassifications

- a. When an employee is promoted to a position in a higher class, the employee's salary shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above the employee's present salary.
- b. ~~Any regular full-time employee specifically assigned by the Department Head to a higher hourly rated position for the purpose of fulfilling all of the duties of that position for the full shift or more, i.e. temporarily promoted, shall be paid at a rate equal to the rate of the higher position but no more than step 3. However, the employee shall not suffer a reduction in pay. When an employee is promoted, or the position they hold is reclassified to a position in a higher grade, the employee's salary shall be increased to the minimum rate for the higher grade. In the case of overlapping ranges, the promoted or reclassified employee shall be increased to the step immediately above the employee's current salary step.~~

Article VI: The Pay Plan, section 7

Remove language that requires annual step increases for employees be approved by the Select Board, Personnel Board and Annual Town Meeting. Replaces this section with a language directing employees will receive steps advancements provided that annual reviews are conducted pursuant to the Employee Handbook. The Personnel Administration Plan applies to all non-union employees for the Town. This revised language creates equity and parity between non-union personnel and unionized personnel. The section, with the new language in bold reads as follows:

Salary Step Adjustments

~~On an annual basis, the Select Board, in consultation with the Personnel Board, will determine whether step advancements will be granted to employees who are paid under the Classification and Compensation Schedule. If after such review it is determined that the step advancements will be granted for a given year, then employees with one (1) or~~

~~more years of service who have achieved an overall performance rating of "proficient" or better will be advanced to the next step within their job classification on the following July 1. This employee step advancement occurs annually, provided that annual reviews have been submitted pursuant to the Employee Handbook by June 1.~~

~~New employees who were hired before January 1 who have achieved an overall performance rating of "proficient" or better will also be advanced to the next step within their job classification on the following July 1. New employees who were hired after January 1 who have achieved an overall performance rating of "proficient" or better will move to the next step within their job classification on the July 1 that follows the employee's completion of a full year of employment.~~

Article VI: The Pay Plan, section 11

This is a new section that provides language for how an employee is to be paid if they are performing out of grade work for a period of more than ten (10) business days. The new section, with the new language in bold reads as follows:

Temporary Out of Grade Work

Whenever at the direction of the Town Administrator, or at the direction of the Department Head with the consent of the Town Administrator, an employee is assigned tasks and responsibilities for a period of more than ten (10) business days which are normally and ordinarily performed by another employee in a higher grade and which are not among those tasks and responsibilities that the employee would normally and ordinarily be expected to perform under the terms and conditions of the job description for their position, the employee shall be paid an additional five (5) percent of their base pay for the period of time beyond ten (10) business days that they perform the "out of grade" tasks and responsibilities provided, however, that in no case shall they be paid more than the top step of the higher grade position which would normally and ordinarily carry out such tasks and responsibilities.

Article XI: Leaves of Absence, section 1

Section 1 specifically pertains to sick leave. This section has been amended to include regular part-time employees. A regular part-time employee will earn sick leave on a pro-rated basis according to their hours worked. A regular part-time employee is one who works fewer than 20 hours during their regular work week. The section, with the new language in bold reads as follows:

SICK LEAVE

- a. Each regular full-time and regular reduced-hours, **and regular part-time** employee shall be entitled to one day, of the same number of hours as regularly or on average worked, of paid sick leave for each five (5) calendar weeks of continuous service per year to be used in case of illness, or injury, or other temporary disabilities which necessitate the employee's absence from work, except for conduct which is cause for termination of the employee's employment.

Vote 2: Classification and Compensation Schedule – Positions

*The Personnel Board recommends **adding** to the Regular Full-Time, Reduced Hours and Part-Time Employee Classification and Compensation Schedule the position(s) of:*

<u>Title</u>	<u>Grade</u>
Associate Town Planner	13

*The Personnel Board recommends **removing** the following positions from the Temporary, Per Diem and Intermittent Schedule: Junior Library Page, Library Page, Fire Department Chaplain, Gym Director, and Call Fire Chief. The Gym Director is now combined with the Winter Sports Director.*

Vote 3: Classification and Compensation Schedule – Wage Increase

The Classification and Compensation plan applies to all non-union employees. Positions are classified into groups and classes doing substantially similar work and having substantially equal responsibilities and are then set forth in the Classification and Compensation Schedule, which is incorporated into the Personnel Administration Plan.

FY2023

The Personnel Board voted a step increase and a 1.9% wage adjustment effective July 1, 2022 (FY2023) to the Regular Full-Time, Reduced Hours and Part-Time Employee Classification and Compensation Schedule with the following exceptions: DPW Foreman, DPW Worker Skilled, Building and Grounds Maintenance Worker, DPW Worker Semi-Skilled. The 1.9% wage adjustment is based on a fiscal 3-year average of the CPI-U (Consumer Price Index – Urban)

Employees on the Temporary, Per Diem and Intermittent Schedule will receive a 1.9% wage adjustment, with the following exceptions: CIT, Counselor, Assistant Animal Control Officer, Winter Sports Director, Specialty Instructor Level I, Snowplow Operator, Specialty Instructor Level II and Summer Recreation Director.

Employees receiving a stipend or paid on a fee basis will not receive the 1.9% increase, except for the Meeting Secretary position which will receive a 1.9% increase.

All changes are reflected in the documents labeled FY2023 Classification and Compensation Schedule: Regular Full-time, Reduced Hours and Part-Time Employees, FY2023 Stipends and Fee Based, and FY2023 Classification & Compensation Schedule: Temporary, Per Diem and Intermittent.

VOTE 1

The Personnel Board recommends unanimously (3-0).

This article incorporates a number of administrative changes to the Personnel Plan, all of which will be discussed in more detail at Town Meeting.

The Finance Committee Recommends (5-1).

Majority (Pro): The Finance Committee supports the proposed changes in the language of the Personnel Plan as described above and plans to have financial impact at Town Meeting.

Minority (Con): The retirement contribution is increasing at a rate of >10% Year-over-Year and is projected to become the 2nd biggest line item (only below the school budget) in 6 years! Adding an automatic step increase will worsen the situation and will lead to significant tax increase for the town.

VOTE 2

The Personnel Board recommends unanimously (3-0).

This article cleans up the Classification and Compensation schedule to reflect only those positions which are currently used by the Town. The added positions allow the Town flexibility to hire for these positions in FY2023. Without adding these positions, the Town would not be able to add personnel with these job titles.

The Finance Committee Recommends unanimously (6-0).

The Finance Committee recommends the addition of Associate Planner to the Compensation Plan. This addition will allow for flexibility in hiring. This recommendation is only for the addition and subtractions to the Plan and has no budgetary implications.

VOTE 3

The Personnel Board recommends unanimously (5-0).

The Personnel Board recommends that all eligible employees receive a step increase. Further, to ensure that the Classification and Compensation schedule maintains salaries in the 75th percentile of comparable towns, the Personnel Board recommends a 1.9% wage adjustment based on a fiscal 3-year average of the CPI-U (Consumer Price Index – Urban). Using the fiscal 3-year average is consistent with the Boards practice since FY2019.

The Finance Committee Recommends unanimously (6-0).

The Finance Committee recommends the 1.9% COLA (Cost of Living Adjustment) for our employees on the Personnel Plan. Several years ago, the FinCom, Select Board and the Personnel Board came up with a formula to use a 3-year rolling average of the CPIU (Consumer Price Index) to avoid spikes in the COLA given.

The Select Board recommends unanimously (5-0).

The Select Board unanimously recommends this warrant article, and the proposed amendments to the personnel bylaws. These changes will help us to attract and retain talent as well as giving the employees an understanding of what to expect in regards to annual increases. Also, these changes are moving towards helping employees grow through performance reviews. Additionally, the changes will provide benefits for our regular part time employees that they were lacking, and that other towns around us currently have.

Introduction of Article 4 by Sheila Bauer, Chair of the Personnel Board:

To make things easier to understand there will be 3 votes under Article 4:

Vote 1: Approval of administrative changes to the plan

Vote 2: adding the position of Associate Town Planner and eliminating a number of unused positions.

Vote 3: setting a wage adjustment, effective July 1, 2021, for non-union employees of 1.9%.

Discussion on Article 4, Vote 1:

Rosemary Sedgewick of Hill Rd appreciated the presentation by Mr. Fowlks in terms of what is going on with Town Hall staff. She wonders if the increase after 10 days of 5% will make a difference to people who feel they are working too hard for too little

Mr. Fowlks said this is a step in the right direction. Sheila Bauer clarified that this is a temporary increase for working out of class. Ms. Sedgewick is wondering about the possibility of an internship program.

Jim Comolli from Sargent Rd. asked a clarifying question regarding the employee review and step increase. Ms. Bauer said this makes the Personnel Plan more flexible. Mr. Comolli asked regarding the out of grade work: is there just one person who determines how that works? There were problems with this before, so how is that determined, and maybe it needs review by multiple parties with an appeals process perhaps.

Sheila Bauer discussed how the out of grade pay process works. For example the Town Clerk is gone so the Assistant Town Clerk fills in for her. There is an expectation that there are a few more tasks that will be required. There needs to be a mechanism to compensate that person for stepping into another role. Wes is referring to the issue of when we don't have enough staff at town hall and different people are doing something outside the realm of their responsibilities.

Patricia Brunker of Burroughs Rd wonders what is the incentive for the Personnel Board to stop the temporary 5% increase in pay if the Town can fill the needs of the town without hiring someone permanently at a higher rate?

Ms. Bauer said the incentive is that the Town needs to be fully staffed.

Interim Town Administrator Terenzini said it's difficult to know the duration because it depends on why that vacancy has occurred. It may be a long-term disability or illness and it may also depend upon the job market. He provided examples of how we may be missing knowledge when we don't have the job filled; it is very important to fill positions long-term because there is too much stress over the long-term on employees who are filling in. It is a recognition of employees for going above and beyond, and it is a modest increase.

Patricia Brunker stated that if you don't have a formal provision for permanent reassessment, it seems that there is an opportunity for even more burnout.

Mr. Fowlks clarified that it is a short-term option because a person's job cannot be given away, for example if they are on leave.

Cheryl Mahoney of Liberty Square Rd. spoke about the Staffing Plan that people worked hard to create. If you're talking about someone filling in, you still have a gap in staff.

Isaiah Livshin of Burroughs Rd asked if when we're talking about out of pay work, why are we only talking about work at one level above?

Sheila Bauer said we have to pick something that's predictable and transparent. That's what we picked in the interest of fairness and transparency.

Mr. Livshin said so it's not about the workload, it's only about work outside their grade?

Ms. Bauer said it's not more work.

Mr. Livshin disputed that it would not be more work; it could be double the workload if someone is doing an extra job.

Mr. Fowlks said that most of the Departments have a Dept Head and a Dept Assistant; it would most often be the assistant stepping up to fill the head role, so the assistant would get the out of scope pay.

John Markiewicz asked to clarify that if someone is doing extra work, what happens currently?

Ms. Bauer said someone might be paid overtime, for example.

Lee Slade of Burroughs Rd. commented about the larger issue of turnover at Town Hall. Every company is suffering from turnover because of the great resignation, so he wanted to applaud

everyone for reconsidering the personnel plan. You need to balance increases with performance evaluations; you need to provide something beyond just small pay increases. There are benefits beyond just salary increases.

Molly Wong of Stonehedge Pl, echoed what Mr. Slade just said. This is just one technical piece, just one tool and there's more to come. Vote 1 is just one tool, and it doesn't address all of the issues, but I think we should vote for this.

Mark Marlow of Depot Rd. said that part-time employees appear to be getting sick days. Could part-time staff earn sick days?

Sheila Bauer said an employee who is part-time has to work 19 hrs/week. They accrue time off after working a certain number of hours as long as they have a status as a 19 hr part-time employee.

Mr. Marlow asked what continuous service means (Section 1, letter a) – what does continuous weeks mean?

Mr. Fowlks responded: 19 hrs for 5 weeks working, then they'd get a prorated sick day.

Kyle Coulter of Swanson Rd. **moved the question. That motion carried by 2/3 majority.**

Action on the motion: Motion on Vote 1 carried by majority vote.

Discussion on Article 4, Vote 2: No discussion on Classification and Compensation Schedule: adding Associate Town Planner.

Action on the motion: Motion on Vote 2 carried by a majority vote.

Discussion on Article 4, Vote 3: Step increase and wage adjustment increase of 1.9% with exceptions above.

Mark Marlow said the CPI is very low, it's not going to change?

Sheila Bauer said it's a rolling average.

Mark Marlow said are we signing up for this for every year or just this year. When is that set?

Ms. Bauer said November or December of each year.

Hong Li of Burroughs Rd. asked about the budget. He was told by Mr. Fallon that that is not part of this discussion.

Christine Marlow of Depot Rd. asked about the statement of dissent from Fin Com that will cause the retirement contributions to increase so how confident are we that these rate increases, although needed are not going to send our budget out of whack.

Ms. Neyland said that the person who expressed dissent is not here tonight, but it is true that pension will be the highest budget driver in town, in terms of a percentage basis. So it needs to be on the agenda for Fin Com discussion going into the next year. Mr. Fallon said this is outside the scope of this discussion.

Dave Follett of Cobleigh Rd. said that the CPIU is actually around 8.5% so we are actually talking about salary cuts in terms of real \$ compensation. Wondering how Fin Com and Personnel Board can address this. At some level you get what you pay for.

Sheila Bauer said we had to make this decision months ago so we had to go with the numbers we had. We also don't have to do it as a rolling average; we could have that discussion in the future between Personnel Board / Fin Com / Select Board.

Dave Follett said in real dollars you're introducing pay cuts for these employees. Six months ago it wasn't where it is now but it's still well above what you're giving; it's a basic question of fairness.

Wes Fowlks said I would say you're right, but because it was decided early on, and it's also about precedent and municipalities are slow to react.

Mr. Terenzini said we can only adjust here at Town Meeting; we can't do anything in advance. These discussions were started last year and the warrant has to be published well in advance of Town Meeting. The 1.9% adjusts the entire scale, and there are 12 steps on the entire scale. No one is anywhere near that top; should they achieve a satisfactory performance review, they should achieve a step, roughly 2.5 %, further escalated by 1.9%. It may not reflect inflation of the last 3-4 months, and none of us can predict when that will drop down. The delta isn't as severe as you might think.

Mary Brolin of Guggins Ln. said a 1.9% increase is incredibly modest. We should not be balancing our town budget on the backs of our Town of Boxborough staff.

Jeff Barrus of Patch Hill Rd. wanted to point out that inflation is taking away the % increase. Proposed to move the question. Mr. Fallon reminded him that he can't talk AND move the question. (But no one was at a microphone so the vote took place immediately anyway).

Action on the motion: the motion on Vote 3 passed with a majority.

ARTICLE 5 TOWN OPERATING BUDGET

\$24,468,636 Raise & Appropriate

(Majority vote required)

Becky Neville, Finance Committee Chair moved that Town raise and appropriate the sum of twenty-four million, four hundred thousand sixty-eight, six hundred and thirty-six dollars (\$24,468,636) for the operations and expenses of the Town during the fiscal year beginning July 1, 2022 for the purposes for which funding are set forth in the Department Account Numbers 114 through 915, and any subheadings included under said account numbers, as printed in Article 5 of the Annual Town Meeting warrant, under the heading FY2023 Budget,

Except for:

Department 123, Total Other – Executive Offices, which has been reduced by \$5,000 to

\$11,745

Department 196, Total Other – Facilities, which has been reduced by \$10,000 to \$53,775

Department 210, Total Other – Police, which has been reduced by \$10,500 to \$200,305

Department 220, Total Salaries – Fire, which has been reduced by \$10,000 to \$1,148,176

Department 310, Total Other – Minuteman, which has been reduced by \$12,095 to

\$152,135

Department 311, Total Other – Assabet, which has been reduced by \$21,766 to \$49,814

Department 312, Total Other – Nashoba, which has been reduced by \$5,571 to \$92,429

Department 422, Total Other – DPW, which has been reduced by \$10,000 to \$120,496

Department 429, Total Other – Fuel, which has been reduced by \$20,000 to \$148,350

Department 610, Total Other – Library which has been reduced by \$5,050 to \$159,700

Department 174, Total Salary – Planning, which, as a result of an amendment, has been increased by \$7,271 to \$250,910

And to meet this appropriation that an amount of \$600,000 be transferred from Free Cash, and the balance be raised by taxation.

For more information refer to the Finance Committee Report at the end of this Warrant.

	Department Totals	Budget	Budget	% Change FY22 v 23		FY21 Budget
				FY23	FY22	
114	Total Salary	100	0	100.0%		0
114	Total Other	80	75	6.7%		65
114	Total Moderator	180	75	140.0%		65
119	Total Salary	0	0	0.0%		0
119	Total Other	160	120	33.3%		170
119	Total Town Constable	160	120	33.3%		170
122	Total Salary	0	0	0.0%		2,000
122	Total Other	0	2,615	100.0%		2,885
122	Total Select Board	0	2,615	100.0%		4,885
123	Total Salary	302,870	215,020	40.9%		192,230
123	Total Other	11,745	5,330	120.4%		5,080
123	Total Town Administrator	314,615	220,350	42.8%		197,310
131	Total Salary	0	0	0.0%		3,000
131	Total Other	385	375	2.7%		3,375
131	Total Town Finance Comm	385	375	2.7%		3,375
135	Total Salary	96,447	84,230	14.5%		79,005
135	Total Other	43,600	73,000	-40.3%		37,335
135	Total Accountant	140,047	157,230	-10.9%		116,340
141	Total Salary	106,887	85,230	25.4%		80,005
141	Total Other	21,220	16,015	32.5%		13,860
141	Total Assessor	128,107	101,245	26.5%		93,865
145	Total Salary	108,402	77,310	40.2%		71,575
145	Total Other	28,700	27,740	3.5%		25,990
145	Total Treasurer/Collector	137,102	105,050	30.5%		97,565
151	Total Salary	0	0	0.0%		0
151	Total Other	78,400	78,400	0.0%		87,600

151 Total Legal	78,400	78,400	0.0%	87,600
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This year's Town Hall budget was reformatted by the Interim Town Administrator.

He combined the Select Board Budget and the Town Administrator into Executive Offices
Support staff is now budgeted in the department they support, increasing many
budgets substantially, but the reduction can be seen in Budget 192.

The Interim TA also offered contracts to members of the finance team and the
salaries reflected are higher than those found in the Personnel Plan.

	FY23	FY22	%change	FY21
152 Total Salary	0	0	0.0%	0
152 Total Other	345	345	0.0%	320
152 Total Personnel Board	345	345	0.0%	320
156 Total Salary	7,500	7,500	0.0%	5,000
156 Total Other	251,775	242,920	3.6%	151,210
156 Total Technology	259,275	250,420	3.5%	156,210
161 Total Salary	93,655	61,305	52.8%	50,690
161 Total Other	2,664	1,945	37.0%	1,830
161 Total Town Clerk	96,319	63,250	52.3%	52,520
162 Total Salary	11,204	2,975	276.6%	7,280
162 Total Other	8,360	7,495	11.5%	7,560
162 Total Elect. & Registrar	19,564	10,470	86.9%	14,840
171 Total Salary	0	0	0.0%	0
171 Total Other	1,600	1,600	0.0%	2,150
171 Total Conservation Comm	1,600	1,600	0.0%	2,150
174 Total Salary	250,910	74,450	237.0%	80,980
174 Total Other	17,000	6,225	173.1%	3,830
174 Total Land Use and Permitting	267,910	80,675	232.1%	84,810
175 Total Salary	5,913	5,075	16.5%	3,000
175 Total Other	5,425	5,425	0.0%	4,580
175 Total Planning Board	11,338	10,500	8.0%	7,580

The Town Clerk's budget now includes the support staff associated with that office
and is no longer in budget 192. The Department of Land Use and Permitting
is a new budget which combines the previous budgets titled Town Planner
and the Building Inspector and associated administrative support.

In FY22 budget the Town Planners budget was \$80,675 and
the Building Inspectors budget was \$102,245.

FY23	FY22	%change	FY21
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176	Total Salary	1,304	1,280	1.9%	0
176	Total Other	635	635	0.0%	225
176	Total ZBA	1,939	1,915	1.3%	225
179	Total Salary	0	0	0.0%	0
179	Total Other	200	100	100.0%	200
179	Total Ag Comm	200	100	100.0%	200
182	Total Salary	0	0	0.0%	0
182	Total Other	3,750	3,500	7.1%	0
182	Total Economic Development	3,750	3,500	7.1%	0
192	Total Salary	0	226,565	-100.0%	212,660
192	Total Other	54,240	50,510	7.4%	47,655
192	Total Town Hall	54,240	277,075	-80.4%	260,315

Budget 192 is down because support staff has been moved into associated budgets.

196	Total Salary	0	0	0.0%	0
196	Total Other	53,775	58,015	-7.3%	52,865
196	Total Facilities	53,775	58,015	-7.3%	52,865
199	Total Salary	0	0	0.0%	0
199	Total Other	950	1,250	-24.0%	500
199	Total Sustainability Comm	950	1,250	-24.0%	500
	Total Salaries - Town Government	985,193	840,940	17.2%	855,101
	Total Other - Town Government	585,009	581,020	0.7%	457,291
	Total Town Government	1,570,202	1,421,960	10.4%	1,312,767

		FY23	FY22	%change	FY21
210	Total Salary	1,389,481	1,369,159	1.5%	1,210,305
210	Total Other	200,305	135,915	47.4%	190,295
210	<u>Total Police</u>	<u>1,589,786</u>	<u>1,505,074</u>	<u>5.6%</u>	<u>1,400,600</u>
215	Total Salary	393,949	389,470	1.2%	317,570
215	<u>Total Other</u>	<u>58,768</u>	<u>61,425</u>	<u>-4.3%</u>	<u>54,425</u>
215	<u>Total Dispatch</u>	<u>452,717</u>	<u>450,895</u>	<u>0.4%</u>	<u>371,995</u>
220	Total Salary	1,148,176	1,034,810	11.0%	879,350
220	Total Other	147,720	150,370	-1.8%	117,870
220	<u>Total Fire</u>	<u>1,295,896</u>	<u>1,185,180</u>	<u>9.3%</u>	<u>997,220</u>
		FY23	FY22	%change	FY21

241	Total Salary	0	87,270	-100.0%	82,020
241	Total Other	0	13,975	-100.0%	13,755
241	Total Building Insp	0	101,245	-100.0%	95,775

292	Total Salary	18,061	17,290	4.5%	16,405
292	Total Other	5,495	5,495	0.0%	4,385
292	Total ACO	23,556	22,785	3.4%	20,790

Total Salaries - Protection	2,949,667	2,897,999	1.8%	2,734,360
Total Other - Protection	412,288	367,180	12.3%	419,195
Total Protection	3,361,955	3,265,179	3.0%	2,889,560

Last year a police cruiser was taken out of the budget, this year it has been put back in.

There are no grants in the Police Budget.

The Building Inspector's budget has now been merged into Budget 174.

		FY23	FY22	%change	FY21
300	Total Salary	1,600	1,600	0.0%	1,600
300	Total Other	0	0	0.0%	0
300	Total School Committee	1,600	1,600	0.0%	1,600
310	Total Salary	0	0	0.0%	0
310	Total Other	152,135	220,205	-30.9%	252,005
310	Total Minuteman	152,135	220,205	%	252,005
311	Total Salary	0	0	0.0%	0
311	Total Other	49,814	49,050	1.6%	46,250
311	Total Assabet	49,814	49,050	1.6%	46,250
312	Total Salary	0	0	0.0%	0
312	Total Other	92,429	112,000	-17.5%	64,895
312	Total Nashoba	92,429	112,000	-17.5%	64,895
320	Total Salary	0	0	0.0%	0
320	Total Other	13,257,674	12,676,080	3.8%	12,123,120

320	Total ABRSD	13,257,674	12,676,080	3.8%	12,123,120
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Total Salaries - Education	1,600	1,600	0.0%	1,600
Total Other - Education	13,552,052	13,057,335	3.8%	12,486,270
Total Education	13,553,652	13,058,935	3.8%	12,487,870

Minuteman currently has 4 students. 8 additional students applied.

But did not get into due to space.

Assabet currently has 1 student and another

applied for next year, but was not admitted because of lack of space
for out-of-district room for students.

Nashoba will have 3 students next year. 4 applied and did not get in.

We did budget 1 extra student at Assabet

in case a student finds a vocational school to go to.

		FY23	FY22	%change	FY21
422	Total Salary	626,621	626,455	0.0%	584,070
422	Total Other	120,496	137,360	-12.3%	137,770
422	Total DPW	747,117	763,815	-2.2%	721,840

423	Total Salary	66,880	66,880	0.0%	63,850
423	Total Other	139,710	139,710	0.0%	135,800
423	Total Snow & Ice	206,590	206,590	0.0%	199,650

424	Total Salary	0	0	0.0%	0
424	Total Other	3,000	2,500	20.0%	3,500
424	Total Street Lighting	3,000	2,500	20.0%	3,500

425	Total Salary	0	0	0.0%	0
425	Total Other	61,280	59,760	2.5%	28,500
425	Total Hager Well	61,280	59,760	2.5%	28,500

429	Total Salary	0	0	0.0%	0
429	Total Other	148,350	88,025	68.5%	77,500
429	Total Fuel	148,350	88,025	68.5%	77,500

431	Total Salary	0	0	0.0%	0
431	Total Other	10,000	0	100.0%	0
431	Total Hazardous Waste	10,000	0	100.0%	0

433	Total Salary	0	0	0.0%	0
433	Total Other	132,900	137,400	-3.3%	146,300
433	Total Transfer Station	132,900	137,400	-3.3%	146,300

FY23 FY22 %change FY21

491	Total Salary	5,000	5,000	0.0%	5,000
491	Total Other	500	500	0.0%	500
491	Total Cemetery	5,500	5,500	0.0%	5,500

Total Salaries - Public Works	698,501	698,335	0.0%	652,920
Total Other - Public Works	616,236	565,255	14.3%	529,870
Total Public Works	1,314,737	1,263,590	6.4%	1,182,790

The big increase in the DPW budgets is the fuel budget.

The fuel budget is almost double.

There is also a Hazardous Waste Day scheduled for next year.

		FY23	FY22	%change	FY21
505	Total Salary	1,015	1,015	0.0%	990
505	Total Other	0	0	0.0%	150
505	Total Animal Inspector	1,015	1,015	0.0%	1,140
511	Total Salary	600	600	0.0%	505
511	Total Other	52,679	47,255	11.5%	45,050
511	Total BoH	53,279	47,855	11.3%	45,555
529	Total Salary	52,095	48,900	6.5%	0
529	Total Other	8,005	7,650	4.6%	6,225
529	Total Community Services	60,100	56,550	6.3%	6,225
541	Total Salary	74,486	48,245	54.4%	71,575
541	Total Other	9,240	8,790	5.1%	8,700
541	Total Council on Aging	83,726	57,035	46.8%	80,275
543	Total Salary	0	0	0.0%	0
543	Total Other	34,999	33,965	3.0%	34,185
543	Total Veterans	34,999	33,965	3.0%	34,185
	Total Salaries - Health Services	128,197	98,760	29.8%	73,070
	Total Other - Health Services	104,923	97,660	7.4%	94,310
	Total Health Services	233,120	196,420	18.7%	167,380

The big increases in these budgets are caused by a change in where the support staff is placed. They all used to be put in Budget 192 and are now placed in the budget they support.

		FY23	FY22	%change	FY21
610	Total Salary	276,462	265,029	4.3%	238,565
610	Total Other	159,700	162,750	-1.9%	153,400
610	<u>Total Library</u>	436,162	427,779	2.0%	391,965
630	Total Salary	52,298	38,300	36.5%	31,790
630	Total Other	11,900	12,900	-7.8%	12,175
630	<u>Total Rec Comm</u>	64,198	51,200	25.4%	43,965
670	Total Salary	0	0	0.0%	0
670	Total Other	2,000	2,000	0.0%	2,000
670	<u>Total Steele Farm</u>	2,000	2,000	0.0%	2,000
691	Total Salary	0	0	0.0%	0
691	Total Other	7,373	12,850	42.6%	8,050
691	<u>Total Hist Comm</u>	7,373	12,850	-42.6%	8,050
692	Total Salary	0	0	0.0%	0
692	Total Other	1,500	1,500	0.0%	1,400
692	<u>Total Public Celebrations</u>	1,500	1,500	0.0%	1,400
699	Total Salary	0	0	0.0%	0
699	Total Other	1,400	1,400	0.0%	1,400
699	<u>Total AB Cultural Council</u>	1,400	1,400	0.0%	1,400
	Total Salaries - Culture & Rec	328,760	303,329	8.4%	270,355
	Total Other - Culture & Rec	183,873	193,400	-4.9%	178,425
	Total Culture & Rec	512,633	496,729	3.2%	448,780

		FY23	FY22	%change	FY21
710	Total Salary	0	0	0.0%	0
710	Total Other	1,065,000	870,000	22.4%	870,000
710	<u>Total Retirement of LT Debt</u>	<u>1,065,000</u>	<u>870,000</u>	<u>22.4%</u>	<u>870,000</u>
751	Total Salary	0	0	0.0%	0
751	Total Other	229,632	229,495	0.1%	217,110
751	<u>Total Debt Interest</u>	<u>229,632</u>	<u>229,495</u>	<u>0.1%</u>	<u>217,110</u>
830	Total Salary	0	0	0.0%	0
830	Total Other	1,218,757	1,144,435	6.5%	943,155
830	<u>Total County Retirement Assmt</u>	<u>1,218,757</u>	<u>1,144,435</u>	<u>6.5%</u>	<u>943,155</u>
912	Total Salary	0	0	0.0%	0
912	Total Other	214,013	201,385	6.3%	193,320
912	<u>Total Other Insurance</u>	<u>214,013</u>	<u>201,385</u>	<u>6.3%</u>	<u>193,320</u>
915	Total Salary	0	0	0.0%	0
915	Total Other	1,044,936	967,460	8.0%	1,056,490
915	<u>Total Employee Benefits</u>	<u>1,044,936</u>	<u>967,460</u>	<u>8.0%</u>	<u>1,056,490</u>
	Total Salaries - Administration	0	0	0.0%	0
	Total Other - Administration	3,772,338	3,412,772	10.5%	3,280,075
	<u>Total Administration</u>	<u>3,772,338</u>	<u>3,412,772</u>	<u>10.5%</u>	<u>3,280,075</u>
132	Total Salary	0	0	0.0%	0
132	Total Other	150,000	150,000	0.0%	150,000
132	<u>Total Reserve Fund</u>	<u>150,000</u>	<u>150,000</u>	<u>0.0%</u>	<u>150,000</u>

Employee health insurance was up 8.72%

Debt was up 22.4% due to the bonding of Liberty Fields, a dump truck, paving, and a pumper truck for the FD.

	FY23	FY22	%change	FY21
Total Salaries - Town Government	985,193	840,940	17.2%	855,101
Total Salaries - Protection	2,949,667	2,897,999	1.8%	2,734,360
Total Salaries - Public Works	698,501	698,335	0.0%	652,920
Total Salaries - Health Services	128,197	98,760	29.8%	73,070
Total Salaries - Culture & Rec	328,760	303,329	8.4%	270,355
Total Salaries	5,090,317	4,839,363	5.2%	4,585,806
 Total Other - Town Government	 585,009	 581,020	 0.7%	 457,291
Total Other - Protection	412,288	367,180	12.3%	419,195
Total Other - Public Works	616,236	565,255	9.0%	529,870
Total Other - Health Services	104,923	97,660	7.4%	94,310
Total Other - Culture & Rec	183,873	193,400	-4.9%	178,425
Total Town Other	1,902,329	1,804,515	5.4%	1,679,091
 Total Town Government	 1,570,202	 1,421,960	 10.4%	 1,312,767
Total Protection	3,361,955	3,265,179	3.0%	2,889,560
Total Public Works	1,314,737	1,263,590	4.0%	1,182,790
Total Health Services	233,120	196,420	18.7%	167,380
Total Other - Culture & Rec	512,633	496,729	3.2%	
Total Town Expenses	6,992,646	6,643,878	5.2%	6,001,277
 Total Other - Education	 13,553,652	 13,058,935	 % 3.8	 12,487,870
Total Other - Administration	3,772,338	3,412,772	10.5%	3,280,075
Total Reserve Fund	150,000	150,000	0.0%	150,000
Total Other Costs	17,475,990	16,621,707	5.1%	15,917,945
 Total Expenses	24,468,636	23,265,585	5.2%	21,919,222

The Select Board will defer their recommendation to Town Meeting floor.

The Finance Committee recommends unanimously (5-0).

The Finance Committee supports this budget. We will continue to review departmental budgets with an eye towards reducing the burden to the taxpayers.

Finance Committee Report (is in the back of the warrant):

Rebecca Neville delivered the Fin Com report. The Goals of the Fin Com: 1) minimize budget increases, 2) manage the operating budget based on previous approved ATM warrant articles, 3) proposed increased services through warrant, 4) plan Capital, 5) manage long-term debt, and 6)

address unfunded retired benefits (OPEB). Keep in mind we have four union contracts including a new union that have not been settled yet.

She outlined the typical Town Accountant and Fin Com process; in the middle of January there were many budgets not received. There was no Budget Saturday, no Capital Budget day. Thanks to Karen Guzzardi for putting budget books together, and Becky Harris for going over and prepping the budget for the warrant. The town accountant tried to help but had no experience, and the current town accountant currently is not on site and is part time. The Fin Com received several budgets the day before they needed to go to the printer. The Fin Com had to make cuts to the budget (reflected in the motion on this budget) so it is now at 5.1% increase, down from 5.6% printed in the warrant. The Fin Com gave Department Heads a dollar amount as a goal to cut and to avoid micromanaging, the Dept heads figured out where to make the cuts (Table shown re cuts). The Fin Com recommended using \$600,000 from Free Cash to reduce the tax burden. There are possible inconsistencies in the FY22 budget.

All graphs made by Sachin and Gary, so thanks to them. The regional budget is the largest number, at 53.95% of the FY23 budget, not including vocational schools. Other large and fast-growing budgets include Police, Fire, and County Retirement.

Fire Department is working on meeting the OSHA standards and adjusting the per diem costs. These are projections for the next several years. The projected growth for the next 7 years also shown. Budget impacts shown by percentage of total budget. Other costs are 11.1% of the total budget – these are the places where cuts can easily be made.

Capital plan for the next 5 years graph was shown.

Revenue: Only way to reduce taxes on residential properties is to increase taxes on commercial properties. Or increasing fees (building permits, inspection fees) and abatements also affects the total revenue. Assessments are not as high this year as previous years, and part of this is due to abatements. Lynda McQuade, Assessor has been great about communicating with Fin Com and keep them up to date.

Commercial properties will be providing more revenue in the future: 1414 Mass Ave will see an increase; Cisco Property was bought and 2 of the 3 old office buildings have tenants; 60 Codman Hill may be redeveloped.

\$656,571 is the average home value in FY22; Town Hall didn't feel confident in making an estimate so Fin Com took last year's value and added 3% = \$676,268. If all agenda items pass, the average tax bill would be up \$120. This doesn't include the contracts that haven't been settled.

Fin Com thanked our Town Moderator for his many years of service and guidance, including presiding over 18 ATMs and many STMs. John Fallon has had so many years of service on boards and committees including those that are non-town (Blanchard School Council, Friends of the Library, Boxborough Historical Society, Household Goods) and will continue to serve on many. As the appointing authority for Fin Com, he has appointed 39 Fin Com members and has never told Fin Com what to do. But, she always thinks "what would John say?" before opening her mouth. Mr. Fallon was presented with an afghan with all of the seals and logos of the boards and committees he has been on.

Majority Select Board recommendation is for the Budget as Amended (provided there is a future amendment for an increase of \$7,500 for Town Planner).

Minority Select Board recommendation (by Diana Lipari) is not to recommend the budget as it is now, and hopes there will be amendments on the floor of town meeting to rectify some of her concerns. There are 11 employees in Town Hall currently, which is the same number of employees

that we had in 2002, while other departments have grown, specifically the Public Safety Departments. We need to take a look at how we are spending our money and what our priorities are so I cannot support this budget.

Discussion on Article 5:

Mr. Fallon clarified about the dollar amounts in the warrant vs. the motion after a question by Mr. Livshin and Rosemary Sedgewick of Hill Rd. asked for clarity on how we can find out more about the budget details. Ms. Neville stated that the budget is on the Town website (under Fin Com page).

Mr. Fallon proceeded to read out the line item numbers and names for the budget.

Jeff Barrus of Patch Hill asked for clarity on how we can find out more about the budget details and with the changes, how do we know where things are moved?

Becky Neville clarified that the budget line 123 total looks like an increase, but it's only because of budget line items being moved around within Town Hall budgets (support staff are moved into individual budgets for departments). There is no increase in head count, there is an increase in 13% to attract a good candidate for Town Administrator at about \$150,000.

Diana Lipari clarified that the general salary ranges are available as a handout. You can access the internet now and look at the Fin Com page – there is a version 10 of this budget that provides more details. Ms. Neville clarified that the version we are voting on tonight is not online yet; version 11 has the cuts we are discussing, but version 10 does not.

Sheila Hanrahan of Fifer's Ln asked about Line 123 as to whether it's a head count increase. Mr. Terenzini clarified that it is not a head count increase, but that it is estimated that it will cost \$150,000 to attract a good candidate for Town Administrator, a 13.4% increase.

Keith Lyons of Burroughs Rd. moved to reduce the total salary line item in 156 to zero (reduce by \$7,500). We haven't had a Technology person since January, and by all accounts it's going well. There would be a return on investment because staff would be able to focus on their work and not be side-tracked. We have been fine without this help, and Guardian IT has been providing service. There is a chance that there will be no cost.

Finance Committee does not recommend. This is part of a contract, and until that contract is no longer in place, we have to pay it.

Select Board did not make a recommendation, but the stipend is subject to appropriation.

Ms. Neville asked for a legal opinion.

Atty. Jon Eichman said it's hard to give an opinion without seeing the contract, but if the Town is obligated to pay a certain amount in a contract they should not break the contract; it is hard to know without seeing what it says. There may be a provision in the contract regarding certain amounts being provided only if appropriated at Town Meeting.

Discussion on this amendment.

Mark Barbadoro supports the amendment, and because we need IT support, it can't just be paid to someone without return on investment, especially with the spate of public records requests.

Steve Ballard of Swanson Rd., asked who the individual who is the IT technical person? It is a stipend for extra IT work that has been done for extra work and he gets that on top of extra pay but now he's not working so how is that of value to the town?

Becky Neville responded that he is on leave.

Wes Fowlks provided clarity about appropriations; in the contract that is being referenced, it says that the terms of the contract allow for appropriation subject to town meeting.

Mark White of Sara's Way wants everyone to understand that we're talking about a Police Chief who is on paid administrative leave, if we make this decision now, we're talking about any contract with language about appropriations subject to approval at town meeting, we have to be careful with that. We have to honor our contracts; any contract with any "subject to appropriation" language could have those parts removed.

Jeff Glidden of Sargent Rd. confirmed that the way the contract is structured is that this body tonight decides on the appropriation.

Vote on the Motion: Mr. Fallon declared that he wanted to take a standing vote since in his opinion this was too close to call. Motion was defeated 68 (against) vs. 65 (for).

Mr. Fallon proceeded to read Line Item numbers and names.

Mark Barbadoro moved that in Line Item 174 Land Use and Permitting we increase salary line item by \$7,271 for a total of \$250,910 for that budget line. Select Board and Finance Committee both recommend.

Mr. Barbadoro clarified that the reason for this increase is because we trying to bring on a new Town Planner who requires a higher salary that matches her experience.

John Markiewicz of Patch Hill Rd. stated that having spent nearly 24 years on the planning board, wants to emphasize that we'd be crazy not to support this Town Planner candidate. She is a fantastic candidate.

Cheryl Mahoney wants to ask a point of clarification, under Article 4 we approved an Associate Town Planner; in line 174 there would be an impact? Ms. Neville clarified that is in Article 8, and we have to add it in after that item is approved.

Mark Marlow of Depot Rd. asks what a Town Planner actually does for the town.

Mark Barbadoro explained that one of the responsibilities of the Town Planner is to aid the Town Planning Board. All of the regulation of growth and development in town needs to be overseen by the Town Planner. A skillset that she has is getting grants for infrastructure projects so with any luck she will pay for herself within a few years. We also have a new model for the Building and Planning Dept where they will work closely together in our new staffing plan. So there will be a better working relationship between the Planner and Building Department.

Junhua Ding of Emanuel Dr. wanted to clarify why the line item is so high?

Becky Neville said \$250,910 is the new budget line item. The Town Administrator chose to merge the Building and Planning Depts so Building Inspector budget 241 was brought to zero. The new line includes assistants for Land Use and Planning and Building Department; a total of four people.

Cindy Markowitz of Meadow Ln., as a member of the Planning Board wanted to urge the town to support this article and would request that the Fin Com show the worksheets as back up for this budget.

Mark Barbadoro said that part of the overall scheme of the Land Use and Planning Dept has an Associate Planner position.

Hong Li of Burroughs Rd. said it seems like a new position or a new position; why is it so much more \$?

Wes Fowlks explained that we need to add an increase in salary for this new candidate who came forward before the budget was finalized. The contract that the Select Board has finalized with this candidate has an increase in salary.

Dave Follett moved the question. Motion carried by 2/3.

Motion on the amendment carried by a majority.

Rosemary Sedgewick of Hill Rd. said she couldn't find the budget online.

Becky Neville sent the budget so it can be put up on the web.

Mr. Fallon proceeded to read budget Line Items numbers and names.

Regarding Police Budget, other line 210, John Markiewicz of Patch Hill Rd. would like a better understanding of the current police fleet and why we use Tahoes rather than Explorers. He wanted to know which ones are marked vs. unmarked. He requested that if we have to buy a new vehicle, that we consider hybrids.

Ms. Neville provided the list of vehicles (two 2020 Tahoes in good condition, two 2019 Tahoes in good condition, two 2017 Ford PPVs in good condition, two 2018 Tahoes in good condition, one with specialized equipment / one unmarked Chief's cruiser, 2015 Tahoe in fair condition that is the Lieutenant's cruiser, one 2012 Taurus with specialized equipment in fair condition – an unmarked detective's car, a 2013 Ford PPV that is an unmarked spare cruiser in poor condition, a 2011 Tahoe that is an unmarked cruiser (to be traded in), and a 2005 Toyota Camry sedan for undercover/surveillance that is in poor condition.

Currently 13 vehicles; we have no motorcycles; lease for motorcycles is only seasonal and none have been signed for 2022.

Lt O'Brien's recommendation was that the 2013 Ford Explorer and 2011 Tahoe be traded in; the recommendation is that a Ford hybrid replace these vehicles.

Mr. Markiewicz commended Lt. O'Brien for his years of service and asked a point of clarification about the \$750/ year for the annual dues for Central Mass Law Enforcement Council – it is comprised of 80 different communities. What is cost to the Town, Mr. Markiewicz asked, beyond those dues. Lt.

O'Brien said that if it is overtime and someone is sent to another community then we pay for that. There were vehicles that had been provided to other communities for crash reconstruction; we no longer provide vehicles. The overtime costs depend on how long they were there.

Mark Barbadoro asked if we have 12 cars left in the fleet, how many can be on the road at any one time, given that there are 6 officers on duty at any one time?

Lt. O'Brien said that is depends on the situation. There are circumstances with evacuations or major fires, we have to have traffic posts and we have to call people in. We also need to have a back-up vehicle if there is one in for repairs. Last year they didn't get a new cruiser so they hung onto vehicles they would have ordinarily traded in. If they are fully staffed there would be 13 officers on the department; depends on the situation how many people would respond.

Steve Ballard wanted to follow up that we should have the budget detail IN the warrant. He saw version 10 that is on the website, and saw a \$55,000 line item for this car.

Lt. O'Brien said that is the amount would cover a Ford Hybrid – it's a little bit less. This would be a marked police car. The Lt's car would move down the line and we'd get rid of the older unmarked car for the Lt. The total is upwards of \$54,000 including radios and command center, etc. The Tahoe is a little bit more. This would be a marked police cruiser and we'd get rid of the older unmarked, so this would not be for the Lt.

Mr. Ballard said you don't have 13 officers on duty at any one time, right. Lt. agreed. Ballard said that there would be neighboring towns responding. If it's a long event, then we can call in our own police and have responders from neighboring towns. Lt. responded that if it's a long duration event then we would call in our own people. Have the leases for motorcycles been taken out of the budget? Ms. Neville said they were not put in the budget (it was a grant in previous years).

Jennifer Campbell of Patch Hill Rd. thanks Lt. for going for a hybrid vehicle. We don't have all 13 vehicles at the station at the same time and they are for different purposes.

The Lieutenant and the detectives take cars home so they are not at the station at all times because they have specialized equipment in the car or need to respond to a scene immediately. We have a vehicle that is used for commercial vehicle purposes. We rotate cars so that they can be maintained and keep the mileage down.

Mark Barbadoro asked how long a police car will last (not as long as a privately owned vehicle)?

Lt. O'Brien said they take abuse that normal cars don't go through; they are running at almost all times if the officer is in the car. Mileage only tells one part of the story; the hours on the motor tell a different story. Replacement schedule that is comfortable would be about 4-5 years on average.

Mark Barbadoro moved to amend line item 210 other Police to level fund it with the prior year, that is reduce by \$64,390 (\$135,915). It is 25% higher than the surrounding towns so we should hold off on the vehicle. We all draw from the same pot for all of Boxborough's staff – Town Hall may need more resources and so it seems that we should reduce the police other budget to come in line with other towns.

Lt. O'Brien said that you then end up with high maintenance costs. If you keep a car longer, the warranties expire. You may be throwing good \$ after an old expensive vehicle.

Fin Com does not recommend. Select Board is divided: 2 recommend the amendment; 3 don't.

Jeanne Kangas of Hill Rd said that the motion is in the right direction but she wants to further amend it. She agrees we don't need a cruiser every year, or even every other year. Every third year might be appropriate, so I agree with this motion. The maintenance costs for servicing vehicles is about \$24k/year and if because you delay buying a cruiser at the cost of \$55k, you still save financially even if you just spend maintenance costs. Next year we will need a new cruiser. I applaud the move to a Ford hybrid.

Cheryl Mahoney wants a point of order to clarify it is more than just the car being cut, so what's the motion on the floor? All the others would have to be adjusted down.

Mr. Fallon clarified what the motion said: \$135,915 for Police Line 210.

Jennifer Campbell said we didn't get a cruiser last year, and we could be in trouble with maintenance problems in the future.

Owen Neville suggests that we defeat the amendment. Maybe we can shrink the fleet in the future and it wouldn't affect services but we should not do that now; the budget is already reduced.

Mr. Ballard supports the amendment; last town meeting there was a \$55k request and those were both voted down last year (\$77k total). At one point, I understand that that was put back in. Can anyone explain if that was put back in the budget?

Becky Neville said yes.

Mr. Ballard said then the budget was not actually level. And you asked them to reduce last year's budget by \$10,000. So that indicates there is fluff and they have ways to reduce their budget. They can move their money around. Looking at the salary line there is plenty there. There is too much in the salary too. He continued to talk about salary and police.

Mr. Fallon pointed out repeatedly that we are not talking about individuals' salaries or the salary line item as Mr. Ballard continued to talk about aspects not related to this line item.

Mark White said the Police' responsibility is to show up. And show up fast. You have to replace a lot of equipment with cars that are used in this way; we're talking about a fleet of cars in various stages of disrepair. You can get a lot of money for your old cars. Now is a good time to trade in a car.

Mark Barbadoro wanted to clarify a few things: he's really glad that we have a great police force, and appreciates what they do. As a percentage of their own budget, it is 25% higher than surrounding towns so just want to discuss that. If it is an unreasonable risk, then vote against the amendment. But if you think it is a reasonable thing to have 13 cars and trade in a couple to get a new vehicle at a reduced cost.

Simon Bunyard of Hill Rd. said the Fin Com has really looked hard at this budget and they have a command of the details. Mr. Bunyard agrees that we need to get new vehicles and he trusts the Fin Com to examine the budget. He wants to defeat this amendment and disagrees with last year's as well.

Nora Shine of Mayfair Dr. moved the question which carried by a 2/3 vote.

Motion on the amendment: defeated by a majority vote of 29 in favor, 90 against.

Mr. Fallon proceeded to read line item numbers and names.

Molly Wong had a question about the waitlist at Minuteman and asked what the mechanism is for them to go?

Becky Neville said because we're not in the district, they won't take our students. If someone got in we would have to pay for it.

Jeanne Kangas moved that line item 320 ABRSD be reduced by \$581,594. She pointed out that there are many nearby towns with higher ratings than ours. 6.4% is the increase for Boxborough. I realize that is according to a formula, but it's not sustainable and puts an undue burden on our families. The cuts were from part-time aides; the cuts should be in administration. I urge the Fin Com to meet with our School Committee in the fall; you'll put a shot across the bow of school expenses and tell them there is a limit and you've reached it if you vote for this amendment.

School Committee does not recommend. Fin Com does not recommend. Select Board does not recommend (4, with one abstention because of employment in the schools).

Christine Marlow said that the School Committee has a responsibility to reduce the budget. Don't retire the mascot when it will cost the town \$1.3 million and don't send teachers to California for DEI training. Don't cut assistants, when that is what we need most. They are spending our hard-earned tax dollars pushing a progressive agenda, but we should be just teaching them.

Eric Michnovez of Flagg Hill Rd. asked about the logistics of cutting an assessment; doesn't this mean that we can't just cut this? Ms. Neville asked that Superintendent Light and Dave Verdolino speak to this issue because yes, Acton's assessment would increase.

Mr. Fallon said yes, we can cut the assessment budget. But it has lots of consequences.

Peter Light, Superintendent of Schools spoke about the fact that Boxborough is 16% of the total budget and Acton would have the option to reduce their budget. We could convene a Special Town Meeting. We could go to a Regional Town meeting if there's a budget disagreement. Dave Verdolino (Finance Director) said you need a majority; either town not voting for it would be a majority. If Boxborough's assessment were reduced that much, we'd have to proportionally reduce the overall amount to the district by over \$3 million in order to proportionately decrease the budget.

Jennifer Campbell of Patch Hill Rd applauded the school system for supporting DEI and said that is in line with our values.

Mr. Ballard agreed with Ms. Campbell and said the previous speaker doesn't understand how it works. If priorities are out of whack, the percentage is in line with what is expected, we have health insurance trust increases. We are actually paying less now that we regionalized; we were paying \$18,000 per student. Now we are paying less as a district. The school district is not extravagantly spending money; if you look at the union contract for the teachers, in 2012 the bottom pay rate was \$42k and now the bottom rate of pay is \$53k – there has been no rate increase for teachers after inflation. The top grade was \$90k in 2012 and now it's \$97k – it should be \$111k in today's dollars. We've given a huge cut to the top teachers who have been there. Maybe class sizes have improved; but we are not wasting money on teachers we are wasting money on gadgets.

Vote on the amendment: amendment defeated by a majority vote.

Cheryl Mahoney pointed out that 710 Long-term debt isn't clear – our debt carry is going to increase in the future. What's the long-term impact?

Becky Neville tried to clarify how debt works over the long-term.

Mr. Fallon said look at page 97 of the warrant.

Mr. Terenzini placed last year's debt out for bidding at 2.9% at 15 year bonding, and it was structured for even principal. The least costly items are spread out over 6 years, and the most costly item is spread out over 14 years. In terms of structure and payment, you got a good rate. I can't speak to your long-term debt strategy. You do want to achieve debt smoothing. You can commit to bond payments every year. Whatever you appropriate tonight, you add to your recap in November.

Becky Neville – long term debts include Library, DPW, School, Liberty Fields, all things we've purchased in the past. Overall it's pretty steady if you look at the past few years.

Ms. Mahoney wanted a discussion about impact of debt and impact to her taxes. It was clarified that this is last year's debt. Ms. Neville said his happens with every warrant article but we'll put a slide in for next year if you want to request that the Fin Com chair does that.

Becky Neville moves to raise and appropriate \$24,468,636 with the cuts listed above, including adding \$7,271 for total salary 174 for Planning to \$250,910 and \$600,000 from free cash with the balance being raised through taxation.

Action on the motion on Article 5: Motion passed by well more than a majority.

Mr. Fallon noted that it was past 10:00 so asked for a motion to adjourn until Tuesday May 11 at 7:00 pm. Moved and seconded. Meeting adjourned at 10:52 pm.

ARTICLE 6 FUND COST ITEMS OF FIRST YEAR OF COLLECTIVE BARGAINING AGREEMENTS

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town will vote to fund the cost items of the first year of collective bargaining agreements between the Town and one or more of its unions, and further, to raise and appropriate, transfer from available funds, or otherwise provide such sums as necessary.

A	Boxborough Professional Firefighters, Local 4601	\$ XXXX
B	Massachusetts Coalition of Police, Local 200, Police	\$ XXXX
C	Massachusetts Coalition of Police, Local 200A, Dispatch	\$ XXXX
D	DPW Local 424M, Unit MA Div.125	\$ XXXX

Summary:

Funding for the first year of collective bargaining agreements must be approved by Town Meeting. This article is for the funding of the three-year collective bargaining agreements with the Town's four collective bargaining units for the one-year period July 1, 2022 – June 30, 2025 for the Town's four unions: Massachusetts Coalition of Police, Local 200, Police; Massachusetts Coalition of Police, Local 200A, Dispatch and Boxborough Professional Firefighters, Local 4601, and DPW (United Public Service Employees) Local 424M, Unit MA Div.125. At the time of the printing of the warrant the contracts had not been settled. If they are settled before Town Meeting, they will then be presented.

The Select Board recommends (5-0).

The Select Board recommends the approval of the Collective Bargaining Agreements (CBAs). The CBAs have been negotiated with the unions and the Select Board in collaboration with the negotiation team, we have strived to create agreements which are beneficial to both the Town as well as the respective Unions. At the time of the writing of recommendations the negotiations have not been finalized but we are hoping to have an update at Town Meeting.

The Finance Committee will defer their recommendation to Town Meeting.

Discussion on Article 6: Wes Fowlks moved to pass over Article 6.

Action on the motion to pass over Article 6 (made on Thursday May 12 after article 34): Carried unanimously.

Thursday, May 12, 2022 Meeting opened at 7:01 pm

ARTICLE 7 FIRE: ADDITION TO STAFF, INCLUDING BENEFITS

\$32,663 Raise & Appropriate

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to raise and appropriate \$32,663 for the hiring of an additional Full-Time Firefighter/EMT and to meet said appropriation by taxation.

Summary:

The current group staffing model for the Fire Department is one Full-Time EMT/Firefighter and one Per Diem EMT/Firefighter on duty 24/7. When a call for service comes in, 100% of the resources are engaged and unavailable for the duration of the incident. When a second call comes in during this period, there are no resources available to respond immediately to a possibly life-threatening situation.

In Fiscal Year 2021 and 2022, the Town made the first steps toward additional staffing by adding one Full-Time EMT/Firefighter to a shift Rotation each year. This brought these shifts to a total of three EMT/Firefighters. Two of the four shift rotations are still staffed with only two EMT/Firefighters.

This staffing model was implemented in 1988 and has not been changed in over 32 years. During this timeframe, the population has increased 150% and the number of calls annually has increased 250%. This addition in staff will enable the town to maintain coverage at the station when the Ambulance is dispatched out of town. Additionally, it is a step closer to meeting National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) required standards for Fire Safety.

The Federal Emergency Management Agency (FEMA) offers a reimbursement grant to municipalities for just this type of staffing change. The SAFER Grant (Staffing for Adequate Fire & Emergency Response) offers 100% reimbursement for three (3) years for salary and benefits. The Fire Department currently has a grant request pending for this fiscal year for 2 EMT/Firefighters.

If the SAFER Grant is awarded, the Town will hire two Full-Time EMT/Firefighters during the Recruitment Period and there will be no need to appropriate money with this article. If the SAFER Grant is not awarded, the Town will hire one Full-Time EMT/Firefighter in January 2023 if this article is successfully passed.

The Select Board recommends (4-1).

Majority (Pro): The majority of the Select Board recommends this article. The Town hired a Fire Chief ~3 years ago, who identified some staffing shortages within the Department. The Town had significantly understaffed EMT/Fire Fighters and relied heavily on Per-diem, which as a result left many of the shifts under staffed. The Select Board also recognizes that the Town will likely not be awarded the SAFER Grant, however we do believe that it is important to add this additional staff for the safety of our residents.

Minority (Con): A minority of the Select Board does not recommend this article. The addition of another Firefighter/EMT to the Town payroll, particularly given the unlikely awarding of the SAFER grant, should not occur this year. Beyond the salary and compensation costs, another Firefighter/EMT causes the Town to incur additional costs for uniforms and equipment. Before adding such expense to the taxpayers, the minority believes the Town should take another look at the operations/services that are required from this department based on current population data.

The Finance Committee recommends (3-2).

Majority (Pro): This is the third year of a four-year program to apply for US funds to fully fund additional EMT/FF personnel. The SAFER grant fully funds the additional staff including benefits for 2

years. If the SAFER grant is not approved then the Chief would plan to hire one additional EMT/FF in January 2023. The chief's goal is to have the Boxborough full time staff reach 8 EMT/FF over a number of years. We are currently at 6 full time employees plus the chief. The Chief is finding it harder each year to find per diem EMT/FF staff to support the station and be available for the various types of calls both in Town and on our stretch of route 495 we support. This will add \$16.72 to the average single family tax bill or \$0.025 per thousand.

Minority (Con): The Fin Com supports applying for the SAFER grant, but believes that we should delay hiring an additional EMT/FF this year if the SAFER grant is not approved.

Discussion on Article 7:

Select Board majority recommendation was given by Chair, Wes Fowlks (above); additionally, he stated that this year we are losing a long-term full time EMT/Fire Fighter.

Select Board minority recommendation was given by Diana Lipari (above).

Presentation by Fire Chief Fillebrown: this is the third year that he has presented this article. Currently the staff model is from 1988 (only 2 people on one shift), and by adding 1 EMT/FF in January 2022, now 50% of the shifts have appropriate coverage of 3 members per shift. When called for an emergency, the two-person shifts leave the town uncovered for any additional emergencies. The population in 1988 was 3,300 and now it's above 5,500; the number of calls has increased a lot (525 in 1988 and up to 1,482 in 2021). The SAFER Grant helps us meet minimum standards; it's a 3-year grant funding 2 full-time EMT/FFs. Having three EMT/FFs 24/7 is important. He showed images of 2 vs. 3 person shifts – two fires in town and the challenges of having only 2 people on, with no one to watch what's going on and back up the others.

Fin Com majority and minority recommendations (above) were given by Gary Kushner.

Action on the motion on Article 7: Carried by a majority vote.

ARTICLE 8 ASSOCIATE PLANNER

\$31,000 Raise & Appropriate

(Majority vote required)

Wes Fowlks, Select Board Chair, moved that the Town will vote to appropriate the sum of Thirty-One Thousand Dollars and No Cents (\$31,000.00) for the FY 2023 operating budget for the compensation and benefit costs of a part-time Associate Planner as follows:

Office of Land Use & Permitting	Act# 174 Personnel	\$30,000
Insurance	Act # 912 Workers Comp	\$500
Benefits	Act# 915 Medicare	\$500
Total:		\$31,000

And to meet said appropriation by taxation

Summary:

As the result of staff turnover, numerous recommendations from our audit firm and others to improve the staffing levels at Town Hall, and the inability to perform certain key functions if we lost the single individual devoted to a task, the Select Board instructed the Interim Town Administrator to "... create a staffing plan that covers the services Town Hall staffing requirements for Town Hall, inclusive of CoA (i.e. Council on Aging) and CSC (i.e. Community Services Coordinator) and DPW (i.e. Department of Public Works) as to building maintenance." That report was prepared under an assumption that all avenues to minimize costs would be explored. It was presented in December of 2021 and has now been reviewed by both the Select Board and Finance Committee. This article would fund the portion of the report dedicated to the activities which constitute the use of land and permitting of development.

The current job description for the Building Inspector & Code Enforcement Officer (BI/CEO) has three major functions. These functions are, in order, building permits/inspections, code enforcement, and building maintenance lead. It has been acknowledged by many that the third of those elements was added to justify the creation of a full-time position. It has been generally acknowledged that this has not worked well. It has also been generally acknowledged that the recruitment of a full-time Building Inspector is challenging – at best – across the Commonwealth, and that – absent the enforcement duties – a full time Inspector is neither needed nor justified.

The current Building Inspector has committed to three years with us for a scheduled three days a week of a scheduled 18 hrs/wk. While he understands he will need to do what is reasonable to accomplish the job, should it require modestly more than that, this schedule allows him to stay within the current "cap" on the hours that retirees may work while drawing their pensions. In addressing the reduced hours for the BI/CEO we have moved the building maintenance responsibilities to a new position within the DPW entitled Building & Grounds Team Leader.

While code enforcement responsibilities will remain with this position (excepting the exclusion of the Board of Health (BoH) orders which are more appropriately enforced by the BOH agent, Nashoba Associated Boards of Health), the Associate Planner would correspond with interested parties that file a complaint and provide background and review memorandum for use by the BI/CEO to reduce demands on their time and workload. This has been a relatively successful method of operation in the past when the town also had a part-time BI/CEO. This Associate Planner will also relieve the Town Planner of the more general support of the various advisory Boards and Committees that they currently provide, provide modest technical support for the Sustainability and Water Resources Committee(s), and enable research grant opportunities so that the Town Planner may concentrate on higher level functions.

The Select Board recommends unanimously (5-0).

The Select Board supports this article for the reasons stated in the summary. The addition of an Associate Planner will be beneficial to the town, as it will provide necessary support to this very busy and important department and the organization at large.

The Finance Committee recommends (4-1).

***Majority (Pro):** A majority of the Finance Committee supports this warrant article. This year it has become apparent that Town Hall is understaffed. The number of boards that rely on the Town Planner has grown substantially in the last several years. This position would support many of those boards. Additionally, by adding this 19.5 hour a week, unbefited position, the Town will only need a part-time building inspector, saving the town the cost of benefits and pension liability. The cost of this warrant article will be \$16.20 or .024 per \$1,000 on the average tax bill.*

***Minority (Con):** A minority of the Finance Committee does not support this warrant article. Additionally, the Interim Town Administrator is looking at using ARPA \$150,000 funds the to reconfigure the west wing of Town Hall to accommodate this position and is hoping to move both the*

Council on Aging and Community Services Offices out of Town Hall. The Town will have to look at renting space to house these offices thereby adding additional cost.

Select Board recommendation was given by Wes Fowlks (above); additionally, this is part of the Staffing Plan and hiring the Associate Planner would enable us to apply for more grants to reduce costs to the town overall.

Finance Committee majority recommendation was given by Gary Kushner (above) and **minority recommendation** was given by Becky Neville (above).

Discussion on Article 8:

Jeanne Kangas of Hill Rd. thinks this article is premature. We have a very qualified Town Planner about to come on board. Does she need an assistant and tear up Town Hall to kick out the COA and put them somewhere else? We don't know. The new Town Planner is well qualified, so why rush, considering the cost. We need to wait until the new person is on board, just as we did with the DPW, who didn't end up needing an assistant. This is premature and expensive.

Maria Neyland of Picnic St. stated that at the Select Board's December 27, 2021 meeting the Staffing Plan was presented. The Associate Planner was at the center of this plan; Mr. Terenzini said he would relocate COA/Community Services/Rec Com Assistant and support staff to a new site off site, as well as potentially using the Morse-Hilberg Room as office space.

Mr. Barbadoro and Mr. Ballard raised points of order that discussion of space was not relevant to this article. Mr. Fallon ruled that this discussion was relevant since the space issue was mentioned in the warrant.

Maria Neyland continued that the current community center lease will be up in the Fall of 2022 so you could do an RFP to relocate all of this team plus having a place with program space. This was reiterated at the January 24th meeting. At January 18th meeting you proposed to use ARPA funds to prioritize this; rental space is going for \$15-17/ square foot. That would be \$21,000-51,000 / year for a space, but we have no idea what kind of space you're talking about because this has not been vetted at a public meeting. It has not been raised with the COA either. It is not in the FY23 budget. Her question to the TA or SB is will we incur this cost if we hire an Associate Planner?

Carter Terenzini, Interim Town Administrator said that she is conflating the issues. The budget contains approximately \$67,000 for a part time Building Inspector; grand total of \$98,000 including the Associate Town Planner. If you do not use this approach you need to go back to needing to hire a full-time Building Inspector. That cost, if you are able to find one, would be approximately \$112,500-\$115,000. You save \$15,000 in FY23 by hiring an Associate Planner. In years 2-3, the contributions to the state pension system would go down by approximately \$25,000, phased in over 2 years. At the end of 3 years, you have saved approximately \$40,000.

Now let's talk about the space issue. It has been suggested many times that the planner and the associate planner share a space. They are relatively small and not well-illuminated or ventilated. There is \$140,000 in the ARPA spend plan. The first step of that would be to do a ventilation study of all of the building to improve ventilation. They are hopeful that some of the space will be rearranged, and barrier walls removed so that people are in open office space. They would then relocate the COA within Town Hall, using ARPA \$. It is the fear of the unknown. Right now there is program space that you're renting that is around \$15,000 per year (could be wrong) – it is part-time and temporary and the COA cannot set up the way the COA would like to (it is available only from 8am – 4pm). He knows there are conversations around that space with the landlord about improving this situation. You must

put out an RFP for a new space by June 30th, 2023 by statute 30B. Recreation has an admin with no office space, Community Services Coordinator upstairs and assistant across the hall, and COA downstairs. So when we go out to bid, wouldn't it make sense that these programs are all co-located?

Is it a given that this will happen? Is there a strong possibility that it will cost more? Possibly. How much does it save you if you have a new Land Use and Planning Dept model? That saves you \$40,000, so even if you have an increase of \$50,000 for new space, you're still ahead. And the COA would be in the same space as their program space.

Mark Barbadoro of Old Harvard Rd. asked "Is this article about an Associate Town Planner or a building? Can we hire someone without remodeling the building and relocating the COA?"

Mr. Fallon said that it is about hiring an Associate Planner but it is legitimate to discuss where the person would be located.

Wes Fowlks said I believe that is possible to hire the Associate Planner without changing the building around, yes.

Mr. Barbadoro asked if it would cost more \$ or less \$ to keep the Building Inspector part time?

Mr. Fowlks said less \$.

Mr. Barbadoro recommends hiring the Associate Town Planner. If you want to vote no on renovating the building, you can vote on that later.

Mark White of Sara's Way is going to vote for this Article, and is on two land use planning boards. An assistant in this new department will help the entire department and the volunteers who work on these boards; also we have a new Town Planner coming in and we want to support this person. Please support this article.

John Markiewicz of Patch Hill Rd., having been on the Planning Board for a long time, strongly supports this article. This was proposed many years ago by an old Town Planner, Elizabeth Hughes. A full time Building Inspector is very hard to hire and find, and the ARPA \$ costs the town nothing. People that put together proposals before we knew that we would be able to spend it the way we want to. We were lucky to get it as lost revenue, so we are going to honor the proposals already put in. I know there are many commercial properties coming up and we'll need this person, due to the complexities of the development coming down the road.

Rich Guzzardi of Reed Farm Rd. said we have to provide the support on a daily basis, especially for a new staffer coming on. He is on the Economic Development Committee and was talking to the Planner / EDC Director in Harvard – he said Boxborough is very different. In Harvard they have not had a site plan approval or subdivision in 20 years; Boxborough has a lot of volume. That kind of transactional work puts a load on the town planner. If you look at it from an Economic Development perspective, there are multi-national businesses that want to come in. They want to go into Town Hall and be able to get assistance. The planning office is where these businesses end up, and it is a complex effort. We also have small businesses that come into Town Hall, we need to have a Planning Office that is effective and responsive.

Cheryl Mahoney of Liberty Square Rd. said in 1989 when the Town first hired a Town Planner. The workload has tripled, but the model has not changed. For the past 2.5 years, the SB and the Planning

Board have been in discussions about the support the Planner must provide. There has been a long-term discussion of how things work in town hall with space. There have been lawsuits that have happened because of the planning dept/ building dept being short-staffed. We are using the same staffing model and our boards and population have tripled. COA using the Community Center was a stop-gap measure; the senior population continues to increase. She supports this article.

Becky Neville moved the question. Carried by a 2/3 vote.

Action on the motion on Article 8: Motion carried by majority.

ARTICLE 9 TOWN HALL STAFFING CHANGES

\$8,993 Raise & Appropriate

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to appropriate the sum of Eight thousand Nine Hundred and Ninety-three Dollars and No Cents (\$8,993) for the FY '23 operating budget for the compensation, insurance and benefit costs of increased hours and upgrades for existing employees as follows:

a.) Increased Standard Hours (From 19 hr/wk to 19.5 hr/wk)	\$2,133.00 (1)
Insurance (Acc't # 912)	31.00
Benefits (Acc't # 915)	41.00
b.) Additional Flexible/Floating Hours	\$3,716.00 (2)
Insurance (Acc't # 912)	54.00
Benefits (Acc't # 915)	71.00
c.) Upgrade Positions	\$2,778.00 (3)
Insurance (Acc't # 912)	73.00
Benefits (Acc't # 915)	96.00

And to meet said appropriation by taxation, with said funds being apportioned to certain budget accounts as set forth in the warrant.

Note: (1) Should this portion of the Article pass, the appropriated funds shall be apportioned to Town Accountant Acc't # 135) \$642.00, Treasurer/Collector (Acc't #145) \$746.00, Town Clerk (Acc't #161) \$745.00

(2) Should this portion of the Article pass; the appropriated funds shall be apportioned to Town Accountant Acc't # 135) \$494.00, Town Assessor (Acc't #141) \$988.00, Treasurer/Collector (Acc't #145) \$1,143.00, Land Use & Permitting (Acc't #174) \$1,091.00

(3) Should this portion of the Article pass; the appropriated funds shall be apportioned to Town Clerk (Acc't #161) \$733.00, and Land Use & Permitting (Acc't #174) \$2,045.00

Summary:

As the result of staff turnover, numerous recommendations from our audit firm and others to improve the staffing levels at Town Hall, and the inability to perform certain key functions if we lost the single
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individual devoted to a task, the Select Board instructed the Interim Town Administrator to "... create a staffing plan that covers the services Town Hall staffing requirements for Town Hall, inclusive of CoA (i.e., Council on Aging) and CSC (i.e., Community Services Coordinator) and DPW (i.e., Department of Public Works) as to building maintenance." It was presented in December of 2021 and has now been reviewed by both the Select Board and Finance Committee.

This article will fund the upgrade of two positions from Department Assistants to Administrative Assistants, as recommended in the report. Article funds would add 140 hours of additional flexible/floating hours across several departments which may be used during the course of the year at the discretion of the Department Head. Finally, this would move part-time employees from a standard work week of 19 hours per to 19.5 hours per week.

These additional hours are added at a nominal increase in the costs of insurance and benefits and avoid moving to full-time or full-time reduced hours employees until we can see how these additions – and changes to workflow – improve productivity.

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. This is one measure to implement the Staffing Model that was prepared to determine where additional support was needed at Town Hall.

The Finance Committee Recommendations:

a) Changing 19 hour a week staff to 19.5 (3-2)

Pro: A majority of the Finance Committee supports this warrant article. This year it has become apparent that Town Hall is understaffed. This would add some much-needed help without adding head count.

Con: A minority of the Finance Committee does not support this warrant article. By increasing the positions to 19.5 we are adding \$2,205 to the payroll. This has been a very difficult year and we do not think adding this amount to the budget is necessary.

b) Floating Hours (3-2)

Pro: A majority of the Finance Committee supports this warrant article. This year it has become apparent that Town Hall is understaffed. This would add some additional hours for Department Assistants and Administrative Assistants to cover the office when a department head is out due to vacation, illness or resignation.

Con: A minority of the Finance Committee does not support this warrant article. It is not clearly defined how this time will be used. This has been a very difficult year and we do not think adding this amount to the budget is necessary.

c) Upgrade Positions (5-0)

The Finance Committee recommends this article. Job responsibilities for some positions have changed over time and need to be updated.

The total tax impact for Votes 1, 2, and 3 is \$5.15 on the average single-family house or \$0.0076 per thousand valuation

Discussion on Article 9:

Jeanne Kangas of Hill Rd. supports this article. Mr. Markiewicz gave her information about how the town was staffed 20 years ago. Back then we have the same number now. There has been no change in 20 years, and yet the town has grown considerably over the years. Other departments: dispatch is

up 5, DPW up 2, Fire up 3, Library up 4, police up 5, Town Hall not up at all. I think we do need more staff hours and time at Town Hall. It's prudent, although she hates to spend \$.

Susan Bak of Burroughs Rd. moved to divide the question into three votes.

Discussion on motion: Ms. Bak supports the last part (c), but doesn't see that the additional ½ hr is going to make much difference, and the floating hours feels like a slush fund. But she would support the upgrade of positions (the last part).

Action on the motion to divide into three votes: 41 for and 27 against.

Discussion on vote a:

Wes Fowlks of Stow Rd. said these are tools that we can use to support the staffing plan and he encourage us to use it. We may not even need to spend all the money, but it is good to have this as an option for the staff.

Heather Fleming of Stow Rd. wanted to echo Wes' statements and that it's a vote of confidence adds up to support the people who are working at Town Hall.

Cheryl Mahoney of Liberty Square Rd. asked if this 0.5 hrs was part of the personnel plan that was presented to the SB?

Mr. Terenzini said it was.

Ms. Mahoney said that this is step one and it may be clear that more support might be needed. That extra half hour can mean a lot. Regarding the point about Friday: on Fridays Town Hall was closed prior to the TA before this one. Previously Friday was a catch-up day for staff to prepare documents and file.

Mr. Markiewicz strongly supports it and pointed out that our staff at Town Hall need to be recognized. It is the life and livelihood of our staff that get discussed at Town Meeting; the three items together will at \$0.075/tax bill so for that amount we strongly support

Steve Jefferies of Sargent Rd. asked if everyone at Town Hall would get the 0.5 hr.

Mr. Terenzini said this moves the part time staff to 19.5 hrs. It is the lowest cost means of getting a benefit to staff, but not triggering the level at which you need to provide staff benefits.

Mr. Jefferies ask what the roles are?

Mr. Terenzini said that the departmental assistants and administrative assistants supporting COA, Assessor/Accounting, Town Clerk, Treasurer/Collector.

Motion on Vote a carried by a majority vote.

No discussion on Vote b.

Motion on Vote b carried by a majority vote.

Discussion on Vote c.

Owen Neville of Middle Rd. asked to clarify dollar amounts on Vote c and whether the costs of a and b depend on the Vote on c. and would we need to revisit the other two articles based on the vote on c.

Mr. Terenzini said that c upgrades positions, so there would be different dollar amounts by a tiny fraction.

Motion on Vote c carried by a majority vote.

FINANCIAL CONSENT AGENDA #1 #10-21

Mr. Fallon explained the procedure for financial consent agenda.

Dave Follett of Cobleigh Rd. asked to hold Article 11

Main Motion: Wes Fowlks Select Board Chair

Wes Fowlks moved to approve the Financial Consent Agenda Warrant Articles 10 and 12 through 21 in accordance with the funding sources and amounts set forth in the 2022 Annual Town Meeting warrant under articles 10 and 12 through 21 respectively.

Action on the motion: Motion carried unanimously.

ARTICLE 10 POLICE/FIRE INJURY COVERAGE TRANSFER (*)

\$38,774 Free Cash

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to transfer the sum of Thirty-Eight Thousand Dollars, Seven Hundred Seventy-Four (\$38,774), more or less, from Free Cash to the Injury Leave Indemnity Fund, established under Article 8 of the 2016 December Special Town Meeting, and authorized by MGL Ch 41 § 111F.

Summary:

In Special Town Meeting in December 2016, Section 60 of the Acts of 2016 (from the Municipal Modernization Act) was accepted, establishing the fund for this purpose. At present, the fund has been drawn down to approximately \$11,226. Calculations have shown that a balance of \$50,000 is an optimal amount to cover the absence of one injured employee for a year. This fund is used to offset the difference in any insurance payments received to cover the unfilled shifts caused by an employee who is absent due to an on the job injury. In the event of an off the job injury, this fund could be used to offset the difference between budgeted sick leave and actual costs for an extended absence. This fund would also be used for independent medical examinations requested by the Town.

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. We feel it is important for the town to ensure funding is in place in the unfortunate instances where an employee is injured so that we can continue to operate fully-staffed.

The Finance Committee recommends unanimously (5-0).

The Town created a special fund 6 years ago for when a member of the protection team (police or fire) are hurt on the job. This fund covers officer or EMT/firefighter replacement until insurance reimbursement catches up or is not enough to cover the costs. The fund is being used and will require some replenishment.

Action on Article 10: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 11 CABLE SERVICES AND EQUIPMENT (*)

\$ 97,224

(Majority vote required)

Wes Fowlks, Select Board Chair moved that Town vote to appropriate the sum of Ninety-Seven Thousand Two Hundred Twenty-four Dollars (\$97,224), said funds to be transferred from the PEG Access and Cable Related Fund receipts reserved for appropriation account, for the purpose of providing for FY 2023 cable TV operations and for the acquisition of new equipment to improve the quality of the Town's cable television broadcast quality and expand meeting coverage.

Summary:

This provides funding for Videographers to staff/record Select Board, Planning Board, and Finance Committee meetings, as well as the Annual and Special Town Meeting events. (\$6,500). LCTV services are the majority of this appropriation (\$73,000) and include all organizational and management services for Cable broadcasting. The remainder of the budget is for On-Demand Hosting and Streaming Services (\$3,200), and other expenses related to connectivity and new hardware including cables, video equipment, etc. (6,000). There is also an encumbered balance of \$8,524 for legal fees to complete the 2021 renegotiation of the cable franchise contracts with Verizon and Comcast and the Town.

The funds for this article are appropriated from Cable Franchise fees paid to the Town from Comcast and Verizon subscribers. Any funds remaining unspent at the end of the year are returned to the Cable fund for re-appropriation in a subsequent year.

The Select Board recommends unanimously (5-0).

The Select Board recommends this article, as it believes broadcasting and recording of meetings is an important function of Democracy. Additionally, the Select Board would like to use this opportunity to advise the residents that likely a majority of this funding will be shifting to the general population as the majority of the burden has been carried by subscribers to Cable TV services (Verizon and Comcast). However, as the number of subscribers dwindle, the fees collected and given to the town dwindle as well. There is currently legislation being considered at the State level which would collect a tax on streaming services, but absent of that legislation passing the burden of recording and broadcasting will be transitioning to the residents of the town at large.

The Finance Committee recommends unanimously (5-0).

This is the annual acceptance of the funds from the cable subscribers in Town who pay a portion of their bill to fund this appropriation.

Discussion on Article 11:

Dave Follett of Cobleigh Rd asked when are we cutting the cord with Cable?

Wes Fowlks said there is a little more complexity to this. There is legislation at the state level that is about taxing streaming services. There is a lot of post-production work that happens afterwards in order to broadcast to homes.

Mr. Follett, who works in technology said that it doesn't address the question.

Mr. Fowlks said this allows us to appropriate the funds from the cable right of way agreements that we have with Verizon and Comcast. The funds would still need to be appropriated so we need to think about whether we want to record meetings, because regardless of how we are streaming them, this amount would need to be supplemented with free cash. It depends on whether people want to discuss in the future the need to have these and other meetings recorded.

Michael Toups of Pine Hill Rd. discussed the idea of renegotiation of the PEG agreement. There are hidden fees. Does the town negotiate with the cable companies in any way?

Mr. Fowlks said that Verizon and Comcast are negotiating shorter and shorter contracts (only for cable TV, and only 50% of households currently have cable). This would likely shift the burden to each taxpayer. The PEG fees could be negotiated, but the BXB TV recording services provided by Kirby are very valuable.

Mr. Toups said he agrees that the broadcast is very important but we need to make sure that we're aware of how we're paying for this.

Ms. Mahoney doesn't disagree with Mr. Follett or Mr. Fox but this is an immediate funding question. The long and short of this is if you don't vote to approve this, the town will be unable to use this \$97,000. This money is sitting in the bank, but this vote must pass for the transfer to happen.

Action on the motion on Article 11: Motion carried unanimously.

ARTICLE 12 TRANSFER TO OPEB TRUST FUND (*)

\$ 50,000 Free Cash

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to transfer from free cash the sum of Fifty Thousand Dollars (\$50,000), for the Other Post-Employment Benefits Liability Trust Fund established under Article 25 of the 2010 Annual Town Meeting, and authorized by MGL Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees.

Summary:

This article proposes to continue the annual transfers that the Town has made to the OPEB Trust Fund, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees. To-date, the Town has authorized the transfer of \$750,000 to the Fund with current balance of approximately \$1,094,714.39.

The Select Board recommends unanimously (5-0).

The amount proposed in this article will continue the effort started in 2012 to make a small but actuarially significant contribution to fund the Town's liability for retirees' healthcare benefits. The proposed amount of our Fiscal Year 2023 contribution represents a reasonable balance between actuarial estimates of future liabilities and the estimated future value of the accumulating and compounding trust fund contributions. Failure to fund this OPEB obligation through regular and actuarially significant contributions may, in the future, affect the Town's Standard and Poor's AAA credit rating.

The Finance Committee recommends unanimously (6-0).

This will continue the Town's annual transfer into the OPEB (Other Post-Employment Benefits) trust fund to offset anticipated expenses related to providing post-retirement health and life insurance to retired Town employees.

Action on Article 12: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 13 DEPARTMENTAL REVOLVING FUNDS EXPENSE LIMITS (*)

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote, pursuant to the provisions of G.L. c. 44 §53E½, as most recently amended, and the Town's Revolving Fund Bylaw to set the FY 2023 spending limits for the Town's revolving funds as follows:

GIS Assessor Maps	\$ 5,000
Conservation Commission	\$ 20,000
Community Gardens	\$ 2,000
Fire Alarm System Maintenance	\$ 20,000
Plumbing & Gas Inspection	\$100,000
Electrical Inspection	\$150,000
Animal Control	\$ 75,000
Council on Aging Programs	\$ 25,000
Senior Van	\$ 32,000
Library Fines	\$ 10,000
Library Photocopier	\$ 2,500
Field Permitting	\$ 10,000
Recreation Programs	\$ 25,000
Steele Farm	\$ 10,000

Summary:

In 2016, the Municipal Modernization Act provided for the establishment of Revolving Funds by bylaw. In May 2017, Town Meeting approved a general bylaw, which established the various revolving funds for the Town, as well as specified the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend from each fund. Moving forward, instead of having to re-authorize the revolving funds each year, Town Meeting is required only to establish the spending limits for the various Revolving Funds.

The proposed spending limits are noted in the table above. This year, increases in the Fire Alarm System Maintenance Fund and the Recreation Programs fund are proposed. Each of these funds has been restricted in the last few years and increasing these limits will allow for expansion of allowable expenses within the parameters established. There are available funds available and revenues incoming to support these increases.

The Select Board recommends unanimously (5-0).

These revolving fund spending limits were set up for the purpose of carrying out the Departments' normal function and defraying the routine, predictable expenses associated therein.

The Finance Committee recommends unanimously (6-0).

The revolving fund spending limits must be approved on an annual basis by Town Meeting.

Action on Article 13: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 14 FIRE DEPARTMENT: BUILDING IMPROVEMENTS (*)

\$30,000 Free Cash

(Majority vote required)

Wes Fowlks moved that the Town vote to transfer from free cash the sum of Thirty Thousand Dollars (\$30,000), to provide for the replacement of a fire detection system.

Summary:

We are replacing an over 20-year-old fire alarm system and bringing the alarm system up to today's NFPA standards and state requirements.

This current fire alarm system was last upgraded over 20 years ago, the used both existing and used equipment for the upgrade. The fire alarm panel in the building, currently cannot be upgraded. We are seeking to add new heat and smoke detectors; a new panel and we will also be adding carbon monoxide detectors to the system to be monitored that are currently not.

This system we are replacing will be providing protection and detection for both staff and all fire department equipment.

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. Fire alarms and smoke detectors should be completely up-to-date in order to protect our employees at the Fire Department.

The Finance Committee recommends unanimously (5-0).

The FinCom recommends this article for protection of our EMT/FF in the case of an emergency. We know that there is a strong need to replace our fast-fading building, but we are at the point where we have to repair some of the building systems while we work through the process of developing a replacement. In this case the fire detection system has failed and must be replaced. This article will be funded by free cash.

Action on Article 14: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 15 FIRE DEPARTMENT CISTERNS INSPECTIONS AND REPAIRS (*)

\$15,000 Free Cash

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to transfer from free cash the sum of Fifteen Thousand Dollars (\$15,000), to provide for the cistern and fire pond maintenance and repairs.

Summary

The Boxborough Fire Dept was awarded an amount of \$142,500.00 from the American Rescue Plan Act of 2021 for use in Maintaining, Servicing, and Evaluating our Cisterns and Fire Ponds located throughout the town. The Town of Boxborough has no municipal water supply, and all our fire suppression efforts are supplied by these fire ponds and cisterns. The 53 Water Sources that are distributed throughout the town need to be tested yearly to make sure they will be reliable when an emergency occurs. The study will clean, evaluate, and test the fire ponds and cisterns that are in most need of service. The Fifteen Thousand dollars will be used for repairs and maintenance of these fire ponds and cisterns as addressed as the primary concerns for repairs that are not covered in the ARPA funding

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. Reliable water sources in a town with no town water supply are crucial to fire safety.

The Finance Committee recommends unanimously (5-0).

There are close to 60 cisterns in Boxborough, but the full state of each of the cisterns is not known. The plan is to review each of the cisterns over the next few years. We would then replicate the series of reviews every 7 to 10 years and will be covered in the capital plan.

Action on Article 15: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 16 FIRE DEPARTMENT: MATCH GRANT FUNDS FOR PUMPER TRUCK (*)

\$20,000 Free Cash

(Majority vote required)

Wes Fowlks, Select Board Chair, moved that the Town vote to transfer from free cash the sum of Twenty Thousand Dollars (\$20,000) more or less, to match a potential grant through FEMA AFG program (Federal Emergency Management Agency Assistance to Firefighters Grant) for the purchase of a pumper with additional carrying capacity for water, provided that said funds may only be expended upon the award of said grant.

Summary:

The Boxborough Fire Department applied for this grant to replace a piece of Fire apparatus that is over 30 years old and currently out of service. The current apparatus is currently slated to be replaced next year per the capital plan. If awarded the grant, the Town's portion for this apparatus is 5% of the total applied for (\$400,000). If the Grant is not awarded, these funds will not be used and returned to free cash. If not awarded the grant, we will apply for the grant again in the next period and also seek the full funding from Town meeting, if the second grant is unsuccessful.

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. This grant is an excellent value for the town, and meets a need for our continued fire safety. We applaud the Fire Department for seeking out this source of funding.

The Finance Committee recommends unanimously (5-0).

The FinCom recommends this article as a win for the Town. Currently the Town has one tender and a hose truck. The hose truck carries a large amount of hose, but the hose is only good if there is a cistern in the area of the emergency. The Chief believes it would be better for the Town to purchase a second tender and remove the hose truck from the fleet. The plan is to replace the hose truck by a second tender in 2 years. While a tender typically runs in the 100's of thousands of dollars, in this case the Town is seeking a grant. The grant would allow the Town to purchase the tender 2 years earlier and cost the Town approximately \$20,000 out of free cash.

Action on Article 16: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 17 DPW – DUMPSTER (*)

\$10,000 Free Cash

(Majority vote required)

Wes Fowlks, Select Board Chair, voted to transfer free cash the sum of Ten Thousand Dollars (\$10,000), to purchase a new 30 yard open top roll-off container to replace an existing roll-off container for use at the Transfer Station.

The Select Board recommends unanimously (5-0).

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

The Finance Committee recommends unanimously (5-0).

The Finance Committee recommends. This article replaces one of the existing large dumpsters at the transfer station. The current dumpster is at its end of life.

Action on Article 17: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 18 COMMUNITY PRESERVATION FUND – CPC REPORT AND ESTABLISH FY23 RESERVES (*)

(Majority vote required)

Dennis Reip, Community Preservation Fund Chair moved that the Town vote to hear and act on the report of the Community Preservation Committee on the FY 2023 Community Preservation budget and to appropriate from the Community Preservation Fund FY 2023 estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY 2023; and further, to reserve for appropriation from said estimated annual revenue a sum of money for open space, including land for recreational use, community housing, and historic resources purposes, and for a FY 2023 Budgeted Reserve; all as recommended by the Community Preservation Committee.

\$25,000	open space, including land for recreation use
\$25,000	community housing purposes
\$25,000	historic resources
\$175,000	FY 23 budgeted reserve
\$5,000	to meet the administrative expenses of the Community Preservation Committee

Summary:

Each fiscal year, the legislative body, i.e. Town Meeting, must appropriate or reserve for future appropriation no less than 10% of the estimated annual revenue to be set aside or spent for each of the three categories of allowable community preservation purposes. Up to 5% may be spent on administrative expenses.

This year, the Community Preservation Committee is recommending that the following estimated amounts be set aside from estimated annual revenue:

Additionally, the CPC is recommending that an amount of \$5,000 be set aside to meet the administrative expenses of the Community Preservation Committee. These expenses include legal fees, project signs, and membership in the Community Preservation Coalition.

“Estimated annual revenue” is the total of the amount to be collected in the upcoming fiscal year, i.e. FY 2023, under the local surcharge and the November state matching funds for the prior fiscal year.

The Community Preservation Committee recommends unanimously (8-0).

The Select Board recommends unanimously (5-0).

The Select Board unanimously recommends for the reasons listed in the Summary.

The Finance Committee recommends unanimously (5-0).

The Finance Committee Recommends.

Action on Article 18: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 19 COMMUNITY PRESERVATION FUND – COMMUNITY HOUSING – BOXBOROUGH RENTAL ASSISTANCE PROGRAM (BRAP) (*)

\$38,050 CPA (Housing/Budgeted Reserve)

(Majority vote required)

Al Murphy, of the Housing Board, moved that the Town vote to appropriate from the Community Preservation Fund Community Housing Reserve the sum of Twenty-Seven Thousand and Fifty Dollars (\$27,050), and the sum of Eleven Thousand Dollars (\$11,000), from the Community Preservation FY23 budgeted reserve for the Boxborough Rental Assistance Program (BRAP) as recommended by the Community Preservation Committee.

Summary:

The Boxborough Rental Assistance Program (BRAP) provides rental assistance to income-eligible households who are renting qualifying housing units in Boxborough. The program provides housing stability and housing opportunities to cost-burdened renters. It targets households that have low

incomes and assists seniors, disabled adults, and families with minor children. It helps households attain self-sufficiency. Although State and Federal programs with similar goals, such as the Federal Section-8 or Massachusetts Rental Voucher Programs, currently exist, they are oversubscribed and have long waiting lists. The BRAP has been used as a model for similar programs in other Massachusetts towns.

A subsidy of \$250/month is provided by BRAP and is paid directly to the participating household's landlord. Households may renew their participation for a total of three years, subject to annual income eligibility verification. However, this limit of the participation period has been temporarily extended in the past year because of the COVID-19 pandemic. Participating landlords have expressed appreciation for the program and a desire to help their tenants. This will be the seventh year of the BRAP. It began with a six-household pilot program in 2016, was expanded to twelve households in 2017, and has continued at this level through 2021.

We expect to continue as part of the Assabet Regional Housing Collaboration that is implemented by Metro West Collaborative Development (Metro West CD). The table below includes the budget for administrative support of the BRAP. Eligibility determination will be performed through Metro West CD, as in previous years. In addition, administrative funds are requested to expand the program's outreach. BRAP flyers are now available in English, Portuguese, and Spanish. The direct costs of the rental assistance are based upon assisting twelve households at \$250.00 per month for one year. The total program costs are shown below.

Total BRAP Costs

Cost Category	7/1/22 to 6/30/23
Direct Program Cost	\$36,000
Administrative Costs	\$2,050
Total	\$38,050

The total funds requested are \$38,050. Of this amount, \$2,050, or 5.4%, represents administrative costs.

The Community Preservation Committee recommends unanimously (8-0-1).

The Housing Board recommends unanimously.

The Well-Being Committee defers their recommendation to town meeting.

The Planning Board recommends unanimously (5-0).

The Select Board recommends unanimously (5-0).

The Housing Board's Rental Assistance Program serves a segment of the community that cannot afford to purchase housing. Administered through the Community Services Coordinator, this initiative of the Housing Board makes effective use of CPA funds to provide assistance to Boxborough residents with critical housing needs.

The Finance Committee recommends unanimously (5-0).

The Boxborough Rental Assistance Program (BRAP) was able to assist households during FY22 by issuing rental assistance to those who met strict eligibility requirements (with coordination from the Town's Community Services Coordinator, who assists recipient families to improve their financial situation, so they can eventually support themselves without BRAP assistance). The BRAP intends on continuing this level of support during FY23 and their request of \$38,050 will allow this to proceed.

Action on Article 19: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 20 COMMUNITY PRESERVATION FUND – OPEN SPACE (INCLUDING RECREATION) – CONSERVATION TRUST FUND (*)

\$10,000 CPA (Open Space)

(Majority vote required)

Dennis Reip, Chair of the Community Preservation Committee moved that the Town vote to appropriate from the Community Preservation Fund Open Space Reserve the sum of Ten Thousand Dollars (\$10,000), and to transfer the funds to the Conservation Trust fund for Community Preservation purposes as recommended by the Community Preservation Committee.

Summary:

The Conservation Trust Fund (CTF) is used to fund the acquisition, capital improvement, preservation, and management of the Town's Conservation Land. For the past 11 years the CTF has been funded by an approval of an annual Warrant Article at Town Meeting with funding for the last 5 years provided by the Town's CPA funds. This request for CPA funds is intended to continue the annual cycle funding of the CTF and provides an immediate and dedicated source of money to pay for anticipated land management needs.

Approving CPA funds for the CTF is consistent with Boxborough2030 and the Town's Open Space and Recreation Plan:

"Action 1.3.1.5. Include a line item in the Town Meeting Warrant each year for the Town's Conservation Trust Fund, to provide funding for land acquisition."

The Community Preservation Committee recommends unanimously (8-0-1).

The Conservation Commission recommends unanimously (6-0).

The Planning Board recommends unanimously (5-0).

The Select Board recommends unanimously (5-0).

The Select Board supports the Conservation Commission in its request. The Conservation Trust Fund enables the Commission to carry out a variety of prudent activities including land value assessment, engineering and other services in support of potential land acquisition that might otherwise not happen due to the time constraints of the opportunity.

The Finance Committee recommends unanimously (5-0).

The Conservation Commission has used this fund to deal with the expense of maintaining and evaluating conservation land, and it also serves as a resource which can be used to help with possible land acquisitions. It could also contribute to the due diligence (environmental testing, design, legal support, etc.) expenses of evaluating the suitability of such land. This year's request of \$10,000 which matches previous years request will replenish and maintain the CTF to a level that is consistent with the past years.

Action on Article 20: Passed unanimously as part of the Financial Consent Agenda.

ARTICLE 21 COMMUNITY PRESERVATION FUND – HISTORIC RESOURCES – CEMETERY RESTORATION (*)

\$9,500 CPA (Historic Resources)

(Majority vote required)

Owen Neville of the Cemetery Commission moved that the Town vote to appropriate from the Community Preservation Fund Historic Resources Reserve the sum of Nine Thousand Five Hundred Dollars (\$9,500), for Community Preservation purposes to restore and stabilize monuments and other structures in the North and South cemeteries as recommended by the Community Preservation Committee.

Summary:

This project will allow the Cemetery Commission to continue the process, begun four years ago, of stabilizing and restoring the monuments and other structures in the North and South cemeteries. Age and other factors have brought this far beyond normal perpetual care.

The Community Preservation Committee recommends unanimously (8-0-1).

The Cemetery Commission recommends unanimously (3-0).

The Historical Commission defers their recommendation to town meeting.

The Planning Board recommends unanimously (5-0).

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. The town cemeteries are historical and meaningful sites in town, and we need to preserve them. Using CPA funding is an excellent way to do this.

The Finance Committee recommends unanimously (5-0).

Finance Committee fully supports the continued renovation and repair of North and South Cemetery as a historic town site and supports that this work be covered under CPA Historic funding.

Action on Article 21: Passed unanimously as part of the Financial Consent Agenda.

Night Two. *Town meeting reconvened May 10, 2022 and was called to order by John Fallon at 7:02 pm.

Mr. Fallon noted that he has recognized a member of the community's long-term service as a volunteer in the past, but has not yet recognized his service as a town employee: Bob Stemple is running his last shift at the Fire Department this week, and has been keeping us safe for about 25-26 years.

Mr. Fallon reminded the meeting that it had voted on Monday that Article 22 was to be taken up first on Tuesday, spend 45 minutes on Article 22, and then table Article 22 and move to Article 23. He also reminded the meeting that a vote was taken Monday to have Dennis Reip take over as Moderator for Article 22 because Mr. Fallon had put this article on the warrant.

Mr. Reip came to the table on the stage to take over the meeting; Mr. Fallon moved to the podium on the floor.

ARTICLE 22 AMEND SECTION 6 OF THE FINANCE COMMITTEE BYLAW

(Majority vote required)

John Fallon, Town Moderator moved that the Town vote to amend Section 6 of the Boxborough Finance Committee Bylaw, codified as Article 3 § 1 of the Town's General Bylaws, to add the language in bold italics and to delete the language indicated by strikethroughs as printed in the warrant.

SECTION 6. The **Town Administrator shall, after consultation with the Select Board, solicit from the** various Town boards, officers, **commissions, and** committees, **and departments** charged with the expenditure of Town money **their estimates of the amount of money necessary for meeting their capital and operational needs for the ensuing fiscal year and** and those voters submitting special articles authorizing expenditures of Town money shall, not later than the fifteenth day of January of each year, prepare and submit to the Select Board in duplicate on forms provided by the and Finance Committee for the purpose detailed estimates, **in the form of a proposed budget, deemed by the Town Administrator to be necessary** of the amounts deemed by them necessary for **meeting said needs together** the administration of the respective offices or departments for the ensuing fiscal year with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year **and** They shall also prepare, in like form estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their **respective boards, offices, commissions, committees, or** departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Finance Committee who shall at once transmit a copy of same to the Town Accountant. **The Town Administrator shall present and defend the same throughout the review process by the Select Board and Finance Committee. The Finance Committee shall approve and finalize the budget they deem necessary and appropriate to be inserted in the Annual Town Meeting warrant and present the same to the Annual Town Meeting.**

Summary:

The Select Board has indicated that they intend to have the position description of the new Town Administrator reflect the recommendations in the 2017 report of the Town Government Study Committee (TGSC). The TGSC report recommended that the Town Administrator assume coordination and management of the budget process while the Finance Committee continues to have responsibility for finalizing and approving the budget that is inserted in the Annual Town Meeting warrant and presenting this budget to Annual Town Meeting. In order to make adoption of this TGSC recommendation possible, Section 6 of the Finance Committee bylaw needs to be amended.

The Town Moderator submitted this article.

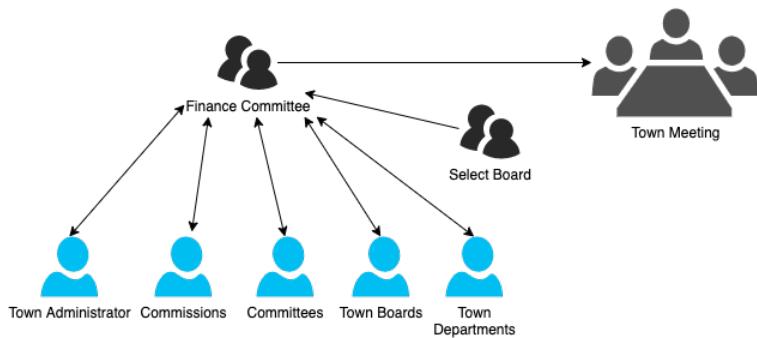
The purpose of this amendment is to enable the Select Board to hire a new Town Administrator with the job description they desire. A budget process similar to that outlined in the amendment was actually followed in most of the past few years and worked well.

The Select Board recommends unanimously (5-0).

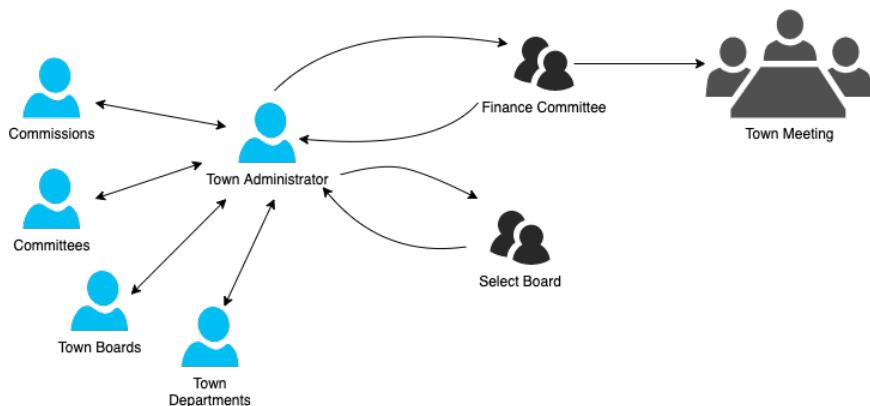
The Select Board unanimously supports the proposed changes to the Finance Committee bylaw as proposed by the Moderator. These changes reflect the practice of the past several years (excluding the current fiscal year) for preparing, reviewing and critiquing the budget and then presenting it to Town Meeting.

The Select Board fails to see how the Town's long-term interests would be best served fiscally by having the same entity prepare the different budgets as well as critique them and then present them to Town Meeting. The Select Board believes the Town's residents would be better served with separate entities preparing the budget from the entity who is charged with critiquing and reviewing the budget before it goes to Town Meeting, which has again been the practice of the last several years excluding the current fiscal year. The following diagram is to illustrate visually the proposed changes in budgeting structure.

Current Finance Committee Bylaw



Proposed Changes to Finance Committee Bylaw



These changes if approved would also be in-line with the proposal from the Town Government Study Committee whose report and recommendations were accepted and adopted by two different Select Boards. It will also help to provide clarity of responsibility for the next and future Town Administrators.

The Select Board believes that approving these proposed modifications from the Moderator is not only best practice but common sense and in the best interest of the residents of the Town. Accepting the proposed changes will effectively codify the practices that have been occurring for the last several fiscal years with the exclusion of the current year and provide more fiscally rigorous review of the Town's budget.

The Finance Committee does not recommend unanimously (0-6).

The Finance Committee does NOT recommend this bylaw change. In addition, the Town Government Study Committee did not indicate a need for a change. As the moderator pointed out the process has worked well many years with the Town Administrator, the Accountant, and the Department Heads creating budgets and then providing budget books in mid-December to the Select Board and the Finance Committee.

When discussing this bylaw change, a member of the current Select Board said that the fact FinCom Liaisons meet with department head is a concern. It is precisely because FinCom meets with department heads to discuss in great length a department's budget, we are able to budget in a manner that has allowed the town to moderate the town's tax rate as much as possible. For many years we have been able to tax well below our allowable amount, in fact this year we are taxing nearly

\$3,000,000 below the levy. If this By-law amendment is accepted the FinCom would not be “allowed” to speak directly to department heads or committees regarding budget. This would hamper our ability to make thoughtful educated decisions on budgets.

This year due to many factors, the Finance Committee had no choice but to work directly with department heads. We collected budgets and reviewed them in order to provide budgets to be placed in Article 5. Had these bylaw changes been in place this would not have been “allowed” and the FinCom would not have had the time or information it needed to make thoughtful and educated recommendation of Article 5.

The FinCom believes that this bylaw change is detrimental to the Town as it weakens a strong and independent Finance Committee and that is not in the best interest of the taxpayers and our community as the FinCom provides guardrails for the budgeting process.

Discussion on Article 22:

Rich Guzzardi of Reed Farm Rd. made a **motion to pass over Article 22**. It was seconded and Mr. Reip clarified what this procedural motion would mean.

Mr. Fallon did not take a position on this motion. Mr. Fallon wanted to clarify why he introduced the Article in the first place. The Select Board wanted to propose a bylaw that would allow the Town Administrator to have a strong job description, including the power to run the budget process. The only way that could be done would be to change the bylaw. Mr. Fallon thought it was inappropriate for them to propose a bylaw; this bylaw is not a vote of no confidence in the finance committee.

Mr. Reip clarified that this discussion was on the motion to pass over.

The Finance Committee supports passing over this article. There was never any discussion between the Select Board and The Fin Com about this article. We should work together to provide clarity, efficiencies and increased transparency.

The Select Board unanimously does not recommend passing over. This is a proposal by the Moderator to support what the Select Board believes is a good managerial style.

Mr. Guzzardi believes intentions are solid across the board, but that this is a bylaw that could potentially change the way we develop, vet and approve a budget. Seeing the opposition across Select Board and Fin Com for us to have to pick a side. If we do this, it is potentially a long-term mistake. He understands why it was proposed, and understand that the Fin Com has concerns, so that's why he recommended to pass over this article.

Mark White of Sara's Way agreed with Mr. Guzzardi's amendment. Because there was no resolution or discussion between the two committees/boards; this town is in no position at this time to be making these kinds of decisions. A lot of things have changed; if it ain't broke don't fix it.

Simon Bunyard of Hill Rd. said that this motion is an effort to kill this article without debating it. It's an important enough issue that we should have the debate about it. It's a shame that the two boards haven't had discussion about it and come to consensus. We should have this discussion now. Maybe if it's voted down we can come back next year after better discussion and compromise.

Michael Toups of Leonard Rd. asked if it could be brought up again.

Diana Lipari of Littlefield Rd. said it is disappointing that people are trying to block the discussion about this article. This is about a discussion about the Town Administrator as a strong administrator. We should hear arguments pro and con and because we're going to hire a Town Administrator so it is time to have the debate now. We shouldn't prevent debate.

Tom Johnson of Barteau Ln. wants to support discussing the article and voting on it. Not knowing the background on the two committees, but debate is healthy and we are the entity to make this decision.

Jennifer Campbell of Patch Hill Rd. agrees that we should have debate on this. We have to look at who made this article – it is from the Moderator to oversee a process that he is responsible for. We shouldn't have this amount of unclarity about the budget before hiring a new TA.

Kathleen Vorce of Liberty Square Rd. said we should pass over the article. As one of the people who was on the Government Study Committee long ago, she thinks we should not make this move now to debate the article.

John Markiewicz of Patch Hill Rd. said that because this is the legislative body, we should have the power to discuss it. Because it is an Article brought up by a neutral Town Moderator we should discuss it.

John Fallon wanted to make it very clear he is not for or against the article or the motion to pass over.

Ms. Neville moved the question.

Vote to move the question: Passed with a 2/3 majority.

Vote on the motion to pass over Article 2. Failed with majority voting against, 117 against and 69 for.

John Fallon made the original motion above and the presentation. The Finance Committee Bylaw Section 6 controls the budget process. The Select Board wishes to hire a strong Town Administrator including to manage the budget process. There was a suggestion that the Select Board bring a warrant article; which he thought would be inappropriate in that he is the appointing authority. Therefore he brought the article forward but is neither advocating for or against.

Gary Kushner of the Fin Com made a presentation against the Article. This Article would not allow Department Heads to meet with Fin Com. We have a strong bond rating and this comes from many years of working well together.

Select Board presentation by Wes Fowlks, Chair. The SB unanimously recommends this Article even though change is scary. The SB is elected and the Fin Com is appointed; both are important and play important roles; and the Moderator appoints the Fin Com. In the past few years, we have been doing what these changes are proposing to codify. There were some differences in the TA job description – we can't be divided on our own interpretation on how things should run. These changes don't exclude anyone from interacting with Department Heads. This has been the effective practice for at least four years. Budget Saturday and Capital Saturday only started 3 years ago, and that was a change.

Becky Neville of the Fin Com said that the TA would be able to move \$ around and there would be less transparency, not more. The entire budget in Acton, for example, is one paragraph. Ms. Neville doesn't believe we can add the budget to the warrant but we can make it more visible on the website and have copies available at Town Meeting. If this bylaw change goes through you may be asked to vote on one giant line item.

Jim Moss of Centennial Way said he is opposed to any changes. We need to keep the connection between the Town residents and the Fin Com and the various town departments. Our Select Board and Fin Com members live in this town, but the Town Administrator could come from anywhere; we want to make sure town residents have a voice. He also thanked John Fallon for his years of service.

Maria Neyland of Picnic St. expressed her concerns about changes in which a bottom line budget could give the TA and SB control over the total amounts. The Town Government Study does not say

the Fin Com roles should have changes. If you take a close look at this bylaw amendment it would cause there to be less transparency going forward. The Select Board's own slide presented last night said "allowed for consideration of the budget as a whole rather than by department"; the language being added says "the TA after consultation with the SB..." – there is no mention of the Fin Com. We have concerns that the Fin Com's recommendations would be ignored. Last night we discussed how to best control pension costs going forward; all transparency and control of adding staff could be taken away, and more importantly the voice of the taxpayers could be taken away. The bylaw may need to be updated going forward, but needs to be accomplished by having all the players work together on language that works. This did not happen this year. There was no discussion among the boards.

Atty. Eichman had a point of clarification: typographical error in Section 6, 6th line beginning with words ***prepare and submit to the select board*** should be in italics and bold. That is new language.

Jeanne Kangas of Hill Rd has served on both boards and has chaired both, but it's rare to disagree unanimously. If it's not broken, don't fix it. It is hard when the Fin Com is split 3 to 3 but over the years our finance committee has been fiscally responsible and they really care about our money. They don't have to think about re-election. They only think about how to do things in Boxborough more efficiently at less cost. She urged support for the Fin Com.

Megan Connor of Mayfair Dr. had a question about whether this was discussed before between the Fin Com and Select Board. Volunteers like those on the Rec Com rely on the Fin Com liaison to help with our budgets.

Ms. Neville said we knew about the article from a Boxborough Leadership Forum (BLF) meeting, and it was proposed that we meet by John Markiewicz but we never met. Then they saw the bylaw change presented and had to discuss it within the Fin Com.

Wes Fowlks said because it was put forth by the Town Moderator, then it was not the Select Board responsibility to put forth debate.

Article 22 was tabled until after Article 23 at 7:45 pm (May 10) in accord with vote taken on Monday May 9.

Article 22 was taken off the table and discussion resumed on Article 22, with Dennis Reip as Moderator, at 8:48pm (May 10):

Diana Lipari said according to Section 7 of the Fin Com bylaw opposes what the Fin Com claims. It should give the power of the creation of the budget to the TA, who is a professional. He creates a unified budget. There's nothing that says this budget has to change in its form or that the Fin Com cannot consult with departments or committees. The only section we're talking about is section 6. Section 7 says that the Fin Com shall dully consider the statements and may confer with the boards and committees and departments.

Priya Sundaram of Patch Hill Rd. is opposed because it doesn't allow for access of department heads to the Fin Com, as seen by the illustration on page 45. Town Administrators may come and go but Fin Com stays and the bylaw stays. We need the ability to hear varied viewpoints. So please deny this bylaw.

Mary Brolin of Guggins Ln. has a question about what a strong Town Administrator means? Would the Library budget be able to be cut by the TA before it gets to the Library Committee if this passes?

Diana Lipari said that a strong TA would be the direct supervisor of Dept. heads (Town Study govt. committee voted for this in 1999). If not, then the SB would have to oversee the day to day operations. The oversight of the budget is an important part of the TA's responsibility. This puts

professionals in charge of what the town is doing. Municipal law and finance are complicated. She was not sure about the answer to the library question, deferred to the TA. Mr. Terenzini confirmed that the library would not be influenced by that because of the nature of its elected board.

Mary Brolin, as a Library Trustee, wants to make sure that the best budget gets to Fin Com. Ms. Lipari said that wouldn't change and the Fin Com would still get to see all the budgets.

Michael Troups of Pine Hill Rd., as a former Fin Com member, said that the Fin Com doesn't exert enough control over budgets and this would make that worse. Having a Town Administrator have control over the budgets takes away the town's control. It could be redistributed by the town administrator; not sure about accuracy of the idea that Budget Saturday is a new idea – we used to have multiple meetings on weekends between Fin Com and town departments. Please vote against this.

Jennifer Campbell of Patch Hill Rd. was on the Govt Study Committee that made the recommendation, and the reason why we didn't discuss with the Fin Com was because it wasn't under their purview. The Fin Com's responsibility doesn't change with this bylaw; the Fin Com still owns the budget and if they don't like the budget that the Fin Com presents then they can change it. And then the town meeting can make changes. The issue of how the budget is presented in the warrant: there is nothing that says that the Fin Com has to change the way they do it. Line items can still be discussed one by one.

Mark Barbadoro of Old Harvard Rd. said we need "tough customers" like the Fin Com to oversee the budget. He has overseen different departments in municipal government; he can be a bit prickly and maybe can't communicate that well. If there is a department that has trouble communicating their needs to the Fin Com (a department of one, for example) vs. other departments that are larger and they often get what they need. Town Administrators can see what happens on a daily basis and can see the daily needs of departments. Ultimately the Fin Com will still watch the bottom line, but this bylaw doesn't take the ability to mind the budget away from the Fin Com.

Tessa McKinley of Picnic St. has served on the AB Regional School Committee for 5 years and has been through the budget process; this year is the first year where she has felt a huge disconnect between our town government and school committee (with the exception of Gary, who always comes to School Committee meetings). Until tonight she has not ever met the Town Administrator. The previous one was much more hands on with School Committee and BLF. All the major committee meet and discuss the budget normally. The problem with this amendment is that it's not about who controls the budget, but seeing this year as a disaster and there is a lot of evasion from the Select Board means we shouldn't make this change now. The Select Board obviously came up with the idea to change this. It is not a well-thought out idea.

Jim Comolli of Sargent Rd. is trying to figure out what the best mode would be. The Fin Com presented five different principles at the beginning. Are those Boxborough principles – how were those generated?

Becky Neville spoke about how to manage the budget a bit and what principles the Fin Com has (these have been consistent over the years). Boxborough does a really good job of managing the budget and we have enough reserves to do things in a responsive and responsible way.

Mr. Comolli wanted to ask the Select Board how those principles would then translate if the TA is in control of the budget and how the principles would be dictated.

Wes Fowlks responded that there would be checks and balances. The expectation would be that the professional municipal employee would be able to assess the specific needs.

Carter Terenzini apologized for not attending meetings; having been hired for 25 hrs per week, but doing more, he has not been able to make all the meetings. He spoke about how he has managed a variety of budgets. The Select Board is a policy-making body and there is no bigger policy than the budget. The TA then takes that set of directives and works with the department heads and the Fin Com in other towns typically sees what is requested by departments and also what TA recommends and the Fin Com approves and provides input. Then it goes into the warrant. The issue is that you are trying to recruit a new TA; the idea that a TA is going to apply for a job that isn't clearly defined is a fallacy. The job description, the bylaw, and the Govt Study Committee report do not line up.

John Markiewicz said that because we have an interim TA and the Fin Com spent many hours working on this, it would make sense to keep everyone in the loop with a unified budget for everyone to see. It focuses only on Section 6 of the bylaw. Section 4 still allows for information to be gathered.

Jim Comolli asked if it was accurate to say that this bylaw would give the Select Board more input into the budget process.

Ms. Lipari said that we had meetings last year with the Fin Com and this year we had no joint meetings. This bylaw is not to have the Select Board control the process, but she would like to see joint meetings of the Fin Com and Select Board. The strong TA would have an overview. Last year they were all given budget books in December. The Select Board would have input, but wouldn't dictate anything.

Ms. Neville clarified that John Markiewicz was the liaison to the Fin Com and there was a lot of communication between him and the Fin Com. Information was given to him right away when he asked for it.

Mr. Markiewicz commented that the Fin Com spent a lot of hours doing things that would normally have been done by the Town Administrator and the Finance team, which was not in place. This article would not give more power or strength to the Select Board. It is trying to give the TA ability to unify all the information in the budget and then information would be distributed and a back and forth would begin between department heads and still allows Fin Com to put what they want into the warrant.

Mr. Comolli said that it seems like it would be great if it works well if everyone gets along but there seem to be possibilities for it to go wrong.

Brigid Bieber of Emanuel Dr. was on the fence about it until recently and the more she listens, she is not in favor of this amendment. It seems that everyone needs to iron out the language so that everyone agrees (Fin Com, SB, Moderator need to get together – there is a disconnect in the language). She acknowledged that everyone is doing their best working hard for the town. She knows how difficult it is to work on budgets for a town board, having been on School Committee for 12 years. Ms. Bieber agreed with getting a strong TA and we need to make the language line up with the way our budget process works but we're a small town that relies on volunteer boards to get work done. We are going to see more head-butting if we can't agree on the language.

Mr. Markiewicz said that this is really just talking about the budget process (Section 6). Town Govt Study Committee was approved in 2017 unanimously. Five years later the current SB reaffirmed that findings, which were that we will have a Chief Operating Operator who will pull together budgets for

the town. It's important because of trying to hire a new TA. He modeled it after another town's bylaw.

Ted Kail of Guggins Ln who was on the Fin Com pointed out that the tax rate was low and even decreased in one year and Boxborough was called out by the Boston Globe. Why would we change what was the best practice? The process is about building relationships and trust. Those years were fiscally responsible and he has confidence in the Fin Com (who live here) rather than the TA who is using a town as a stepping stone in their career.

Mark White said that Town Govt isn't a business. It doesn't work like one and having been on the Fin Com and SB; this is a community organization so it needs to be run like one. He understands the SB rationale, but the way to make the job description clear is keep the way it works in Boxborough and if you can accept that then we want you working for us. If it isn't broken, why are we fixing it. He said Fin Com has done a fantastic job.

Jeff Glidden of Sargent Rd. said the first thing you have to have is a Town Administrator. We must fill that role and it was over a year ago that we talked about hiring someone new and nothing has happened. The fundamental issue is not having a TA who is permanent.

Dick Wagman of Leonard Rd. said he is trying to understand this and maybe we need a unified front. He would like to see a different proposal that everyone would support together. He has not heard clarity that would justify this change.

Simon Bunyard of Hill Rd. said that there is a lot of emotion between the Fin Com and the SB – the tug of war is nothing new. It's been going on for years. We elect people to set the priorities, agenda, tone for managing employees. We authorize them to do this by electing them, through their Town Administrator who will be managing the town employees. To think that they also don't control the funding to support those agendas seems a little out of whack. Shouldn't the Select Board see what the priorities are and set those budgets? The Fin Com can validate and come to their own conclusions, but you can't hobble the Select Board by not allowing them to determine the priorities for the funding to support it.

Christine Marlow Depot Rd. asked the Fin Com if the TA would have final say over your recommendations?

Becky Neville said we never had a conversation about it, and we had no input and never had any budget books this year because of the absence of a finance team. We are not sure of the answer because we had no input. Our understanding is that we would be able to provide input, but it will be challenging to do so if we don't have the opportunity to meet with department heads and the TA.

Ms. Marlow said that someone else mentioned that the TA could be the advocate for the small departments. Could this still happen?

Mr. Markiewicz envisions that the TA would be able to visualize all of the budgets and everyone can talk to each other. The ultimate decision about who would approve the budgets lies with the people in this room.

Ms. Campbell said that the Fin Com could change the way the budget is presented at Town Meeting in answer to Christine Marlow's question.

Mr. Markiewicz said it is important for one individual to be able to visualize and oversee all of the budgets. All of the final decisions are made by the people in this room – Town Meeting is the chance to get input from people, in addition to the input along the way from the Fin Com and Select Board.

Ms. Marlow wants clarity on the slide saying that it could be a one line item budget.

Ms. Campbell said that that decision still relies on the Fin Com regarding how the budget is presented at Town Meeting. Mr. Fowlks said it was an oversimplification; it could be possible to show one department as a single line item to make sure it aligns with the priorities as a whole, but the whole budget wouldn't be presented that way at Town Meeting.

Ms. Marlow wanted to make sure the two boards can discuss this before we make any changes.

Lee Slade of Burroughs Rd. said not to take this hard work of town boards for granted. I know both boards have only the best interests of the town in mind, so it is disappointing to see this loggerheads after all of those agreements in the warrant. My experience in making change particularly under duress is that it isn't a good idea. Now I know I am going to vote against this amendment.

Dave Follett has been in town for 30 years and is always blown away by the diversity of talent. The volunteer boards are all filled with talented people. The key to making that work is empowerment. If we have a stronger Administrator, we are talking about empowering that TA. Shifting that power away from the boards means it's a cleaner process but also a single point of failure. Is it a little chaotic at times, yes. But our previous TA who did not work out, and with autocracy there is room for a lot of chaos.

Elizabeth Fowlks of Stow Rd. said it does make sense that we would want a clearly defined TA role to be held accountable, especially with the lack of resources the Fin Com had. She fears that we will be in the same spot a year from now if we don't make this clear change in recruiting someone. Also she questioned how when voting down an item at Town Meeting, if it can be flexible in terms of what the department head cuts after those votes are made.

Ms. Neville and Mr. Kushner clarified that money could be moved around within the line item after the vote to lower a line item.

Keith Lyons of Burroughs Rd. asked if it was the intent of the hiring committee to hire Ryan as a strong administrator. Ms. Neville was on the hiring committee and confirmed that. Mr. Lyons stated that the bylaw chart was what he was used to in the past; it is basically ratifying what was done back then so he will be supporting it.

Susan Bak of Burroughs Rd. moved the question.

Motion to move the question passed by a 2/3 majority.

Action on the motion on Article 22: motion was defeated by a majority vote.

Mr. Fallon returned to the moderator's chair on the stage; it was moved and seconded to adjourn at 10:00 pm until Thursday night, May 12 at 7:00 pm.

On night 2, May 10 at about 7:45pm Mr. Fallon returned to the moderator's chair on the stage and discussion on Article 23 commenced:

**ARTICLE 23 COMMUNITY PRESERVATION FUND – OPEN SPACE (INCLUDING RECREATION) –
LAND ACQUISITION SARGENT ROAD**

\$1,275,000 total

\$400,000 CPA (Open Space/Budgeted Reserve)

\$675,000 (bonding)

\$200,000 (BCTrust)

(Two-thirds vote required)

Dennis Reip, Chair of the Community Preservation Committee moved that the Town vote to authorize the Select Board to acquire, by gift or purchase, upon such terms and conditions as the Select Board may determine, the fee or lesser interest in all or a portion of two tracts of land totaling 21.35 acres, more or less, located at 95 and 105 Sargent Road in Boxborough, further identified as Lot 11-005-000 and Lot 11-003-000, respectively, on the Boxborough Assessor's Maps, being that land described in a deed recorded with the Middlesex South Registry of Deeds in Book 78879 at page 206, for conservation and passive recreation purposes, said land to be held in the care, custody, management and control of the Boxborough Conservation Commission and Boxborough Agricultural Commission in accordance with the authority granted to said Commissions under Massachusetts General Laws, including Chapter 40, Section 8C, by and on behalf of the Town of Boxborough thereafter; and as funding therefor, to appropriate the sum of One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.00) for said acquisition, and the sum of Twenty-Five Thousand Dollars (\$25,000) for all costs incidental and related thereto; that to meet said appropriation, to transfer Fifteen Thousand Dollars (\$15,000) from the Community Preservation Open Space Reserve Account, and Three-Hundred and Eighty-Five Thousand Dollars (\$385,000) from the Community Preservation FY23 budgeted reserve, and authorize the Treasurer with the approval of the Select Board to borrow Eight Hundred and Seventy-Five Thousand Dollars (\$875,000) under G.L. c. 44 and G.L. c. 44B or any other enabling authority, and issue bonds and notes therefor; and further to authorize the Select Board and the Conservation Commission or its designees to apply for, accept, and expend on behalf of the Town such other funds as may be provided to pay for all or a portion of the costs of acquiring said tracts of land, including but not limited to grants and/or reimbursement from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) grant program (M.G.L. Chapter 132A, §11), and donations from the Boxborough Conservation Trust, and that such gifts and any grants shall be used to reduce the amount to be borrowed hereunder, and further to authorize the Select Board and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to affect said acquisitions, including assignment of the Town's right-of-refusal pursuant to the provisions of M.G.L Chapter 61, and to authorize the Select Board to convey a permanent restriction or restrictions in the lands acquired pursuant to the authority granted herein to Sudbury Valley Trustees or other qualified land trust in satisfaction of the requirements of and in accordance with M.G.L. Chapter 44B, §12(a), upon such terms and conditions as the Select Board, Conservation Commission, and Agricultural Commission may determine.

Summary:

Article 23 authorizes the Town to purchase 21.35 forested acres located at 95 and 105 Sargent Road for the sole purpose of using the property for conservation, agriculture, and open space passive recreation. It also authorizes the Town to allocate \$400,000 in Community Preservation Act funds to the purchase. This would be the first use of Community Preservation Act funds for open space preservation since the Community Preservation Committee began receiving applications for funding in 2015.

Why this land? Preservation of this land is in accord with Goal 1.3 of the Boxborough 2030 Master Plan to “[p]rotect and/or acquire additional lands for conservation, water resources protection, wildlife habitat, agricultural land preservation, recreation, trails, and wildlife corridors.” These two properties were identified as having high value for conservation in the Town’s 2015 Open Space and Recreation Plan (OSRP). This purchase also meets the Community Preservation Committee General Selection Criteria for Community Preservation Act funding for open space as follows:

- *Outdoor Recreation: creates connectivity links between almost 5 miles of walking trails.*
- *Water Resource Protection: preserves upland for aquifer protection and prevents runoff in Town-identified flood-prone areas.*
- *Wildlife conservation: protects existing wildlife habitat and maintains a wildlife corridor.*
- *Agricultural Activity: maintains active forest management through Agricultural Commission supervision.*
- *Climate and Environmental Resiliency: reduces flooding potential, sequesters carbon in the forest, mitigates noise and air pollution from the nearby highway, promotes continued biodiversity for both vegetation and wildlife.*
- *Landscape Preservation: maintains the rural landscape on a stretch of one of Boxborough’s scenic roads, so designated by Town Meeting vote in 1975.*

Why a conservation purchase now? The last major conservation purchase by the Town was in 2002 (Patch Hill), yet between 2000 and 2020 the number of households in Boxborough increased by 22%. The Town’s 2015 Open Space and Recreation Plan identified 26 properties of Open Space, Conservation, Agriculture, and Recreation Interest, **including 95 and 105 Sargent Road**. Eight of those properties, totaling 217.5 acres, are now lost as open space opportunities. A ninth property was taken by the Town for back taxes, but, until now, none of the properties on the OSRP list has been presented to the voters for purchase.

What is the urgency? 95 and 105 Sargent Road recently became available to the Town through the Chapter 61 program, which provides tax relief to an owner who manages the property for forestry. When an owner plans to sell Chapter 61 property and sends the Town a valid Notice of Intent to take the property out of Chapter 61 protection, the Town is given a right of first refusal (ROFR) at the price agreed upon by the owner and prospective purchaser (in this instance a residential developer) in a bona fide purchase and sale agreement. If the Town wants to acquire the property, it must exercise or assign this ROFR within 120 days of receipt of the Notice of Intent, but first must get approval for the purchase through a Town meeting vote. After the ROFR is exercised, the actual purchase of the property must occur within 90 days.

What will this purchase cost the Town? The total cost of purchasing 95 and 105 Sargent Road is \$1,275,000; the purchase price is \$1,250,000 and administrative costs are estimated at \$25,000. To support the purchase, the Boxborough Conservation Trust will contribute to the Town \$100,000 of its funds and up to an additional \$100,000 in donated funds. The CPA monies provided under this Article would add another \$400,000 to the funds needed for the purchase. The Trust is also seeking grants from private foundations, possibly adding another \$20-35,000. The State allows for assignment of the ROFR to a qualified conservation organization, which can then execute an interim purchase of the land. This move gives the Town time to apply, through the state Executive Office of Energy and Environmental Affairs, for a LAND grant of up to \$400,000 (LAND grant monies cannot be used retroactively to reimburse the Town for funds already used for a purchase). Once the disposition of the LAND grant application is known, the Town must buy the property from the interim owner regardless of the outcome of the application. Sudbury Valley Trustees may act as an interim owner to give the Town the time needed to apply for a LAND grant. Under the most optimistic scenario, CPA funds along with Boxborough Conservation Trust funds, foundation grants, and a LAND grant award could provide

\$1,035,000 of the \$1,250,000 purchase price. However, the foundation grants and the LAND grant sums are contingent upon successful grant applications, and therefore those funds may be unavailable. With \$400,000 in CPA funds and up to \$200,000 in funds from the Boxborough Conservation Trust, the additional Town funds that may be needed to pay for 95 and 105 Sargent Road and associated administrative costs are estimated to be +/- \$675,000. This Article authorizes the Town to purchase 95 and 105 Sargent Road regardless of the outcome of a LAND grant application.

The Community Preservation Committee recommends (8-0-1).

The Conservation Commission recommends (5-0-2)

The Recreation Commission recommends (6-0-1).

The Planning Board recommends unanimously (5-0).

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. We have few parcels of land left in town that have been valued as highly for conservation and forestry. As this parcel is connected to others, it will help with flood control and animal habitats. We are grateful to the parties and individuals involved who have worked so hard to provide creative funding options from a combination of grants and private contributions. The Select Board realizes that many of these funding sources remain unknown, and that the actual costs may be lower, but that we should fully fund this acquisition via CPC funds, bonding, and donations to preserve this important parcel of land.

The Finance Committee recommends CPC portion (5-0).

The Finance Committee fully supports the acquisition of the land on Sargent Road. This land meets or exceeds all the criteria for conservation, and it is contiguous to existing conservation land: Rolling Meadows and Half Moon Meadows, as well as land under conservation restriction across Littlefield Road. It also meets the criteria for protecting wildlife and water resources and provides to climate resiliency. Recreation Commission in the future, intends to create new trails to connect with existing trails for a total of five miles which can be enjoyed by all in our Town.

The Finance Committee recommendation of the bonding portion (3-3).

Pro: Half of the Finance Committee fully supports the acquisition of land on Sargent Road. This land would preserve the town's wildlife, water resources, provide climate resiliency. It would offer nature trails in the future, of about 5 miles that can be utilized by all age groups in town. This is achievable with \$400,000 CPC funds, bonding, and donations. The tax impact on this article would be \$52.84 on the average single-family house or \$0.0781 per thousand valuation for a 10-year bond or \$41.09 for the average single-family house and \$.0608 for a 15-year bond.

Con: Half of the Finance Committee does not support the authorization to bond up to \$675,000 for this article. It is difficult to support given the unknown status of a grant opportunities. In addition, the town Debt increased dramatically after last year's town meeting causing an increase to this year's budget and the subsequent tax rate will cause a financial burden to members of our community. The potential addition of \$675,000 in debt will only exacerbate this burden.

Lisa St. Amand, Clerk of the Boxborough Conservation Trust (BCTrust) made the presentation with Tom Bieber, Treasurer of BCTrust. BCTrust is an all-volunteer non-profit land conservation organization, that worked closely with the town to put this article on the warrant. She discussed how this property was offered to the town under Chapter 61's rules of Right of First Refusal (originally in Forestry Management in exchange for reduced taxes) and need for Town Meeting approval within

120 days and purchase within 90 days after that. The town has not made a major conservation purchase in 20 years, but the number of households has grown 22% in that time. A valid Notice of Intent to sell to a developer was received by the town; the developer wants to put up at least 5 homes and purchase the property for \$1.25 million. The Open Space and Recreation Plan (OSRP), Community Preservation Committee (CPC) criteria, and Master Plan all emphasize the town's priority of protecting lands for recreation and conservation. It is adjacent to several conservation properties with trails; the Recreation Commission says there could be 5 miles of trails with connectivity among these parcels and additional trails on this property could help bypass a low visibility site on Sargent Rd where people like to walk. She detailed the important benefits to water resource protection; drought resilience and aquifer recharge – benefits groundwater resources. A recent Municipal Vulnerability Preparedness (MVP) workshop identified nearby stream crossings as flooding concerns – development would involve more runoff and less drought resilience and water recharge. The parcels would provide a corridor for wildlife, connecting and maintaining intact habitats. The Agricultural Commission is interested in managing the land for forestry – it is named as prime forest by MA Department of Conservation and Recreation (DCR). It is a scenic road with forest and open land on the other side.

She detailed how we will pay for this land: CPA funds will be \$400,000, BCTrust will contribute \$210,000 from over 100+ generous friends and a grant from the Fields Pond Foundation – this is even more than was in the warrant. This brings the cost to the town down to \$665,000. Another \$25,000 private grant is pending. We have the opportunity to apply for a LAND grant; if we assign our right of first refusal to a qualified land conservation organization, we can meet all the requirements of Right of First Refusal and apply for a LAND grant. Sudbury Valley Trustees (SVT), a regional land trust, agreed to step in as interim owner to allow the town to apply for a LAND grant. Worst case is \$665,000; best case with the LAND grant is \$240,000 to have to borrow.

Tom Bieber, Treasurer of BCTrust spoke on the fiscal impact. After the warrant was printed we received notice that we received a \$10,000 grant from the Fields Pond Grant, so the numbers are a little bit different than printed in the warrant. Worst case: the average impact would be \$52.14 in the first year assuming 10 year bond at 3.5% / best case is \$22.16 in the first year. The average impact would be worst case \$41.96 / best case \$15.48 over the life of the 10 year loan, as low as \$1.29/month for the average home. If the development goes forward, the scenarios of revenue and expenses were laid out. The biggest single expense is education, at over \$16,000 per home. With constant revenue, it is just below 7 students according to the district's average numbers of students per home. Each additional student's marginal cost after 7 students is a net impact of \$8.45 to the average homeowner's tax bill. This goes up to \$27 impact on the average homeowner's tax bill if there are a total of 10 students in these homes. Cost of purchasing needs to be weighed in light of a risk of increased taxes with development. The complete impact is unknown, we know that people move to Boxborough for the schools. If we preserve it, it will be paid for in 10 years and do its job forever.

Lisa St. Amand presented the final slide. In 2016 the OSRP identified 26 properties that were priorities for conservation; 8 of those properties, totaling 220 acres are now lost conservation opportunities. None were presented at Town Meeting and most were developed. None of our CPA funds has been spent on conservation, one of the top priorities for these funds. Twenty years since the last conservation purchase was brought to Town Meeting. We have a chance to build on Boxborough's strong conservation tradition with a chance to conserve this property for the future.

Finance Committee gave their recommendations (above).

Select Board gave their recommendation (above).

Owen Neville gave the **Agricultural Commission recommendation**: Ag Com supports unanimously; forestry was identified in Master Plan and this purchase will enable the forestry that has gone on for many years to continue. We are happy to establish a forest stewardship program on this property.

Megan Connor gave the **Recreation Commission recommendation**: Rec Com fully recommends and supports due to connectivity and chances for recreation and activities, now more than ever. Protection of this conservation land meets several of the conservation goals of the OSRP including. Even though part of the town's goal is to purchase land we have not done so over 20 years. The Rec Com fully supports this article.

Palmer Moore gave the **Sustainability Committee recommendation**: last year we voted a resounding yes at Town Meeting to support a Sense of the Meeting for sustainability and tonight we have a perfect embodiment of supporting sustainability in our community. It creates new opportunities for outdoor recreation, sustains our access to clean water, sustains CO₂ stored in the trees and soil, and sustains the wildlife corridors and habitats; we ask that you vote in support of a sustainable community.

Christine Marlow of Depot Rd is concerned about adding costs to our taxpayers. Are there other ways to save this land but not burden the taxpayer. She wanted to know if the interest rate could be higher than current rate? Are there other ways to purchase this land, and wanted to clarify what happened with the Inches Woods purchase. Ms. St. Amand clarified that BCTrust purchased Inches Woods, not the town.

Lisa St. Amand clarified that under Chapter 61 the town has to purchase the land. Limited development is not really possible on this land; BCTrust feels that 100% conservation is the most appropriate way to conserve this property. BCTrust's contribution to this is over to \$200,000, and all of our fundraising was couched in this. This is not a property that lends itself to a limited development scheme. Tom Bieber clarified how they picked the bond rates, after consultation with Fin Com. Last night Mr. Terenzini mentioned that 2.89% was the bond rate we got for last year's bond.

Mary Brolin thanked BCTrust, SVT, and the town for all of the work that they have done on this. She urged us to act now, even without the LAND grant, we would be paying 50% of the value! With the LAND grant, it would be 20% of the value. Our family has walked conservation land in town even more now after the pandemic than ever before. The opportunity to stay on conservation land rather than the dangerous curve on Sargent Rd is great. It's a chance to build climate resiliency. \$3.50/month at the high end is cheaper than the gym! And there's still time to donate to the BCTrust and bring down our taxes even more.

Karl Malakian of Littlefield Rd. is in support of this article. His firsthand observation of this land gives a perfect view into the woods. A super-highway of animals using this corridor and all the humans using the trails nearby. Remember that once those trees are gone, nothing is coming back. These are likely to be very large homes taking up a lot of space.

Anne Gardulski on Sargent Rd. is an abutter but would feel the same way if it was across the town. As a geology professor at Tufts University, she wants to talk about rain water that falls in the uplands moves down vertically into the deep aquifer – when it percolates down, it remediates chemicals and we are adding all of the chemicals and salt from our impermeable surfaces. We don't have a lot of undeveloped upland yet to save. The beauty is the other aspect of this land. She urged the town to please preserve it.

George Krusen of Depot Rd. asks that we vote for this purchase. Everyone is concerned about climate change and there are small things we can do, but we can increase our contribution to counter climate change by purchasing a piece of land like this. Phyllis Campbell who owned this land would very likely to want to see this land conserved. 10 years ago he cut the trees on his land under a management program, and he started to get his forester to leave the big trees there so they will take more carbon out of the air. Wood needs to stay on the ground. Vote for this and you'll save the world.

Susan McDougall of Depot Rd. has walked the 3 mile loop for 30 years. There are so many neighbors walking this land and given the safety of this turn in the road it would be wonderful to extend the trails for safety.

Mark Barbadoro, Chair of the Planning Board spoke to the fact that the Planning Board voted unanimously in favor of this proposal; it is in compliance with the Master Plan and it was a priority parcel on the OSRP and is an incredible piece of land which will save the town money if we're not putting children in the school system over many years.

Nora Shine asked to yield her time so that a non-voter, 11-year-old Sabina Flohr speak. Sabina wants to preserve what makes Boxborough special, having seen the woods behind her house disappear. It has made her sad to look out her window and see houses replace the trees; her favorite part of Boxborough is swamp stomping, hearing birds sing, and chasing away deer that are eating her family's plants. If we buy this land we can preserve what makes Boxborough special.

Jim Comolli who lives on the other side of Sargent Rd. knows this is a big ask and knows that it is one of the remaining largest parcels left. It is also important to point out that it is very special that over 100 friends and neighbors have raised over \$100,000, including many abutters who are trying to reduce the tax burden to the town.

Ted Kail of Guggins Ln asked why not bond over 30 years?

Tom Bieber knows that the town would shop the bonding and would get the best rate and the best time frame. Liberty Fields was bonded at 14 years; this would be combined with other debt and would be shopped by the Town Treasurer to get the best rate. Mr. Terenzini said that 30 yr bonding for a project of this size would not be authorized under statute; 15-20 would be more likely. Debt smoothing would be ongoing.

Mr. Keogh asked about the two other large properties in town.

Ms. St. Amand said that they can't predict when properties will become available; there is often a very short window to act.

Brian McCann of Liberty Square Rd. said that debt and land are not getting any cheaper. This is a good investment and a good time to be a buyer.

Heather Fleming knows that there are a lot of people who contributed are from the entire town and speaks to the value of this property to the whole town. There are a lot of people here and many children; they are here because their parents moved here for the open space, and because they know it's important; it's important for the youth to have a voice. She read a statement from her 6th grader, Isobel Awtry in support of leaving the land in conservation to prevent climate change. The entire process, from cutting down the trees, the equipment that moves the trees and builds the houses and electricity for the houses all contribute to fossil fuel burning and climate change. But none of that

would happen if we kept the land in forest for conservation. She emphasized the joy people will get from walking on the trails and the habitat for animals that rely on the land.

John Sonner of Summer Rd. asked why the Fin Com was divided on their partial recommendations.

Maria Neyland explained her difficult decision. She would like to see the BCTrust get the LAND grant and the decision regarding the bonding part came at a difficult time in the budget process.

Simon Bunyard of Hill Rd. mentioned again the protection of the aquifer in this town. If any aquifer gets contaminated or goes dry with the cost of town wells and piping, it would be exorbitantly expensive. Far too little emphasis is placed on water planning. It is one of our most vulnerable assets. Water lines are a much bigger cost to the town, so we should be buying up every acre of land that we can. It's \$0.10 on the dollar against the cost of piping water supplies and drilling special town wells when the time comes and you need it. It may not happen right away but it will happen. He urged a yes vote on this article.

Mary Nadwairski of Stonehedge Pl. moved the question.

Motion to move the question carried by a 2/3 majority vote.

Action on the motion on Article 23: Motion on Article 23 passed with a 2/3 vote as declared by the moderator.

Mr. Fallon left the moderator's chair; Mr. Reip assumed the moderator's chair; Article 22 was taken off the table and discussion on Article 22 was then resumed (May 10th, at 8:48 pm)

ARTICLE 24 AMENDING ARTICLE 11 OF THE 2020 ATM PROVIDING FUNDING TO THE WATER RESOURCES COMMITTEE ()**

(Majority vote required)

Wes Fowlks moved that the Town vote to amend its action under Article 11 of the June 22, 2020 Annual Town Meeting by adding the language in bold italics as follows;

to transfer from Free Cash the sum of Twenty Thousand Dollars (\$20,000) to hire **consultants to evaluate future town water needs, including potential solutions to water issues west of I-495, and** an appraiser to provide an appraisal of real property to establish a fair market value of said property and affiliated legal expenses, including all costs incidental and related as printed in the warrant.

Summary:

This article is to amend the action of Article 11 of the 2020 ATM which appropriated funds to be used only for appraisals of land. The proposed amendment would provide funds for the Water Resources Committee (WRC) to hire consultants to help pursue a number of activities described in its charter and provide more benefits to the town as a whole, such as: 1) analysis of town-wide water needs at projected build-out (last performed in 2002); sustainability of continued reliance on private wells; and evaluation of options for solutions to the water quality issues west of I-495, and potentially elsewhere in Boxborough. Approval of this article will have no effect on taxes.

The Water Resources Committee recommends unanimously (4-0).

Article 11 of the 2020 ATM was made overly restrictive to appraisals only. Approval of this article will permit the WRC to pursue a number of activities outlined in its charter providing benefits to the town as a whole.

The Select Board recommends unanimously (5-0).

This article will repurpose Article 11 of the 2020 ATM, to permit more beneficial use of the funds previously appropriated by Town Meeting, for use by the Water Resources Committee in accordance with its responsibilities and charter. Approval of this article requires no appropriation and will not increase taxes.

The Finance Committee recommends unanimously (5-0).

The Finance Committee supports amending Article 11 of the 2020 ATM meeting. The issue of providing a source of clean water to residents and businesses west of RT495 in Boxborough needs to be solved. The amendment will allow the Water Resources Committee to continue to pursue a solution to this problem. This is a Boxborough Community issue.

Discussion on Article 24:

Amendment on Article 24:

Mark Marlow of Depot Rd. moved that the Town vote to amend the motion under Article 24 by striking from Article 11 of the June 22, 2020 Annual Town Meeting the words “and an appraiser to provide an appraisal of real property to establish a fair market value of said property and affiliated legal expenses, including all costs incidental and related thereto”

The language with his amendment would be:

The Town votes to amend its action under Article 11 of the June 22, 2020 Annual Town Meeting by adding the language in bold italics and by deleting the language indicated by strikethroughs as shown below:

to transfer from Free Cash the sum of Twenty Thousand Dollars (\$20,000) to hire ***consultants to evaluate future town water needs, including potential solutions to water issues west of I-495, and*** an appraiser to provide an appraisal of real property to establish a fair market value of said property and affiliated legal expenses, including all costs incidental and related thereto.

Mark Marlow said it is first necessary to determine that there is a problem; quantify the problem and tell us the most economical way to solve the problem.

Motion on Amendment to Article 24:

The Select Board does not recommend.

The Chair of the Water Resources Committee said that the original intent was to allow for general purposes, not only for an appraisal but this amendment doesn't limit that.

Mr. Ballard made the point of order that only the chair of the WRC spoke on this amendment, but did not confer with the rest of his committee. Mr. Fallon acknowledged that is a valid point.

Finance Committee does not recommend.

Ms. Mahoney would like to ask Town Counsel a question. Does this proposed amendment meet the legal threshold that the WRC intends to use for this article. Mr. Eichman said it is a legal amendment. Ms. Mahoney was concerned that removing this language could limit the town's flexibility in terms of addressing the water resources concerns throughout the community.

Mark Barbadoro of Old Harvard Rd. asks about the intent of the original article. Mr. Fox said Mr. Barbadoro was absent at the meeting when the recommendation was made; the original intent was to find a source of water for a certain part of town. This article's intent is to look for water in any part of town. He views the amendment as immaterial. Mr. Barbadoro said that there is a lot of grant funding for environmental justice communities so it may be that the WRC needs to explore that and possibly to go back to the drawing board to some extent. It may be worth considering all of the options, including filtration. It also costs millions of dollars to move water down the road. Mr. Barbadoro is in favor of removing the language and figure out how to deal with this issue.

Mr. Marlow wanted to move the question but could not because he made the amendment.

Michael Toups of Pine Hill Rd. asked if the language regarding 495 precludes looking at water issues in other parts of town? Mr. Fox clarified that it does not.

Bob Stemple moved the question.

Motion to vote on the amendment passed by a 2/3 majority.

Motion on the Amendment: defeated 25 by 45.

Owen Neville of 29 Middle Rd. said why doesn't the article say to repurpose rather than amend.

Mr. Eichman said that might be a better way to put it but it still holds legally to use the words as written.

Action on the motion on Article 24: Motion carried by a majority vote.

NON-FINANCIAL CONSENT AGENDA #2

Main Motion: Wes Fowlks Select Board Chair

Wes Fowlks moved to approve the Non-Financial Consent Agenda Warrant Articles 25 and 27 through 29 in accordance with the funding sources and amounts set forth in the 2022 Annual Town Meeting warrant under articles 25 and 27 through 29 respectively.

Article 26 will be held.

Article 26 should read 046 rather than 044.

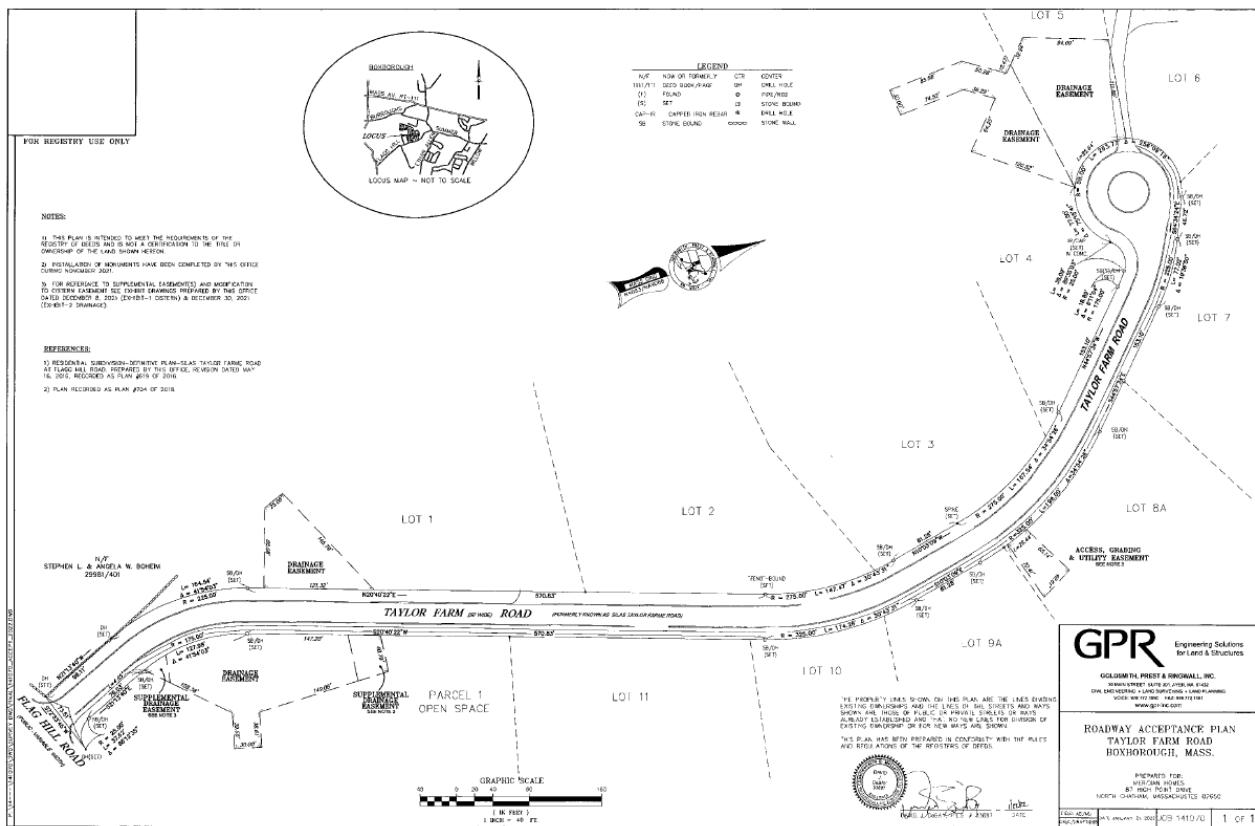
Action on the motion: Motion on the Non-Financial Consent agenda carried unanimously.

ARTICLE 25 TAYLOR FARM ROAD ACCEPTANCE (**)

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to accept the laying out of Taylor Farm Road and establish it as a town way, together with all drainage and other easements appurtenant thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Select Board to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21 - 23 and to authorize the Select Board to acquire by purchase, eminent domain, gift or otherwise for highway purposes such interests in land as may be necessary for such town ways, including all drainage and other easements appurtenant thereto as printed in the warrant.

Summary:



The fee in that certain roadway known as Taylor Farm Road in Boxborough, Middlesex County, Massachusetts, as shown on a plan of land entitled "As-Built Plan and Profile, Taylor Farm Road, Boxborough, Massachusetts, prepared for Meridian Homes, Inc., dated May 6, 2016, Scale 1" = 200 Feet, prepared by Goldsmith, Prest & Ringwall, Inc.", which plan is to be recorded with Middlesex South District Registry of Deeds herewith.

Said Taylor Farm Road is more particularly bounded and described as follows:

BEGINNING AT A Drill hole in a Stone wall, said point being Southwesterly corner located on the Northerly sideline of Flag Hill Road at Land now or formerly of Stephen & Angela Boheim;

Thence; N 21°13'40" W and 96.11 feet to a Drill Hole in a Stone Wall,

Thence, along a tangent curve to the right with a radius of 225.00 feet and a curve distance of 164.54 feet to a Drill Hole in a Stone Bound;

Thence; N 20°40'22" E and 570.83 feet to a "FENO" Bound,

Thence, along a curve to the left having a radius of 275.00 and a curve distance of 147.47 feet to a Drill Hole in a Stone Bound;

Thence; N 10°03'09" W and 81.28 feet to a Spike (set in a driveway),

Thence, along a tangent curve to the left with a radius of 275.00 feet and a curve distance of 167.54 feet to a Drill Hole in a Stone Bound;

Thence; N 44°57'34" W and 153.10 feet to a Drill Hole in a Stone Bound,

Thence, along a tangent curve to the left with a radius of 175.00 feet and a curve distance of 18.89 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the left with a radius of 25.00 feet and a curve distance of 39.09 feet to a Capped Iron Rod in Concrete;

Thence, along a reverse curve to the right with a radius of 59.00 feet and a curve distance of 263.77 feet to a Drill Hole in a Stone Bound;

Thence; S 64°34'24" E and 46.72 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the right with a radius of 225.00 feet and a curve distance of 77.02 feet to a Drill Hole in a Stone Bound;

Thence; S 44°57'34" E and 153.10 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the right with a radius of 325.00 feet and a curve distance of 198.00 feet to a Drill Hole in a Stone Bound;

Thence; S 10°03'09" E and 81.28 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the right with a radius of 325.00 feet and a curve distance of 174.28 feet to a Drill Hole in a Stone Bound;

Thence; S 20°40'22" W and 570.83 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the left with a radius of 175.00 feet and a curve distance of 127.98 feet to a Drill Hole in a Stone Bound;

Thence; S 21°13'40" E and 76.03 feet to a Drill Hole in a Stone Bound;

Thence, along a tangent curve to the left with a radius of 25.00 feet and a curve distance of 37.62 feet to a Drill hole in a Boulder;

Thence; S 72°33'45" W and 73.51 feet to the **POINT OF BEGINNING**.

CONTAINING: 84,399 square feet or 1.94 acres of land, more or less.

THE HEREIN DESCRIBED PARCEL IS KNOWN AS TAYLOR FRAM ROAD AND IS SHOWN ON THE PLAN HEREINABOVE REFERENCED AS A 50' WIDE RIGHT OF WAY WITH A 22 FEET OF PAVED WIDTH.

The above-described fee in Taylor Farm Road is conveyed together with the benefit of the following easements as shown on said plan:

**DESCRIPTION OF
Drainage Easement (Parcel 1/Open Space)**

DESCRIPTION of a Drainage Easement for Taylor Farm Road (a.k.a. Silas Taylor Farme Road), in the town of Boxborough, Middlesex County, State of Massachusetts in accordance with a plan entitled Road Acceptance Plan, dated January, 2022 and as shown on Residential Subdivision Definitive Plan(s) as recorded as Plan 691 of 2016, at the Middlesex County (South) Registry of Deeds.

BEGINNING AT A POINT, said point being 4.84 feet northerly from a stone bound located on the Easterly sideline of referenced road, and additionally shown on an exhibit plan, by this office and dated December 30, 2021 (which supplements the easement created on the Definitive Subdivision).

Thence, along a curve to the right having a radius of 175.00 feet, for an arc length of 123.13 feet to a point;

Thence; N 20°40'22" E and 147.20 feet to a point,

Thence; S 82°38'32" E and 40.79 feet to a point,

Thence; S 02°31'52" W and 149.06 feet to a point,

Thence; S 73°44'22" E and 38.61 feet to a point,

Thence; S 16°15'38" W and 30.00 feet to a point,

Thence; N 73°44'22" W and 39.55 feet to a point,

Thence; S 45°44'01" W and 108.38 feet to the **POINT OF BEGINNING**.

CONTAINING: 17,346 square feet or 0.4 acres of land, more or less.

The above-described easements are intended for the benefit of the Town of Boxborough and all owners of lots on Taylor Farm Road for use for utility, drainage and slope purposes. Said easements include the right to enter upon said easements areas for purposes of installing, constructing, maintaining, repairing and improving said Taylor Farm Road and any drainage facilities of all types and kinds and to enter upon said easement areas with any and all equipment necessary to effectuate the purposes of said easements.

**DESCRIPTION OF
Drainage Easement (Lot 1)**

DESCRIPTION of a Drainage Easement for Taylor Farm Road (a.k.a. Silas Taylor Farme Road), in the town of Boxborough, Middlesex County, State of Massachusetts in accordance with a plan entitled Road Acceptance Plan, dated January, 2022 and as shown on Residential Subdivision Definitive Plan(s) as recorded as Plan 691 of 2016, at the Middlesex County (South) Registry of Deeds.

Said Easement being more fully described as follows:

BEGINNING AT A POINT, said point being 17.84 feet northerly from a bound located on the westerly sideline of Taylor Farm Road, as shown on referenced plan.

Thence; N 69°19'38" W and 88.08 feet to a point,

Thence; N 19°05'50" W and 25.08 feet to a point, by land now or formerly Boheim,

Thence; N 66°15'08" E and 145.79 feet to a point,

Thence; S 20°40'22" W and 121.32 feet to the **POINT OF BEGINNING**.

CONTAINING: 7,166 square feet or 0.16 acres of land, more or less.

The above-described easements are intended for the benefit of the Town of Boxborough and all owners of lots on Taylor Farm Road for use for utility, drainage and slope purposes. Said easements include the right to enter upon said easements areas for purposes of installing, constructing, maintaining, repairing and improving said Taylor Farm Road and any drainage facilities of all types and kinds and to enter upon said easement areas with any and all equipment necessary to effectuate the purposes of said easements.

DESCRIPTION OF Drainage Easement - Lots 4 & 5

DESCRIPTION of a Drainage Easement for Taylor Farm Road (a.k.a. Silas Taylor Farme Road), in the town of Boxborough, Middlesex County, State of Massachusetts in accordance with a plan entitled Road Acceptance Plan, dated January, 2022 and as shown on Residential Subdivision Definitive Plan(s) as recorded as Plan 691 of 2016, at the Middlesex County (South) Registry of Deeds.

Said easement being more fully described as follows:

BEGINNING AT A POINT, said point being the Lot Corner of Lots 4 & 5, located on the westerly sideline of Taylor Farm Road as shown on referenced plan,

Thence; S 39°16'00" W and 120.52 feet to a point,

Thence; N 46°02'55" W and 64.25 feet to a point,

Thence; S 35°15'33" W and 36.29 feet to a point,

Thence; S 02°02'34" E and 74.52 feet to a point on a stone wall,

Thence; S 86°12'00" W and 30.00 feet, along said stone wall, by land now or formerly Miller, to a point,

Thence; N 02°02'34" W and 85.58 feet to a point,

Thence; N 35°15'33" E and 50.98 feet to a point,

Thence; N 46°02'55" W and 10.47 feet to a point, on the Lot Line of Lots 4 & 5,

Thence; N 46°02'55" W and 32.94 feet to a point,

Thence; N 20°59'58" E and 94.00 feet to a point,

Thence; S 80°24'46" E and 111.80 feet, by Lot 6, to a point,

Thence, along a curve to the left having a radius of 59.00 feet, for an arc length of 85.64 feet to the **POINT OF BEGINNING**.

CONTAINING: 22,599 square feet or 0.52 acres of land, more or less.

The above-described easements are intended for the benefit of the Town of Boxborough and all owners of lots on Taylor Farm Road for use for utility, drainage and slope purposes. Said easements include the right to enter upon said easements areas for purposes of installing, constructing, maintaining, repairing and improving said Taylor Farm Road and any drainage facilities of all types and kinds and to enter upon said easement areas with any and all equipment necessary to effectuate the purposes of said easements.

**DESCRIPTION OF
Fire (Cistern) Easement - Lot 8A**

DESCRIPTION of a Fire (Cistern) Easement for Taylor Farm Road (a.k.a. Silas Taylor Farme Road), in the town of Boxborough, Middlesex County, State of Massachusetts in accordance with a plan entitled Road Acceptance Plan, dated January, 2022 and as shown on Residential Subdivision Definitive Plan(s) as recorded as Plan 691 of 2016, at the Middlesex County (South) Registry of Deeds.

Said Easement being more fully described as follows:

BEGINNING AT A POINT, said point being 5.00 feet northerly from the lot corner of Lots 8A & 9A located easterly sideline of Taylor Farm Road, as shown on referenced plan and additionally shown on an exhibit plan, by this office and dated December 8, 2021 (which modifies the easement created on the Definitive Subdivision).

Thence, along a curve to the left having a radius of 325.00 feet, for an arc length of 26.44 feet to a point;

Thence; N 63°00'52" E and 65.14 feet to a point,

Thence; S 26°59'08" E and 40.61 feet to a point,

Thence; S 74°51'22" W and 70.41 feet to the **POINT OF BEGINNING**.

CONTAINING: 2,247 square feet or 0.05 acres of land, more or less.

The above-described easements are intended for the benefit of the Town of Boxborough and all owners of lots on Taylor Farm Road for use for utility, drainage and slope purposes. Said easements include the right to enter upon said easements areas for purposes of installing, constructing, maintaining, repairing and improving said Taylor Farm Road and any drainage facilities of all types and kinds and to enter upon said easement areas with any and all equipment necessary to effectuate the purposes of said easements.

Summary:

This article would bring Taylor Farm Road under the care, custody, and control of the Town of Boxborough. This roadway is currently being privately maintained.

The Select Board recommends unanimously (5-0).

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

The Finance Committee recommends unanimously (5-0).

The Finance Committee recommends. The FinCom believes that all requirements placed on the landowner from the planning board have been met based on verbal communication. This acceptance will slightly increase chapter 90 funds to help offset our maintaining of this road.

The Planning Board recommends unanimously (5-0).

The Planning Board recommends accepting Taylor Farm Road as a Town Way. The Town's Consulting Engineer has advised the Planning Board that the adjustments to the outlet structure to Basin #2 and the removal of a section of guard rail in front of the transformer have been completed. The final spring catchbasin cleaning is required to be completed prior to Town Meeting and is scheduled for the week of April 25, 2022.

Action on Article 25: Passed unanimously as part of the Non-financial Consent Agenda.

ARTICLE 26 GIFT OF LAND ()**

(Majority vote required)

Wes Fowlks moved that the town vote to authorize the Select Board to acquire, upon such terms and conditions as the Select Board may determine in its discretion, a parcel of land located at 144 Summer Road, comprising about 7.5 acres, identified as parcel 20-046-000 on the town's assessor's maps, said land being shown as Lot C on plan entitled "Plan of Land in Acton, Mass, and Boxborough, Mass., Owned by: Mildred L. Erikson, dated November 23, 1973, by Acton Survey & Engineering, Inc., recorded with Middlesex South District Registry of Deeds in Book 12573, Page 67, for recreational, accessory, and related purposes, such as attendee parking and sheds for recreational equipment and field maintenance.

Summary:

The owner of this land wishes to gift it to the town, with a restriction that it be used for recreational purposes, and that it never be developed or put into conservation use.

The Select Board recommends unanimously (5-0).

The Select Board supports and highly recommends acceptance of Ruth Landry's generous gift of land to the town. Town Residents will be able to continue enjoying an attractive open vista at the intersection of Flagg Hill and Summer Roads while benefitting from the addition of much-needed recreational space.

The Finance Committee recommends unanimously (5-0).

The FinCom fully supports the sale of the land to the Town. We want to thank Ruth Erikson Landry for the donation of her land to the Town.

The Recreation Commission recommendation. Defers their recommendation to town meeting. Becca Edson gave the recommendation on Town Meeting floor, and said that the Rec Com definitely recommends and appreciates the donor of this land.

Discussion on Article 26:

Dave Follett wanted to see what the recommendation of the Rec Com was.

John Fallon and Les Fox want to thank Ruth Landry and Jeanne Kangas for working with her and the entire town is very grateful to her for donating her land. There has been discussion of using this land as a girls' softball field which many people will be happy about.

Action on the motion on Article 26: Motion carried unanimously.

ARTICLE 27 CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM ()**

(Majority vote required)

Wes Fowlks, Select Board Chair moved that the Town vote to authorize the Select Board to accept Highway funds from the Commonwealth of Massachusetts and that such funds are hereby appropriated for the purpose of providing highway improvements under the authority of Chapter 90 of the General Laws, and any other applicable laws.

Summary:

This article authorizes the Town to accept and spend Chapter 90 roadway maintenance funds allocated to Boxborough by the Commonwealth of Massachusetts. These funds may be expended for a variety of construction projects, ranging from road re-paving to retaining wall and guardrail installation, and also may be expended to acquire certain equipment instrumental in maintaining town roads and consulting for pavement management plans. The FY 2023 funds accepted by this Town Meeting action will be used for road maintenance projects in the Town.

The Select Board recommends unanimously (5-0).

This authorization is required every year in order to receive Chapter 90 state highway reimbursement funds.

The Finance Committee recommends unanimously (5-0).

The Finance Committee recommends this article which allows the Town to accept and spend funds provided by the State based on the miles of road in Town for necessary paving projects in the Town.

Action on Article 27: Passed unanimously as part of the Non-financial Consent Agenda.

ARTICLE 28 GENERAL BYLAW: CONSTRUCTION AND POST-CONSTRUCTION GENERAL BYLAW ()**

(Majority vote required)

Mark Barbadoro, Chair of the Planning Board moved that the Town vote to amend Article 9 §1 of the General Bylaws, entitled "Construction and Post-Construction Stormwater", to retitle and renumber the bylaw as "**Article 11 § 1 Stormwater Bylaw – Construction and Post-Construction**", and to add the language in *italics* and delete the language indicated by strikethroughs as printed in the warrant.

Article 11 § 1 Stormwater Bylaw – Construction and Post-Construction

SECTION 1. PURPOSE

The purpose of this Bylaw is to establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare; protect aquatic resources and wildlife habitat; protect the quality and health of water resources; conserve groundwater supplies; and, foster climate change resiliency.

This Bylaw seeks to meet that purpose through the following objectives:

1. establish the Town of Boxborough *Planning Board* as the legal authority to ensure compliance with the provisions of this Bylaw and its accompanying Rules and Regulations through a review process, inspections, monitoring, and enforcement;
2. establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post construction monitoring;
3. establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserves and/or restores the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater; and
4. ensure compliance with requirements of the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw, the following shall mean:

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or ~~aquaculture~~ use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a ~~soil erosion and sediment control permit~~ *Stormwater Management Permit* for proposed ~~land-disturbance~~ *Disturbance of Land* activity.

BEST MANAGEMENT PRACTICE (BMP): ~~An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.~~

CERTIFICATE OF COMPLETION: Document issued by the Town of Boxborough *Select Planning Board* or its Reviewing Agent upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

DISTURBANCE OF LAND: *Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.*

ENFORCEMENT ORDER: A written order issued by the ~~Select Planning Board~~ or its Reviewing Agent to enforce the provisions of this Bylaw.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN

SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Boxborough, MA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER

DISCHARGE PERMIT: A permit issued by the EPA or jointly with the Commonwealth of Massachusetts that authorizes the discharge of stormwater to waters of the United States.

NEW DEVELOPMENT: Any construction, ~~land alteration, activities or addition~~ *Disturbance of impervious surfaces on previously undeveloped sites* ~~Land~~ resulting in a total ~~disturbance of land~~ *equal to or earth disturbances* greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) *on an area that does has not meet the definition of Redevelopment previously been developed to include impervious cover.*

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PLANNING BOARD: *Town of Boxborough Planning Board.*

PROFESSIONAL ENGINEER (P.E.): A ~~registered licensed~~ Professional Engineer within the Commonwealth of Massachusetts in good standing.

REDEVELOPMENT: ~~Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.~~ Any construction, ~~land alteration~~ *Disturbance of Land*, or improvement of impervious surfaces resulting in total ~~disturbance of land~~ *equal to or earth disturbances* greater than 1 acre (or activities that are part of a larger common plan of ~~redevelopment~~ *development* disturbing greater than 1 acre) that does not meet the definition of ~~New Development~~ *new development*.

REVIEWING AGENT: ~~Person~~ *The Boxborough Town Planner, other employee or third-party consultant* designated by the ~~Select Planning Board~~ as responsible for the purposes of administering and enforcing this Bylaw. **SELECT BOARD:** ~~Town of Boxborough Select Board~~ *bylaw.*

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the ~~Select Planning Board~~ to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the ~~Select Planning Board~~ participating at a duly noted public hearing, and such permit must be recorded at the Middlesex Registry of Deeds, prior to the start of any work.

WATERS OF THE COMMONWEALTH: ~~All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.~~

WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, as amended, and in the Town of Boxborough Wetland Bylaw, as amended.

SECTION 3. APPLICABILITY

No person may undertake a construction activity, including clearing, grading, or excavation that results in a ~~land disturbance~~ *Disturbance of Land* to an area equal to or greater than one (1) acre ~~of land~~ or will disturb less than one ~~acres of land~~ but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre ~~of land~~ within the Town of Boxborough without first obtaining a Stormwater Management Permit issued by the ~~Select Planning Board or Reviewing Agent~~.

SECTION 4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Boxborough at the spring 2020 Town Meeting and as amended.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The ~~Select Planning Board~~ shall be the permit granting authority for this Bylaw. Any powers granted to or duties imposed upon the ~~Select Planning Board~~ may be delegated in writing by the ~~Select Planning Board~~ to any Town employee, board, commission, committee or *town agent, or third-party agent* hereby known as the “Reviewing Agent.”

~~The Select Board shall not have jurisdiction over stormwater issues within wetland resource areas and/or buffer zone where the Conservation Commission has jurisdiction under the Wetlands Protection Act, the Boxborough Wetland Bylaw and/or the Town of Boxborough Regulations for the Wetland Bylaw. The Conservation Commission shall be the permit granting authority under this Bylaw for projects requiring a Stormwater Management Permit for land disturbance activities occurring within wetland resource areas and/or buffer zone subject to the Commission's jurisdiction.~~

~~The Select Board or its Reviewing Agent~~ *The Planning Board* shall take any of the following actions as a result of an application for a Stormwater Management Permit as specifically defined within the Stormwater Management Rules and Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.

SECTION 6. REGULATIONS

The ~~Select Planning Board~~ may adopt, and periodically amend, the Stormwater Management Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the ~~Select Planning Board~~, after conducting one (1) advertised public hearing to receive comments on any proposed revisions. The hearing(s) shall be duly advertised in a paper of general circulation in the Town of Boxborough no less than fourteen (14) days prior to the date of the public hearing.

SECTION 7. EXEMPTIONS

The following activities are exempt from requirements under this bylaw:

1. normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;
2. maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
3. the construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. normal maintenance and improvements of the Town of Boxborough's publicly owned roadways and associated drainage infrastructure; *and*
5. emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board; *and*
6. ~~projects that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Boxborough Wetlands Protection Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.~~

SECTION 8. ENFORCEMENT

The ~~Select Planning Board, and/or an authorized agent of the Select Board its Reviewing Agent,~~ shall enforce this Bylaw, regulations, ~~orders~~ violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this Bylaw, permit, notices, *and/or* order issued thereunder, the ~~Select Planning Board~~ may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations *and/or* compelling the person to perform abatement or remediation of the violation.

Enforcement Orders. The ~~Select Planning Board~~ may issue a written order to enforce the provisions of this Bylaw, which may include requirements to:

1. cease and desist from construction or ~~land disturbing~~ *Disturbance of Land* activity until there is compliance with this Bylaw and the Stormwater Management Permit;
2. repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
3. maintain, install, or perform additional erosion and sediment control measures;
4. perform monitoring, analyses, and reporting;
5. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;
6. cease and desist from unlawful discharges, practices, or operations; *and/or*,
7. remediate contamination in connection therewith.

If the ~~Select Planning Board~~ determines that abatement *and/or* remediation of adverse impacts is required, the Enforcement Order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator *and/or* property ~~owner~~ *Owner* fail to abate or perform remediation within the specified deadline, the Town of Boxborough may, at its option, *with the approval of a court of competent jurisdiction*, undertake such work, and the property ~~owner~~ *Owner* shall reimburse the Town's expense.

Within thirty (30) days after completing all measures necessary to abate the violation, the violator and the property ~~owner~~ *Owner* shall be notified of the costs incurred by the Town of Boxborough, including administrative costs. The violator *and/or* property ~~owner~~ *Owner* may file a written protest objecting to the amount or basis of costs with the ~~Select Planning Board~~ within thirty (30) days of

receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the *Select Planning Board* affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall constitute "municipal charges" as set forth in G.L. c.40, §58, and by its adoption of this bylaw the Town of Boxborough authorizes the imposition of a "municipal charges lien" for such costs in accordance with that statute. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this Bylaw, order, or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D, in which case the *Select Planning Board and/or its Reviewing Agent* shall be the Authorized Enforcing Agent. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and all subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the ~~owner~~ *Owner* or other party in control of the property, the *Select Planning Board and/or its Reviewing Agent, officers, and employees* may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the *Select Planning Board and/or Reviewing Agent* deems reasonably necessary.

Appeals. A decision of the *Select Planning Board and/or its Reviewing Agent* shall be final. Further relief of a decision by the *Select Planning Board and/or its Reviewing Agent* made under this Bylaw shall be appealed to the Superior Court, in accordance with M.G.L. c. 249, §4.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law.

SECTION 9. WAIVERS AND PROVISIONS FOR RELIEF

The *Select Planning Board or its Reviewing Agent*, in its discretion, may waive strict compliance with any requirement of this Bylaw or any other regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations;
2. it is in the public interest;
3. a public safety issue exists; and
4. it is consistent with the purpose and intent of this Bylaw.

Any ~~applicant~~ *Applicant* may submit a written request to be granted such a waiver, *provided that an alternative or equivalent approach to meeting this Bylaw and accompanying Stormwater Management Rules and Regulations is provided to the Planning Board or its Reviewing agent*. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw. The *Select Planning Board or its Reviewing Agent* may require documentation to be submitted and stamped by a qualified P.E. ~~registered~~ licensed in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC).

SECTION 10. SURETY

The ~~Select Planning~~ Board may require the permittee to post before the start of ~~land disturbance~~ Disturbance of Land or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town counsel, and be in an amount deemed sufficient by the ~~Select Planning~~ Board to ensure that the work will be completed in accordance with the Stormwater Management Permit. If the project is phased, the ~~Select Planning~~ Board may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit but the bond may not be fully released until the ~~Select Planning~~ Board has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

SECTION 11. SEVERABILITY

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Adopted:

June 29, 2020 TBD

Approved by the Attorney General's Office:

December 16, 2020 TBD

Summary:

The Town is proposing to update its General Bylaw for Construction and Post Construction Stormwater. The existing General Bylaw was adopted at the 2020 town meeting to meet various requirements of the Environmental Protection Agency's (EPA's) National Pollutant Discharge and Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit which covers stormwater discharges within Boxborough and approximately 260 other communities. This permit program was created to improve the quality of the nation's waterways by reducing pollutants associated with stormwater runoff. The EPA has identified land disturbance and polluted stormwater runoff as a major source of water pollution. The existing bylaw meets permit requirements, including reviewing proposed development projects, addressing use of erosion controls during construction, inspecting construction sites, and treating stormwater runoff prior to leaving the site for projects that disturb over one acre of land.

The proposed changes to the General Bylaw in this amendment are minor, and are intended to achieve the following objectives: change bylaw responsibility from the Select Board to the Planning Board; clarify that all applicable projects must be reviewed by the Planning Board; update definitions to more closely match those under EPA's NPDES MS4 Permit; and address other minor inconsistencies and/or typographical errors.

The Select Board recommends unanimously (5-0).

The Select Board recommends this article for the reasons stated in the Summary. It is in the best interest of the town for the Planning Board to have this responsibility, as it falls under their area of expertise and should be in coordination with other planning needs.

The Finance Committee recommends unanimously (5-0).

The Planning Board recommends (4-1).

Majority (Pro): The proposed amendments to this General Bylaw, which was adopted by Town Meeting in June, 2020, change the responsibility for Stormwater permitting for construction projects from the Select Board to the Planning Board. Such a change is sensible in that the Planning Board is

accustomed to reviewing land use applications whereas the Select Board is not. The Select Board is supportive of this change.

This General Bylaw enhances local oversight in the continued effort to protect the towns wetlands, waterways and other natural resources during construction and after construction of projects that disturb one acre of land or more.

The Planning Board worked with the Town's Consultant, Comprehensive Environmental Inc., (CEI) to ensure that the proposed minor changes to the General Bylaw are consistent with the Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) General Permit requirements for stormwater discharges from small municipal separate storm sewer systems (MS4). The Planning Board has been working with CEI to develop Rules and Regulations to establish the procedures and requirements for Stormwater Management Permits associated with the construction and post-construction activities identified under this General Bylaw.

Minority (Con): No written opinion.

Action on Article 28: Passed unanimously as part of the Non-financial Consent Agenda.

ARTICLE 29 ACCEPTANCE OF MGL C 148 §§ 26H AND 26I (FIRE SUPPRESSION) ()**

(Majority vote required)

Chief Paul Fillebrown, Fire Department Chief moved that the town vote to accept the provisions of Massachusetts General Laws Chapter 148 Section 26h and Section 26i.

Summary

This article would require every lodging house or boarding house, where lodgings are let to six or more people, shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code.

It would also require any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code.

Background

Adoption of these provisions will empower the Fire Chief to require adequate automatic sprinkler systems are installed in accordance with the state building code. It is possible these systems could have minimized the damage done to the properties damaged by fire on Swanson Rd.

Section 26h which provides that,

every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

For the purposes of this section "lodging house" or "boarding house" shall mean a house where lodgings are let to six or more persons not within the second degree of kindred to the person conducting it, but shall not include fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the commonwealth.

Any lodging or boarding house subject to the provisions of this section shall be equipped with automatic sprinklers within five years after acceptance of this act by a city or town.

and the provisions of Massachusetts General Laws Chapter 148 Section 26i which provides that,

any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions of the state building code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

The Planning Board recommends unanimously (5-0).

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. This effort will help to protect our residents and Fire Department staff during a fire emergency.

The Finance Committee recommends unanimously (5-0).

The Finance Committee recommends. This is a safety issue that the Fire Chief endorses and may save lives. There will be no tax impact if this general law is passed.

Action on Article 29: Passed unanimously as part of the Non-financial Consent Agenda.

ARTICLE 30 DEPARTMENT OF PUBLIC WORKS (DPW): ROAD MAINTENANCE

\$ 300,000 Bond

§ §345.10 TNC (Transportation Network Company)⁺

(Two-thirds vote required)

Wes Fowlks moved that the Town vote to appropriate the sum of Three Hundred Thousand, Eight Hundred and Ninety- Seven Dollars and Seventy Cents (\$300,897.70) for the purpose of maintaining roadways in Boxborough, including the payment of any costs incidental or related thereto, and that to meet this appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow the sum of Three Hundred Thousand Dollars (\$300,000) under and pursuant to Chapter 44, Section 7(1) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, and appropriate and transfer the sum of Eight Hundred Ninety-Seven Dollars and Seventy Cents (\$897.70) received from the Transportation Infrastructure Enhancement Trust Fund, pursuant to Chapter 187 of the Acts of 2016.

Summary:

Approval of this article will enable the town to continue the long-term project of bringing all our roadways up to good condition. It will continue the action, begun at the 2015 Annual Town Meeting, of supplementing the Chapter 90 roadway maintenance funding provided by the Commonwealth of Massachusetts with additional Town funding to accelerate the rate of repaving roads in Town. The level of Chapter 90 funding alone in recent years has been insufficient to repave even one mile per year of the Town's approximately 30 miles of roadway. In Fiscal Year 2021, a consultant was hired to provide

a comprehensive roadway assessment study of conditions throughout Boxborough. By studying all the roads and determining the various degrees of degradation, we can manage the repair and maintenance more fully by different types of sealing before undertaking a full paving project. The proposed projects for the Fiscal Year 2021 and Fiscal Year 2022 road construction seasons include a combination of sealing and paving projects. The minor amount of \$897.70 from TNC⁺ is included with this article since a specific Town Meeting appropriation for road-related work is required by statute in order to expend the funds.

⁺TNC – Transportation Network Company - The Transportation Network Company Division (“TNC Division”) of the Department of Public Utilities collected assessments from all Transportation Network Companies (“TNCs”) operating in the Commonwealth in 2017. The collected assessments were credited to the Commonwealth Transportation Infrastructure Fund (“Fund”) pursuant to St. 2016, c. 187, §8(c)(i). One-half (½) of the amount received has been distributed proportionately to each city and town based on the number of TNC rides that originated in that city or town. The funds received by each city or town are special revenue and must be used “to address the impact of transportation network services on municipal roads...” St.2016,c.187, §8(c)(i)

The Select Board recommends unanimously (5-0).

The Select board recommends for the reasons stated in the Summary. It is important to maintain and monitor the driving conditions of all our roads.

The Finance Committee recommends (5-1).

Majority (Pro): The Town started financing additional road paving a number of years ago above the funds provided by the state. This effort was to accelerate the repairs to our roads. Funding for this article is from bonding. The tax impact is \$36.45 on the average single-family house or \$0.0539 per thousand valuation for the first year of a projected 5-year bond.

Minority (Con): A minority of the Finance Committee does not support the authorization to bond. Our debt jumped dramatically after last year’s town meeting and the impact on the tax rate will make it difficult for some citizens. We should wait a year to do this.

Discussion on Article 30:

Christine Marlow of Depot Rd. said that we have added \$136+ to our tax bill. There are people on fixed incomes who have had to endure a lot of expenses. We keep adding money; is there a way to postpone it to another time?

Wes Fowlks said it is important to do this road maintenance because if we don’t do it as regular maintenance then it would be a significant cost increase in future years. Ed Kukkula of the DPW has put together a road maintenance plan, and this is part of planning ahead for future years.

Ms. Marlow asked if it’s possible that Article 27 \$ could be used for this or is this necessary?

Wes Fowlks said we ask for this amount of \$ every year. And we will likely be bonding it.

Becky Neville said that we always bond it every year.

Wes Fowlks said it is less than the cost of a new tire.

Ms. Marlow said we just need to let people know this is not a good town if you’re on a fixed income.

Gary Kushner said that this item is in the Capital Plan every year from Chapter 90 funds (tax on gas from the state). We have been doing this for 3-4 years and that \$ is just not enough. By providing this bond, this will help us get caught up.

Cheryl Mahoney said that in order to do an entire repaving it costs the town \$200,000 per road mile. Chapter 90 is \$246,000 so you would get 1.25 mi of road paved if only used Chapter 90 funds. That used to be all the town did, and there were some terrible roads, like Foster Rd, that used to look like awful; lots of roads here used to look like that. There is a graduated plan; from sealing to resurfacing, grind-down. This is maintenance, dealing with wear and tear so it needs to be done regularly.

Action on the motion on Article 30: Carried by a 2/3 majority vote as declared by the moderator.

ARTICLE 31 STEELE FARM – PAINTING OF THE ICE HOUSE

\$3,000 Free Cash

(Majority vote required)

To see if the town will vote to authorize Town to hire a qualified professional to paint the Icehouse at Steele Farm, upon such terms and conditions as the Select Board may determine in its discretion, to preserve and maintain it for the future, or take any other action related thereto, and to appropriate from free cash the sum of Three Thousand (\$3,000) for said purpose, or take any other action related thereto.

Summary:

The exterior of the 1904 Richardson icehouse at Steele Farm is in urgent need of painting to protect and preserve it for the future. The icehouse provides information and is the focus of demonstrations about the agricultural history of the Town before refrigeration was invented. Preparation of the structure for painting is expected to include replacement of some shingles.

The Select Board recommends unanimously (5-0).

The Select Board recommends for the reasons stated in the Summary. This article will preserve a piece of town history, and will enable us to use professionals for both the painting and the rooftop repairs.

The Finance Committee recommends (4-1).

Majority (Pro): A majority of the Finance Committee supports the painting of the ice house at Steele Farm. We believe it is important to maintain our historic buildings.

Minority (Con): A small minority of the FinCom does not support \$3,000 for painting the ice house. There is no indication in the article if there is lead paint on the building. The belief is that volunteers can paint the ice house with 2 to 3 cans of paint and paint brushes

The Steele Farm Advisory Committee recommendation will be deferred to Town Meeting floor.

Jeanne Kangas of Hill Rd. moved that the Town pass over this article.

It may seem to be not a lot of money; but fortunately the Steele Farm Advisory Committee is frugal and after thinking about it and making some phone calls, she contacted Susan Diorenzo who is building a house that overlooks the farm. They own a home improvement company and had noted that the Ice House needed work. She and her husband volunteered to repaint and re-shingle the ice house. We are very grateful to them to volunteering.

Dick Wagman asked if the reason they are withdrawing the article is because they have found local talent to help accomplish this.

Motion to pass over Article 31 passed unanimously.

ARTICLE 32 PFAS REMEDIATION FOR TOWN HALL WELL

\$25,000 Free Cash

(Majority vote required)

Les Fox, Chair of the Water Resources Committee moved that the town vote to appropriate \$25,000 from free cash for the design and installation of a PFAS remediation system for the Town Hall well.

Sponsor: Select Board / Town Administrator / DPW (TBD)

Summary:

The Town Hall well was tested for PFAS in 2021 and found to have PFAS at more than twice the maximum allowable concentration of 20 parts per trillion. The town continued the practice of supplying bottled water to town hall, which is consistent with DEP guidelines. However, we would rather supply PFAS-free water to Town Hall employees and the public, to be achieved with installation of a PFAS remediation system. The appropriation will fund the engineering, design, and installation of a remediation system.

Water Resources Committee recommendation. The Water Resources Committee did not have a scheduled meeting before the Warrant went to print. The committee will provide its recommendation at Town Meeting.

The Select Board recommends unanimously (5-0).

The Select Board prefers to do more than simply provide bottled drinking water at town hall. Installation of a PFAS remediation system will ensure the public and employees are not exposed to water containing high levels of PFAS.

The Finance Committee does not recommend (1-4).

Minority (Pro): A minority Finance Committee recommends this article for the health and safety of our employees.

Majority (Con): A majority Finance Committee supports the remediation but believe the funding should be from ARPA funds, \$150,000 of which has been earmarked for Town improvements.

Discussion on Article 32:

Water Resources Committee recommendation was given by Les Fox, Chair. The WRC voted for this article on April 13th, and voted to support it 4-1 due to the reasons stated in this article. The 1 dissent was concerned about the maintenance costs.

Janet Connolly of Flagg Hill Rd. needs to know how that amount was reached and will it be sufficient for remediation.

Les Fox got 2 quotes from 2 vendors but only for the filtration aspect, but there is also some uncertainty about plumbing costs. The quotes that came in for the filtration costs were around \$10,000-15,000, so we feel confident that we will have enough to cover it. We hope to get the cost down once this article passes.

Ms. Connolly said that it will be more expensive. Why was bottled water brought to Town Hall originally?

Mr. Fox said originally there was a dislike of the taste of the water at least 10 years ago; PFAS then became an issue. The church (on public water supply) and nearby carriage house were tested and had high levels of PFAS. The Town Hall is not on a public water supply. There is no legal requirement to provide water that is drinkable in a private home. Mr. Fox thought that for employees and residents it would be best to supply water for drinking; they are now recommend that all of the water be treated so that the sink water is usable. They want it to meet the standards of a public water supply. Not sure if we need to rearrange the plumbing so that we could just treat the water that is drinking water.

Ms. Connolly said that this is a chance to talk about risks and contaminants in our water. The primary pathway of exposure is drinking it; dermal contact does not pose a risk to health at all. We are talking about routes of exposure only in drinking water; the water is not being drunk and so it is not posing a risk to health. Spending money on this is not sending the right message. We would be diverting resources from places where we should be spending money such as an inventory of PFAS in town.

Dave Follett agreed with the previous speaker. He has a friend who is a point person for PFAS for the state of NY. The general approach is to put carbon filters under the sinks and putting in household wide systems are not necessary. Under sink systems are the only ones that are necessary. The amount of money seems much higher than necessary.

Dick Wagman of Leonard Rd. wants to know what PFAS is.

Les Fox said that these are chemicals that are long-chain hydrocarbons that are everywhere in the US. Mass DEP has set higher standards (20 ppt vs. 70 ppt). If you consume a lot of it, it has impacts. It is up to you what your personal risk is.

Mr. Wagman wonders why we considered this form of remediation. Why not consider the possibility of just remediating the drinking water?

Les Fox said activated charcoal is the best way and you have to upsize the system. If a public water supply so all of the water that goes out would have to meet that standards. Best to err on the side of being safer and restrictive. May make sense for only cold water in sinks but we don't know that it's feasible. Money that is unspent goes back to free cash.

Mark Barbadoro of Old Harvard Rd. asked what the amount of PFAS was when tested?

Les Fox said it was 54 ppt on average. The DEP maximum is 20.

Mr. Barbadoro voted against this originally, but a lot of personal products have PFAS. The leaching fields deliver PFAS into drinking water. But it's a lot of money if no one's drinking it. There are only faucets in the bathroom where no one is drinking it anyway.

Mark Marlow asked how deep the well is. And where does the water go? Would it go into the neighbors' water supply from the leach field.

Mr. Fox does not know the depth; plus or minus 250 ft. He confirmed that there is a leach field so it could spread into the neighbors' wells.

Mr. Marlow asked why not use ARPA funds?

Mr. Fox said that the funding process was slow to get started, and through the Lost Revenue Funding SB didn't want to change how the funds were going to be allocated at this point. The funding process was slow to get started.

Mr. Ballard of Swanson Rd. asked if the other wells have been tested for PFAS – DPW, Library, Police and Fire.

Mr. Fox said the DPW well has a small amount, well below the standards. Police, Fire and Library all consume from Hager Well which has zero PFAS.

George Krusen of Depot Rd. would advise not voting for this and continue at the town hall using the bottled water. He used to be in water treatment business long before PFAS so has an interest in this. PFAS is per-and polyfluoroalkyl species – in the manufacture of these compounds, they have as waste all sorts of chains that contain fluoride and when a town wants to test someone has to make a decision which types of polymers get assessed. In MA, they use the latest research and decide which ones to test. They don't see the whole story. Littleton's system for their drinking water is being built and there's a good chance that in future another type of test will be required to assess other fluoride compounds so why don't we wait and save the \$25,000 and use bottled water for now.

Jeanne Kangas asked what the cost per year is of providing bottled water to Town Hall.

Mr. Fowlks said he didn't know. Most likely lower than \$25,000.

Ms. Kangas said in this time of higher costs, it would be more prudent to provide bottled water than to spend money on a remediation system for which the science may change. Also because the Town Hall is not on a public water supply, and is more like a home well system, this is solvable by a sink filtration system. Costs about \$600 and the filters need to be replaced every 500 gallons cost \$174. That's a lot less than \$25,000; I suggest we vote no on this and continue to provide bottled water which is a lot cheaper.

Janet Conolly wanted to share what PFAS means (Per-and polyfluoroalkyl species) – there are thousands of different chemicals in this category. Many of the household systems will reduce the PFAS levels, but not lower them to 20 ppt – the MA standard. They may reduce to 70 ppt, the federal standard. So make sure you evaluate the system that you choose in your house. We would be buying something that we think will work to solve a problem we don't know that we have.

Robin Lazarow moved the question.

Motion to move the question passed by 2/3 majority.

Action on the motion on Article 32: defeated by a majority.

ARTICLE 33 ZONING BYLAW AMENDMENT: SOLAR ENERGY SYSTEMS – SMALL-SCALE GROUND-MOUNTED AND ROOF-MOUNTED BYLAW

(Two-thirds vote required)

Rebecca Verner of the Planning Board moved that the Town vote to amend Boxborough Zoning Bylaw Section 4003 Business/Industrial Use Table, Article IV Use Regulations, Article V Dimensional Requirements (footnotes) and adding Section 7800 Solar Energy Systems – Small-Scale Ground-Mounted and Roof-Mounted, and by adding the following language in bold italics and deleting the language indicated by strikethroughs, and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw as printed in the warrant.

4003(4): Business/ Industrial Uses

	AR	R1	B	B1	OP	TC	IC
<i>Roof-Mounted Solar Energy Systems</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>
<i>Small-Scale Ground-Mounted Solar Energy System (2,250 s.f. or less)²⁰</i>	<i>Y¹⁹</i>	<i>Y¹⁹</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>

ARTICLE V DIMENSIONAL REQUIREMENTS

5000

FOOTNOTES

¹⁹ *The Planning Board, by special permit, may reduce setbacks from lot lines for the Solar Layout of a Small-Scale Ground-Mounted Solar Energy System to those of an accessory structure, if such adjustments enhance the overall site design and still provide protection to adjacent properties.*

²⁰ *To avoid “project segmentation” (i.e., project phasing), in determining the size of a Ground-Mounted Solar Energy System, the area calculated shall be the aggregate area (square Footage) of all such systems on contiguous parcels of land held in common ownership. Any proposed increase in area of existing arrays that would cause the Solar Energy System, in total, to meet a different size definition (i.e., increase from “Small” to “Medium” or “Medium” to “Large”) shall trigger the requirements of the larger size definition.*

7800 Solar Energy Systems – Small-Scale Ground-Mounted and Roof-Mounted

7801 Purpose

To facilitate and provide reasonable regulations for the placement, design, construction, operation, monitoring, modification, removal and recycling of Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems that address public health, safety and welfare in accordance with Massachusetts General Law Chapter 40A, Section 3, and which minimizes impacts on scenic, rural, natural and historic community resources.

7802 Applicability

This section shall apply to all Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems, including related buildings, structures, and equipment, and to physical modifications of such installations that substantially alter their type, configuration, or size as determined by the Planning Board.

7802.1 Site Plan Approval

Site Plan Approval may be required for Solar Energy Systems as noted below:

- (1) Roof-Mounted Solar Energy Systems do not require Site Plan Approval.*
- (2) Small-Scale Ground-Mounted Solar Energy Systems require Minor Site Plan Approval if the proposed Solar Energy System is, a) located in an Agricultural-Residential (AR) or Residential 1 (R-1) zoning district and b) requires placement in the front or side yard due to an inability to site said Solar Energy System in the rear yard.*
- (3) Pre-existing, non-conforming Small-Scale Ground-Mounted Solar Energy Systems are not subject to Site Plan Approval unless they are substantially altered, as determined by the Planning Board. Any increase in square footage is considered a substantial alteration and shall be subject to review by the Planning Board.*
- (4) Small-Scale Ground-Mounted and / or Roof-Mounted Solar Energy Systems, included in Development and Redevelopment plans subject to Site Plan Approval under Section 8000, will be reviewed as part of the Site Plan Approval review process.*
- (5) Site Plan Approval Application Policy and Procedures - Applicants undergoing Site Plan Approval for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems shall refer to the following document(s) for additional information regarding application requirements:*
 - *“Site Plan Approval Provisions for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems”*
 - *“Minor Site Plan Approval provisions for Small-Scale Ground-Mounted Solar Energy Systems”*

7802.2 Designation of Special Permit Granting Authority

Where a special permit is required pursuant to Sections 4003(4) and 4XXX, the Planning Board shall be the Special Permit Granting Authority (SPGA) for Small-Scale Ground-Mounted Solar Energy Systems.

7803 Solar Energy System Definitions

7803.1 Ground-Mounted shall mean that installations are structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; Roof-mounted installations or canopy installations above parking lots or driveways are not Ground-Mounted Solar Energy Systems.

7803.2 Solar Collector shall mean a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

7803.3 Solar Energy shall mean radiant energy received from the sun that can be collected in the form of heat or light by a Solar Collector.

7803.4 Solar Energy System shall mean a device or structural design feature, whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a Solar Collector to another medium using mechanical, electrical, or chemical means such as to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

7803.5 Solar Energy System, Ground-Mounted shall mean a Solar Energy System of any size that is structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; not roof-mounted installations or canopy installations above parking lots or driveways.

7803.6 Solar Energy System, Roof-Mounted shall mean a Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

7803.7 Solar Energy System, Small-Scale Ground-Mounted shall mean a Solar Energy System with a Solar Layout of 2,250 square feet or less. Inclusive of appurtenant structures.

7803.8 Solar Layout for Small-Scale Ground-Mounted shall mean the total area of the vertical projection on the ground of all Solar Collectors in the installation's most horizontal tilt position.

7803.9 Utility Provider shall mean the local electrical distribution company (Littleton Electric Light Department (LELD) or other).

7804 Standards and Requirements

The following provisions shall apply to all Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems in zoning districts where they are a permitted use.

(1) Setbacks

The Solar Layout of a Small-Scale Ground-Mounted Solar Energy System and Roof-Mounted Solar Layouts of an installation along with appurtenant structures, including but not limited to: buildings, equipment shelters, storage facilities, transformers and substations shall adhere to the building setbacks for front, side and rear yard dimensional requirements of the zoning district in which it is located.

All Small-Scale Ground-Mounted Solar Energy Systems in Agricultural-Residential Districts (AR) or Residential Districts (R-1) shall be installed in the rear yard to the greatest extent practicable. Placement of such systems, or a portion of such systems, in front or side yards is allowed only upon demonstration to the Planning Board that locating the Solar Energy System solely within the rear yard is not practicable or would result in a significant reduction of the Solar Energy Systems performance. Location of some or all of the Solar Energy System within the front or side yard in Agricultural-Residential Districts (AR) or Residential Districts (R-1) shall require a Minor Site Plan Approval.

(2) Landscaping and Screening

Additional screening is not required for Small-Scale Ground-Mounted Solar Energy Systems so long as said systems are sited in the rear yard and property setbacks for the rear and side yard are maintained in a vegetated state, including existing trees and woods, or evergreen plantings, at least three feet in height at the time of planting and which will normally at maturity reach at least five feet in height.

(3) Protection of Forest Land, Land Clearing, Habitat Impacts and Historically Significant Structures

- a) Land Clearing - Not more than one (1) acre of land shall be deforested for any one Small-Scale Ground-Mounted Solar Energy System. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.*
- b) Prohibited Locations - Small-Scale Ground-Mounted Solar Energy Systems are prohibited in locations of wetlands or aquifer districts as mapped by the Town of Boxborough, permanently protected open space as defined by the Town of Boxborough Open Space and Recreation Plan, Priority Habitat Areas and BioMap2 Core Habitat and Critical Natural Landscape as mapped by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP) and Habitat of Potential Regional or Statewide Importance as mapped by the Department of Environmental Protection (DEP).*
- c) Historically Significant Structures – Solar Energy Systems on historically significant structures as identified by the Boxborough Historical Commission or as designated by federal, state, or local registries or databases, shall have limited or no visibility to the public and be integrated into the structure to minimize adverse visual impacts. The Planning Board and Design Review Board (in accordance with their purview under the Zoning Bylaw), reserve the right to recommend modifications to the proposed Solar Energy Systems to maintain the historical character of structure(s).*

(4) Decommissioning

Upon decommissioning of Solar Energy Systems all solar panel components shall be reused or recycled using industry best practices available at the time of decommissioning.

(5) Height Limitations

Existing zoning district height limitations apply to all Small-Scale Ground-Mounted Solar Energy Systems. If the Small-Scale Ground-Mounted Solar Energy System is accessory to a principal building or structure on a lot, then the height restriction for accessory structures would apply as defined in Section 5008 of this Bylaw. If the Small-Scale Ground-Mounted Solar Energy System is the principal structure on a lot, then the height restriction shall be a maximum of fifteen (15) feet from finished grade. An increase in height may be granted in commercial districts by special permit.

4003(4): Business/ Industrial Uses

	AR	R1	B	B1	OP	TC	IC
Roof-Mounted Solar Energy Systems	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted Solar Energy System (2,250 s.f. or less)²⁰	Y ¹⁹	Y ¹⁹	Y	Y	Y	N	Y

ARTICLE V DIMENSIONAL REQUIREMENTS

5000

FOOTNOTES

¹⁹ *The Planning Board, by special permit, may reduce setbacks from lot lines for the Solar Layout of a Small-Scale Ground-Mounted Solar Energy System to those of an accessory structure, if such adjustments enhance the overall site design and still provide protection to adjacent properties.*

²⁰ *To avoid “project segmentation” (i.e., project phasing), in determining the size of a Ground-Mounted Solar Energy System, the area calculated shall be the aggregate area (square footage) of all such systems on contiguous parcels of land held in common ownership. Any proposed increase in area of existing arrays that would cause the Solar Energy System, in total, to meet a different size definition (i.e., increase from “Small” to “Medium” or “Medium” to “Large”) shall trigger the requirements of the larger size definition.*

Summary:

This Zoning Bylaw will bring local regulation for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems that currently does not exist. Our current Zoning Bylaw makes no reference to Solar Energy Systems of any size as an “allowed use”, and thus could be in conflict with State Law. Adopting this local Zoning Bylaw provides clarity for the installation of Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems in Boxborough.

A similar article was brought forward by the Planning Board to the 2021 Annual Town Meeting where residents, including members of the Sustainability Committee and Agricultural Commission, raised concerns about certain provisions that would potentially limit Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems in town, particularly with regard to individual homeowners’ rights to place such systems on their property and provisions that were thought to be overly restrictive or onerous.

Over the past year, the Planning Board has worked closely with members of the Sustainability Committee, the Agricultural Commission and other residents to address these concerns. Several public hearings were held in early 2022 and the proposed Bylaw language was further refined to address a variety of concerns. In sum, the proposed revised Zoning Bylaw will provide for the following:

- *Predictable permitting and defined rules for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy System installations;*
- *Roof and Building-Mounted Solar Energy Systems allowed “By Right” in all zoning districts;*
- *Small-Scale (up to 2,250 square feet / up to approximately 15 kilowatts (kWh)) Ground-Mounted Solar Energy Systems allowed “By Right” in all districts, with the exception of Town Center;*

- Provides for screening, landscaping, sufficient setbacks and height restrictions to minimize impacts to abutters;
- Provides for environmental protections of the Town's natural resources;
- Protects the public health, safety, welfare and quality of life for residents.

A streamlined Minor Site Plan Approval may be required for Small-Scale Ground-Mounted Solar Energy Systems that are proposed in side and front yards to ensure any impacts to abutters are minimized to the extent possible. Minor Site Plan Approval requirements are identified in a new supplement to the existing Site Plan Approval Rules and Regulations, to be adopted by the Planning Board.

A summary of the types of Solar Energy Systems permitted by zoning district is provided below:

Table 1- Summary of Small-Scale Ground Mounted and Roof-Mounted Solar Energy Systems

Type of Solar Energy System / Size	Allowed By Right in District	Requires Special Permit Application	Prohibited Districts	Requires Site Plan Approval
Roof and Building-Mounted	All zoning districts	No	None	No
Small-Scale Ground-Mounted (2,250 s.f. or less)	Agricultural-Residential, Residential-1, Business, Business-1, Office Park, Industrial-Commercial Districts	No	Town Center District	No*

* Minor Site Plan Approval is required for Small-Scale Ground-Mounted Solar Energy Systems proposed in residential side and front yards. Minor Site Plan Approval is not required for Small-Scale Ground-Mounted Solar Energy Systems located in residential back yards that meet the dimensional requirements.

The Planning Board recommends unanimously (5-0).

The Planning Board understands the importance of mitigating climate change and supports renewable energy, including Solar Energy Systems, to help reduce our carbon footprint. The Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems Zoning Bylaw is being proposed to ensure that such Solar Energy Systems are appropriately sited and are compatible with their surroundings.

This Zoning Bylaw addresses the concerns that were raised by the Sustainability Committee, Agricultural Commission and residents during the past year. This Bylaw balances the interests of those wishing to install Small-Scale Ground-Mounted and/or Roof-Mounted Solar Energy Systems and reap the associated benefits, while minimizing impacts to their neighbors. Adoption of this Zoning Bylaw will eliminate the conflict between state and local law, reduce permitting uncertainty, and reduce potential for costly litigation.

The proposed bylaw incorporates input and guidance from a number of sources including several Town Boards and Committees, the Massachusetts Department of Energy Resources (DOER) (including the Green Communities Division), the Metropolitan Area Planning Council, several solar energy installers, and the Town's Consulting Engineer. Additionally, the Planning Board consulted many nearby communities' existing Solar Bylaws in the preparation of this Bylaw and incorporated many of the

zoning concepts from these surrounding communities. The proposed Bylaw satisfies the requirements for Green Communities as designated by the DOER.

By providing the Town with two separate Solar Energy Systems Bylaws, one for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems and one for Medium and Large-Scale Ground-Mounted Solar Energy Systems, the Planning Board is providing residents with additional options to vote for either or both Bylaws.

The Sustainability Committee recommends (4-2-2).

Majority (Pro): The majority of the Sustainability Committee supports the proposed bylaw for providing clear, reasonable regulation of small-scale, ground-mounted solar systems throughout our community, and for allowing roof-mounted solar systems of any size without restriction. This will allow residents, farmers and businesses in Boxborough to pursue a clean energy transition and reduce our reliance on fossil fuels.

Minority (Con): The minority of the Sustainability Committee does not support the proposed bylaw for imposing restrictions on small-scale, ground-mounted solar systems that unreasonably regulate that use as compared to how our current zoning bylaws address other, comparable uses. The need to address climate change and accelerate the adoption of clean energy is now, and we cannot afford to hinder that effort by putting roadblocks in the way.

The Finance Committee recommends (4-0-2).

A majority of the Finance Committee supports this warrant article. We feel the Planning Board has made significant changes from last year and incorporated changes suggested by both the Sustainability Committee and the Agricultural Commission. This bylaw will not have a tax impact on homeowners.

Mark Barbadoro stated that the Planning Board held hearings that were duly advertised.

Discussion on Article 33:

Rebecca Verner from the Planning Board presented on both Articles 33 and 34. The Planning Board unanimously recommended both articles.

Because we have no bylaws on Solar Energy Systems (SES), it means that we may be in conflict with state laws. Everyone knows we have a large installation (20+ acres) generates revenue for the town and opt-in benefits of renewable energy for 2,000 residents. It has impacts to drainage and stormwater; located in an aquifer district and the cleared habitat was in Potential Habitat of importance and also within NHESP Priority Habitat. These are some of the best forests for sequestering carbon and when you remove forests it has a lot of negative impacts, especially filtration above the aquifer, removing pollutants, preventing erosion.

We took a model that the Department of Energy Resources (DOER) used. DOER discourages loss of land and natural resources; encourages location on rooftops and on non-productive land as well as dual use such as agrivoltaics to protect farmland underneath ground-mounted systems. MA DOER Green Communities has reviewed these bylaws and pending a small change, they have been found to be in compliance with Criterion 1 of the Green Communities Act.

We currently don't allow for ground-mounted systems on land in town. Because it is not specifically mentioned in Section 4003; where a use is not specifically mentioned, it is prohibited. MGL states that no solar systems should be prohibited. Because of this conflict in town vs. state law, each permit must get discretionary review – no clear regulations currently so there is no by-right option for permitting. We want to support solar in our community. With a solar bylaw we get less dispute and litigation and by-right permits for residential scale SES of 2,250 sq ft and commercial scale permits for SES of up to 40,000 sq ft. We would be able to become a green community, encourage brownfield development and encourage new systems for new construction. Protection of aquifers and habitats.

Through this long process, the WRC, Sustainability Committee, Ag Comm, Places Associates, and consultation of 12-15 bylaws from neighboring communities. PB has spent over 2 years developing and modifying this bylaw. We heard everyone, and wanted to make sure that this was more in line with environmental welfare and Sustainability Committee's Solar Sub-committee. We separated the 2 bylaws and worked together to get where we are today.

Adding these systems helps the law not be misinterpreted. These bylaws are consistent with the 2030 Master Plan and helps preserve the town's heritage and character, wetlands, aquifers, forested lands and wildlife habitats. They promote the use of solar on disturbed lands and reduces the town's overall carbon footprint. This aligns with the Sustainability Committee's policies on Climate Change.

She then discussed the details of what scale would be allowed in what area.

Agricultural Land restrictions – reasonable regulations are proposed. If a farm is more than 2 acres, then they can put as much SES on the property as needed.

No costs to the town. Possible additional tax revenue that could come to the town with new infrastructure around town. We would be preserving property value for homeowners.

Comparison of bylaw vs. no bylaw was presented. She urged everyone to vote yes.

Finance Committee recommends (above).

Sustainability Committee majority recommends; minority does not. Recommendations were given by Palmer Moore (above).

Agricultural Commission recommendation: Owen Neville presented the recommendation. Ag Com did not get the recommendation out in time, but when they did meet, the warrant was already printed. The Agricultural Commission does not recommend. The Commission was impressed with the minority recommendation of the Sustainability Committee; you can't put a solar array in your side yard so that Ag Com thinks that this could be better.

At 9:45 pm John Markiewicz made a motion to remove the 10 pm restriction on starting discussion on a new article.

Motion passed with a majority.

Ms. Verner stated that the goal was not to make this overly restrictive. Rear yard is recommended, but if there's a reason why they need to put it in the side or front yard, there is a very minor site plan approval process to be able to address that issue. It will be a simple approval process.

Cheryl Mahoney of Liberty Square Rd. said that she wanted to understand what the Initials in the Table for Zoning stand for. Ms. Verner clarified: IC = industrial commercial; B/B1 = business; OP = office parks; AR = agricultural residential, R/R1 = residential, TC = Town Center. What is the footnote about 20 – segmentation.

Mark Barbadoro said that Footnote 20 is about not being able to subdivide the land; each parcel can't have its own array on it. If the land is one big lot on your deed, then if 15 different parcels, you can't have 15 different arrays on the same area of land. And the reason not on TC = Town Center, is like in West Acton, in order to look similar. They also restrict solar in that district via historic district.

Ms. Mahoney said we have a Historic District. You might want to put another footnote in about historic district. Mr. Barbadoro said we do not have a 40C historic district with the Design Review Board.

Mr. Fallon said the type of Historical District that we have is not 40C, as recognized by the state, so it doesn't restrict development.

Ms. Mahoney said you might want to include historic district in the bylaw as another footnote. Ms. Verner said that this came up for discussion throughout the process.

Mr. Kushner of Flagg Hill Rd. what is changing in the motion (Mr. Barbadoro clarified that that is Article 34.) He asked what is brownfield? (Ms. Verner clarified that it is a degraded site). And why not talked to Hudson Electric but not Littleton Electric? Mr. Barbadoro said that Hudson Electric is a very small portion of Boxborough.

Mr. Markiewicz of Patch Hill Rd. said that this is a very strong article. We didn't have this when the large array went in; we lost a large area of forest. The site plan review for side yards just allows for you to not annoy your neighbors. It gives everyone a chance to weigh in. The Green Communities Program is an option only if we pass this bylaw, and that gives us a chance to apply for more grants.

Mr. Barbadoro clarified that it wouldn't require a special permit to put it in your side yard; it would be a discretionary permit. This is a way for neighbors to come to compromises.

Francie Nolde of Sargent Rd., is a member of the Sustainability Committee, but speaking as a community member wanted to thank everyone for voting for Sargent Rd. preservation. Buildings are the largest purveyor of greenhouse gas emissions. Solar is a way to reduce greenhouse gases. Last year, she couldn't vote for the bylaw because it was too restrictive, but this year, they worked so hard with the Sustainability Committee. We came to many compromises. It's not perfect but it's worth supporting now. Neighbors, if they don't agree, they have a way to avoid contention. This will help solve those problems. When Jamie Eldridge put forward a bill just for Boxborough to become a Green Community, we have a pathway to become a green community only if we pass a solar bylaw for large systems.

Chris Delise of Sargent Rd. worked with the Planning Board on this process. It was a long process, but he wants to thank everyone. As written this article is far better and more comprehensive than it was a year ago. Mr. Barbadoro has said don't let the perfect become the enemy of the good, but this process takes a lot of power and money and rights off the table by reducing your ability to control the siting of the small systems. He confirmed that it was the Article 34 that was required for becoming a Green Community, not small-scale, Article 33. He is concerned that Article 33 doesn't give enough freedom to the homeowner.

Barbadoro thanked Mr. Delise for the hard work. Site-plan review is an administrative permit, and it will not prohibit your small-scale solar – this kind of permit will not be turned down. There is no discretion, so the rules will allow for putting it on your property.

Mr. Delise said why not remove it?

Mr. Barbadoro said it allows for discussion with your neighbors.

Carol Dionne of Burroughs Rd. asked if the Town Center Land being developed by Toll Brothers is zoned Town Center. How do these bylaws control solar panels on that land? Lots of it is still undeveloped and will be developed.

Rebecca Verner said that that project has a deed restriction for the condo association that is written in, so they cannot change it.

Carol Dionne asked if it would be possible for the lots that are zoned AR off of Priest Ln to have solar – this would be two lots (owned by original owner). Mr. Barbadoro clarified that it would only be small-scale that would be possible there.

Becky Neville moved the question. The motion carried by a 2/3 vote.

Action on the motion on Article 33: motion carried by a 2/3 vote as declared by the moderator.

ARTICLE 34 ZONING BYLAW AMENDMENT: SOLAR ENERGY SYSTEMS – MEDIUM AND LARGE-SCALE GROUND-MOUNTED BYLAW

(Two-thirds vote required)

Mark Barbadoro, Chair of the Planning Board moved that the Town vote to amend Boxborough Zoning Bylaw Section 4003 Business/Industrial Use Table, Article IV Use Regulations, Article V Dimensional Requirements (footnotes) and adding Section 7800 Solar Energy Systems – Medium and Large-Scale Ground-Mounted, and by adding the following language in bold italics and deleting the language indicated by strikethroughs, and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw printed in the warrant except that in section 7803.8 on page 81 of the warrant:

- A) The word “about” on line 4 shall be eliminated and replaced by the words “greater than”
- B) The word “or” on line 4 shall be eliminated
- C) The word “greater” on line 5 shall be eliminated.

4003(4): Business/ Industrial Uses

	AR	R1	B	B1	OP	TC	IC
<i>Medium-Scale Ground-Mounted Solar Energy System²⁰</i>	<i>N</i>	<i>SP (PB)</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>
<i>Large-Scale Ground-Mounted Solar Energy System²⁰</i>	<i>N</i>	<i>N</i>	<i>SP (PB)</i>	<i>SP (PB)</i>	<i>SP (PB)</i>	<i>N</i>	<i>SP (PB)</i>

ARTICLE IV USE REGULATIONS

4XXX Special Permits for Medium or Large-Scale Ground Mounted Solar Energy Systems

The Planning Board shall be the Special Permit Granting Authority for the issuance of special permits in the case where an applicant requests to install a Medium or Large-Scale Ground-Mounted Solar Energy System. In addition to the standards set forth in Section 7800 of this Bylaw, the Special Permit Granting Authority shall also consider each of the following factors before the issuance of a special permit:

- (1) Suitability of the site for the proposed Medium or Large-Scale Ground-Mounted Solar Energy System;*
- (2) Adequate landscaped and natural buffers are provided around the installation. Where applicable, physical buffers, such as berms and/or fences are proposed between residential and installations of Medium or Large-Scale Ground-Mounted Solar Energy System;*
- (3) The proposal, to the maximum extent possible, protects the existing tree canopy and stone walls on Massachusetts Avenue (Route 111) and along designated scenic roadways;*
- (4) The proposal retains and/or preserves unique natural, historical or cultural resources located on the site, if any;*

ARTICLE V DIMENSIONAL REQUIREMENTS

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FOOTNOTES

²⁰ *To avoid “project segmentation” (i.e., project phasing), in determining the size of a Ground-Mounted Solar Energy System, the area calculated shall be the aggregate area (square footage) of all such systems on contiguous parcels of land held in common ownership. Any proposed increase in area of existing arrays that would cause the Solar Energy System, in total, to meet a different size definition (i.e., increase from “Small” to “Medium” or “Medium” to “Large”) shall trigger the requirements of the larger size definition.*

7800 Solar Energy Systems – Medium and Large-Scale Ground-Mounted

7801 Purpose

To facilitate and provide reasonable regulations for the placement, design, construction, operation, monitoring, modification, removal and recycling of Medium and Large-Scale Ground-Mounted Solar Energy Systems that address public health, safety and welfare in accordance with Massachusetts General Law Chapter 40A, Section 3, and which minimizes impacts on scenic, rural, natural and historic community resources, and provides adequate financial assurance for the eventual decommissioning of such installations.

7802 Applicability

This section shall apply to all Medium and Large-Scale Ground Mounted Solar Energy Systems, including related buildings, structures, and equipment, and to physical

modifications of such installations that substantially alter their type, configuration, or size as determined by the Planning Board.

7802.1 Site Plan Approval

Site Plan Approval may be required for Solar Energy Systems as noted below:

- (1) *Medium and / or Large-Scale Ground-Mounted Solar Energy Systems require Site Plan Approval.*
- (2) *Site Plan Approval Application Policy and Procedures - Applicants undergoing Site Plan Approval for Medium and / or Large-Scale Ground-Mounted Solar Energy Systems shall refer to the following document(s) for additional information regarding application requirements:*
 - *“Site Plan Approval provisions for Medium-Scale Ground-Mounted Solar Energy Systems”*
 - *“Site Plan Approval provisions for Large-Scale Ground-Mounted Solar Energy Systems”*

7802.2 Designation of Special Permit Granting Authority

Where a special permit is required pursuant to Sections 4003(4) and 4XXX, the Planning Board shall be the Special Permit Granting Authority (SPGA) for Medium and Large-Scale Ground-Mounted Solar Energy Systems.

7803 Solar Energy System Definitions

7803.1 *Agrivoltaics or Dual Use shall mean the co-developing of the same area of land for both solar photovoltaic power as well as for agriculture. The coexistence of solar panels and crops implies a sharing of light between these two types of production.*

7803.2 *Community Solar Farm shall mean a Solar Energy System, Ground-Mounted that provides electricity or bill credits to three or more unique Boxborough customers serviced by the Utility Provider. The share of any one customer shall not exceed 50% of the total capacity of the Solar Energy System.*

7803.3 *Ground-Mounted shall mean that installations are structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; Roof-mounted installations or canopy installations above parking lots or driveways are not Ground-Mounted Solar Energy Systems.*

7803.4 *Solar Collector shall mean a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.*

7803.5 *Solar Energy shall mean radiant energy received from the sun that can be collected in the form of heat or light by a Solar Collector.*

7803.6 *Solar Energy System shall mean a device or structural design feature, whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a Solar Collector to another medium using*

	<i>mechanical, electrical, or chemical means such as to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.</i>
7803.7	<u>Solar Energy System, Ground-Mounted</u> shall mean a Solar Energy System of any size that is structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; not roof-mounted installations or canopy installations above parking lots or driveways.
7803.8	<u>Solar Energy System, Large-Scale Ground-Mounted</u> shall be considered an industrial facility use and mean a Solar Energy System with a Solar Layout that occupies 40,000 square feet or more of surface area (equivalent to a rated nameplate capacity of greater than 250kW DC). Inclusive of appurtenant structures.
7803.9	<u>Solar Energy System, Medium-Scale Ground-Mounted</u> shall be considered an industrial facility use and mean a Solar Energy System with a Solar Layout that occupies more than 2,250 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 – 250kW DC). Inclusive of appurtenant structures.
7803.10	<u>Solar Layout for Medium and Large-Scale Ground-Mounted</u> shall mean the total area of the vertical projection on the ground of all Solar Collectors in the installation's most horizontal tilt position and shall include all spaces between the panels.
7803.11	<u>Utility Provider</u> shall mean the local electrical distribution company (Littleton Electric Light Department (LELD) or other).

7804 Standards and Requirements

The following provisions shall apply to all Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems in zoning districts where they are a permitted use.

(1) Setbacks

The Solar Layouts of Medium-Scale or Large-Scale Ground-Mounted Solar Energy Systems, along with all appurtenant structures, including but not limited to: buildings equipment shelters, storage facilities, transformers and substations shall adhere to a one hundred (100) foot front, side and rear yard setback requirement in all zoning districts. The Planning Board may reduce setbacks from lot lines by Special Permit for the Solar Layout of a Medium-Scale Ground-Mounted Solar Energy System of 5,000 square feet or less, and/or for any appurtenant structures, if such adjustments enhance the overall site design and still provide protection to adjacent properties. In such a case, additional screening may be required to minimize adverse impacts.

Any Medium-Scale Ground-Mounted Solar Energy Systems allowed by Special Permit within residential districts shall be installed in the rear yard.

(2) Landscaping and Screening

All appurtenant structures, including but not limited to: buildings, equipment shelters, storage facilities, transformers, and substations shall be architecturally compatible with each other. All structures shall be hidden from view by

vegetation or fencing and shall be in place prior to operation. Landscape plantings and/or solid fenced screening shall be provided to reduce the visual impact of Ground-Mounted Solar Energy Systems, along with all appurtenant structures, and specifically to protect nearby receptors from danger, harm, or nuisance that may result from reflective glare. Solar Energy Systems and all appurtenant structures shall have anti-reflective surfaces.

Front, side and rear yard setback areas shall be designed to reduce the visual impact of the Medium and Large-Scale Ground-Mounted Solar Energy System upon adjacent property by use of trees and shrubs and/or naturally vegetated conditions or fencing. Where naturally vegetated conditions are insufficient to reduce visual impacts year-round, landscape plantings for Medium and Large-Scale Ground-Mounted Solar Energy Systems shall consist of a densely planted screen of evergreen foliage not less than eight (8) feet in height at the time of installation. Suitable landscape plantings shall consist of native species identified by the UMass Clean Energy Extension Pollinator-Friendly Solar PV for Massachusetts initiative.

Should fencing be used, it shall be no more than seven (7) feet high, constructed of durable materials and supplemented with landscape plantings, as defined above. Berms or other methods to adequately screen the facility, depending on site specific conditions may be considered. All screening shall be maintained and replaced as necessary by the owner / operator of the Medium or Large-Scale Ground-Mounted Solar Energy System.

(3) Lighting

Lighting of Medium and Large-Scale Ground-Mounted Solar Energy Systems and appurtenant structures shall be limited to that required for safety and operational purposes, and shall be fully shielded from abutting properties. Lighting of the Medium or Large-Scale Ground-Mounted Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. Security lighting shall be controlled by motion detectors or infrared sensors with an on-time of no more than ten (10) minutes per activation. No all-night lighting will be allowed.

(4) Utility Connections

All utility connections, conduits, cables, power lines, transformers and inverters shall be placed underground, except (a) where otherwise required by the Massachusetts State Building Code, Massachusetts and/or National Electric Code, the Utility Provider or other authority having jurisdiction; (b) in adverse ground conditions such as appropriate soil conditions, shape and topography of the site, ledge or excess water; or (c) for connection to existing above ground utility lines.

- a) Wiring – Wiring within the installation's Solar Layout shall follow industry standards and meet the requirements of the Utility Provider.*
- b) Aboveground Connections - Aboveground connections that already exist proximate to the site of the proposed facilities may be used, subject to Site Plan Approval by the Planning Board and subject to the requirements of the Utility Provider.*

- c) *Electrical Transformers - Electrical transformers for utility interconnections may be located above ground, subject to Site Plan Approval by the Planning Board and subject to the requirements of the Utility Provider.*
- d) **Access Roads**
 - a. *Where feasible all access roads and utilities shall minimize bisecting of the property and be installed along the perimeter of project.*
 - b. *Access roads and associated tree clearing shall not exceed twenty-five (25) feet in width.*

(5) Noise

- a) *Noise Generating Equipment - All noise-generating equipment shall be installed as far from abutting structures as practical to mitigate potential noise impacts.*
- b) *Noise Studies - A pre and post-construction noise study shall be required of all Large-Scale Ground-Mounted Solar Energy System installations to demonstrate that the facility is in compliance with the Massachusetts DEP's Noise Policy.*

(6) Signs

- a) *Signs shall comply with the requirements of Section 6300 of this Bylaw.*
- b) *Dimensions – Facilities located within the Agricultural / Residential Districts shall not have more than one (1) sign, with dimensions no larger than one (1) square foot in area per side shall be required to identify the owner and provide a 24-hour emergency contact phone number and may be installed with the trademarks of the installer, manufacturer, and operator of the installation.*
- c) *Advertisements - Medium and Large-Scale Ground-Mounted Solar Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer, owner or operator of the Solar Energy System.*
- d) *Visibility - Signs should not be visible to abutters nor to passersby on the street, if it can still be visible for emergency purposes.*

(7) Stormwater Management and Conservation

Best management practices shall be used for controlling and managing stormwater run-off and drainage for Medium and Large-Scale Ground-Mounted Solar Energy Systems in compliance with all applicable federal, state and local regulations. To the largest extent possible, the ground shall remain pervious to rain water. Where necessary, adequate provision shall be made for groundwater recharge and to prevent site run-off and erosion.

Calculation of Impervious Area - Medium and Large-Scale Ground-Mounted Solar Energy Systems shall not be included in calculations for lot coverage or impervious cover so long as the Solar Collectors have planted surfaces beneath them such as pollinator habitat, dual-use solar or agrivoltaics installations. If the area beneath a Medium or Large-Scale Ground-Mounted Solar Energy System is to be paved or otherwise rendered impervious then this land area shall in fact, count toward any coverage or impervious surface limit. Land required for access roads, utility connections and appurtenant structures will be included in calculations for lot coverage or impervious cover of land.

(8) Protection of Forest Land and Prime Farm Land, Land Clearing, Habitat Impacts and Historically Significant Structures

- a) Land Clearing - Not more than one (1) acre of land shall be deforested for any one Medium and/or Large-Scale Ground-Mounted Solar Energy System, and no such installation shall be placed on such land that was deforested within the prior 5 years, other than a Community Solar Farm. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.**
- b) Prohibited Locations – Medium and / or Large-Scale Ground-Mounted Solar Energy Systems are prohibited in locations of old growth forest, prime farmland soils as defined by the US Department of Agriculture Natural Resources Conservation Service, wetlands, aquifer districts, permanently protected open space, Priority Habitat Areas and BioMap2 Core Habitat and Critical Natural Landscape mapped by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP) and Habitat of Potential Regional or Statewide Importance as mapped by the Massachusetts Department of Environmental Protection (DEP).**
- c) Historically Significant Structures – Solar Energy Systems on historically significant structures as identified by the Boxborough Historical Commission or as designated by federal, state, or local registries or databases, shall have limited or no visibility to the public and be integrated into the structure to minimize adverse visual impacts. The Planning Board and Design Review Board (in accordance with their purview under the Zoning Bylaw), reserve the right to recommend modifications to the proposed Solar Energy Systems to maintain the historical character of structure(s).**
- d) Preferred Locations - Siting of Solar Energy Systems is encouraged in the following locations:**
 - Building Roofs**
 - Brownfield sites and previously developed sites**
 - Parking lots**

Greenfield development is discouraged. Applicants who propose greenfield installations will be required to demonstrate why the proposed site is preferable to a previously developed site. Such demonstration shall include a comparison of environmental impacts and a cost-benefit assessment.

(9) Height Limitations

- a) Existing zoning district height limitations apply for all Ground-Mounted Solar Energy Systems.**
- b) If a Ground-Mounted Solar Energy System is accessory to a principal building or structure on a lot, then the height restriction for accessory structures would apply as defined in Section 5008 of this Bylaw.**

- c) If a Ground-Mounted Solar Energy System is the principal structure on a lot, then the height restriction shall be a maximum of fifteen (15) feet from finished grade.
- d) An increase in height may be granted in commercial districts by Special Permit from the Planning Board.

(10) Decommissioning

- a) Upon decommissioning of Solar Energy Systems all solar panel components shall be reused or recycled using industry best practices available at the time of decommissioning.
- b) Life-Cycle Analysis – At the time of Application for Site Plan Approval, the Applicant may be required, as deemed appropriate by the Planning Board, to demonstrate a life-cycle analysis of the components to ensure that there is a net environmental benefit to the proposed installation.
- c) Surety - Proponents of Large-Scale Ground-Mounted Solar Energy Systems shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

4003(4): Business/ Industrial Uses

	AR	R1	B	B1	OP	TC	IC
Medium-Scale Ground-Mounted Solar Energy System²⁰	N	SP (PB)	Y	Y	Y	N	Y
Large-Scale Ground-Mounted Solar Energy System²⁰	N	N	SP (PB)	SP (PB)	SP (PB)	N	SP (PB)

ARTICLE IV USE REGULATIONS

4XXX Special Permits for Medium or Large-Scale Ground Mounted Solar Energy Systems

The Planning Board shall be the Special Permit Granting Authority for the issuance of special permits in the case where an applicant requests to install a Medium or Large-Scale Ground-Mounted Solar Energy System. In addition to the standards set forth in Section 7800 of this Bylaw, the Special Permit Granting Authority shall also consider each of the following factors before the issuance of a special permit:

- (1) Suitability of the site for the proposed Medium or Large-Scale Ground-Mounted Solar Energy System;*
- (2) Adequate landscaped and natural buffers are provided around the installation. Where applicable, physical buffers, such as berms and/or fences are proposed between residential and installations of Medium or Large-Scale Ground-Mounted Solar Energy System;*

- (3) The proposal, to the maximum extent possible, protects the existing tree canopy and stone walls on Massachusetts Avenue (Route 111) and along designated scenic roadways;**
- (4) The proposal retains and/or preserves unique natural, historical or cultural resources located on the site, if any;**

ARTICLE V DIMENSIONAL REQUIREMENTS

5000

FOOTNOTES

²⁰ *To avoid “project segmentation” (i.e., project phasing), in determining the size of a Ground-Mounted Solar Energy System, the area calculated shall be the aggregate area (square footage) of all such systems on contiguous parcels of land held in common ownership. Any proposed increase in area of existing arrays that would cause the Solar Energy System, in total, to meet a different size definition (i.e., increase from “Small” to “Medium” or “Medium” to “Large”) shall trigger the requirements of the larger size definition.*

Summary:

This new Zoning Bylaw will bring local regulation for Medium and Large-Scale Ground-Mounted Solar Energy Systems that currently does not exist. Our current Zoning Bylaw makes no reference to Solar Energy Systems of any size as an “allowed use”, and thus could be in conflict with State Law. Adopting this local Zoning Bylaw provides clarity for Medium and Large-Scale Ground-Mounted Solar Energy System installations in Boxborough.

The Zoning Bylaw addresses the placement, design, construction, operation, monitoring, modification, removal and recycling of Medium and Large-Scale Ground-Mounted Solar Energy Systems. The purpose is to enable the installation of Medium and Large-Scale Ground-Mounted Solar Energy Systems consistent with State Law, to provide guidance for commercial installations, to minimize impacts on scenic, rural, natural and historic community resources, as well as to provide adequate financial assurance for the eventual decommissioning of such installations.

Over the past year, the Planning Board has worked closely with members of the Sustainability Committee, Agricultural Commission and other residents to address a number of concerns. Several public hearings were held in early 2022 and the proposed Zoning Bylaw language was further refined. The proposed Zoning Bylaw for Medium and Large-Scale Ground-Mounted Solar Energy Systems will provide for the following:

- *Predictable permitting and defined rules for Medium and Large-Scale Ground-Mounted Solar Energy System installations;*
- *Medium-Scale Ground-Mounted Solar Energy Systems sized (up to 40,000 square feet / up to 250 kilowatts (kWh)) allowed “By right” in the Business, Business-1, Office Park and Industrial-Commercial Districts;*
- *Meets Green Communities Act Criterion 1;*
- *Encourages the siting of Solar Energy Systems on brownfield sites, previously developed sites and parking lots.*
- *Provides for environmental protections of the Town’s natural resources;*
- *Protects the public health, safety, welfare and quality of life for residents.*

Site Plan Approval and/or Special Permits may be required, depending on the size and location of the proposed Medium or Large-Scale Ground-Mounted Solar Energy System. Site Plan Approval process and procedures, including Site Plan Approval Provisions for Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are identified in a new supplement to the existing Site Plan Approval Rules and Regulations, to be adopted by the Planning Board.

A summary of the types of Solar Energy Systems permitted by zoning district is provided below:

Table 2- Summary of Medium and Large-Scale Ground-Mounted Solar Energy Systems

Type of Solar Energy System / Size	Allowed By Right in District	Requires Special Permit Application	Prohibited Districts	Requires Site Plan Approval
<i>Medium-Scale Ground-Mounted (greater than 2,250 s.f. and less 40,000 s.f.)</i>	<i>Business, Business-1, Office Park and Industrial-Commercial Districts</i>	<i>Residential-1 District</i>	<i>Agricultural-Residential and Town Center Districts.</i>	<i>Yes</i>
<i>Large-Scale Ground-Mounted (greater than 40,000 s.f.)</i>	<i>None</i>	<i>Business, Business-1, Office Park, and Industrial-Commercial Districts.</i>	<i>Agricultural-Residential, Residential-1, and Town Center Districts</i>	<i>Yes</i>

The Planning Board recommends unanimously (5-0).

The Planning Board understands the importance of mitigating climate change and supports renewable energy, including Solar Energy Systems, to help reduce our carbon footprint. The Medium and Large-Scale Solar Energy Systems Zoning Bylaw is being proposed to ensure that such Solar Energy Systems are appropriately sited and are compatible with their surroundings.

This Zoning Bylaw addresses the concerns that were raised by the Sustainability Committee, Agricultural Commission and residents during the past year. This Zoning Bylaw balances the interests of those wishing to install Medium or Large-Scale Ground-Mounted Solar Energy Systems and reap the associated benefits, while protecting the rural nature, important landscapes and viewsheds across Boxborough's 10.4 square miles.

Adoption of this Zoning Bylaw will eliminate the conflict between State and Local Law, reduce permitting uncertainty, minimize disputes between neighbors and reduce potential for costly litigation.

The proposed Bylaw incorporates input and guidance from a number of sources including several Town Boards and Committees, the Massachusetts Department of Energy Resources (DOER) (including the Green Communities Division), the Metropolitan Area Planning Council, several solar energy installers, and the Town's Consulting Engineer. Additionally, the Planning Board consulted many nearby communities' existing Solar Bylaws in the preparation of this Bylaw and incorporated many of the zoning concepts from these surrounding communities. The proposed Bylaw satisfies the requirements for Green Communities as designated by the DOER.

By providing the Town with two separate Solar Energy Systems Bylaws, one for Small-Scale Ground-Mounted and Roof-Mounted Solar Energy Systems and one for Medium and Large-Scale Ground-

Mounted Solar Energy Systems, the Planning Board is providing residents with additional options to vote for either or both Bylaws.

The Sustainability Committee recommends (6-0-2).

The Sustainability Committee unanimously supports the proposed bylaw for recognizing the holistic nature of 'sustainability', where we as a community must balance things like the broader transition to clean energy with the protection of our important natural resources, as well as the preservation of our rural character. The bylaw isn't perfect, but it represents a significant effort to strike that balance as we go forward and confront the ways in which our community must adapt to a changing future.

The Finance Committee recommends (3-0-3).

Half of the Finance Committee supports this warrant article. We feel the Planning Board has made significant changes from last year and incorporated changes suggested by both the Sustainability Committee and the Agricultural Commission. This bylaw will not have a tax impact on homeowners.

Discussion on Article 34:

Mark Barbadoro moved that the Town vote to amend Boxborough Zoning Bylaw Section 4003 Business/Industrial Use Table, Article IV Use Regulations, Article V Dimensional Requirements (footnotes) and adding Section 7800 Solar Energy Systems – Medium and Large-Scale Ground-Mounted, and by adding the following language in bold italics and deleting the language indicated by strikethroughs, and further that non-substantive changes to the numbering of the Zoning Bylaw printed in the warrant except that in section 7803.8 on page 81 of the warrant:

- a) The word "about" on line 4 shall be eliminated and replaced by the words "greater than"
- b) The word "or" on line 4 shall be eliminated
- c) The word "greater" on line 5 should be eliminated.

Mr. Barbadoro explained that the change in the wording at 7803.8 was necessary according to the DOER and Green Communities to allow for 250 kW arrays.

Agricultural Committee does not recommend. Owen Neville of the Agricultural Commission said that Chapter 40A section 3 speaks to solar; the zoning bylaw should already allow for solar. The Ag Com believes that solar arrays should be considered in any zoning district. For example the Town of Lexington reduced their solar bylaw to 2.5 pages and recognized that it's already in 40A section 3.

Bob Stemple of Kendall Rd. wanted to know if it's in the regulation for covering parking lots?

Mark Barbadoro said that falls into its own category, and you can put parking lot covering solar arrays anywhere in commercial districts.

John Neyland of Picnic St. still feels that they are not quite there; he recognizes that it's a lot of work. He asks if it meets the acid test of what customer can or can't do. You can't clear more than an acre. Donny Morse could put an array that's a couple panels wide, but he couldn't do it within this bylaw. I would love to keep discussing to get it more well ironed out because it's a heavy lift to try to amend it every year.

Carol Dionne of Burroughs Rd. commented on the aspect of the bylaw that was about by-right vs. site plan review. Some of the guidelines don't prevent things, but allow the town to have a voice in controlling them.

Mark Barbadoro said by-right doesn't mean you can do whatever you want. There are still regulations that you have to put in, without discussing it with the Planning Board but you have to get approval from the Building Inspector. It would trigger a review if someone wanted to ask for something larger.

Ms. Dionne said if a business wanted to come in and clear more than an acre, it doesn't outright prevent, but triggers a review.

Mark White of the Planning Board wants to commend the members of the Planning Board for the work they've put in. There was a lot of give and take with the other boards was excellent. Overall it's a well-crafted regulatory document. It may be more restrictive than other things in your yard, but it didn't exist as an option when the original bylaws were created and that's why it's regulated. It was disturbing to see so many acres of prime forest knocked down. This bylaw makes for good neighbors. No bylaw we ever write is going to be perfect.

John Markiewicz spoke the as liaison to the Sustainability Committee; there was a tremendous amount of compromise between the two boards. This is the article needed in order to be closer to getting to become a Green Community. Select Board has endorsed becoming more energy efficient.

Dick Wagman of Leonard Rd. is reminded of social security which most people support. It didn't start out that way. As a result people kept coming back and trying to improve it. Solar is new, and the first crack at a bylaw on it may not be perfect. It seems that this is a good first crack so let's support it.

Michael Toups of Pine Hill Rd asked if 7804 section A allows for clearing of one-acre land – removing trees and shrubs? Mr. Barbadoro said this correct. Is there a minimum tree size for a shrub? He wanted to clarify a few sections and definitions.

Mark Barbadoro would interpret this probably the same way as the Building Inspector – if it's scrub land it probably would not have the same application.

Mr. Toups of Pine Hill Rd. clarified that the section about "accidentally" clearing land with the 5 year moratorium means if you have cleared more than an acre within the first 5 years, and then want to put a solar panel in you wouldn't be allowed. Old growth forest is not relevant because it is a commonly understood definition. Mr. Barbadoro clarified the different definitions: virgin old-growth forest vs. old growth forest.

Mr. Toups argued that maybe the definition is not clear. Also asked how much farmland soils exist in Boxborough? Mr. Barbadoro said it is in a map in the OSRP and doesn't know how much, but it's a lot.

Mr. Toups asked if there are any ways to re-use and recycle? Ms. Verner said they didn't want to hinder the bylaw by including language that would then have technology changes over the years. There are ways to reuse and recycle and they would encourage that. Mr. Toups said life cycle analysis is important. Ms. Verner said it is something to consider and it is mentioned as best practices but it is not required.

Mr. Toups supports it but thinks that the Planning Board may need to come back to make some adjustments.

Rita Grossman of Depot Rd. thanks everyone for the hard work that has gone into this. She agreed that it is important to get this on the books and wants to know if you can change BioMap 2 to BioMap 3 in the bylaw because it's about to be released. It was clarified by Ms. Verner and Mr. Barbadoro that the bylaw could be changed at a later date.

Ms. Grossman wanted to clarify if there is BioMap land in Commercially zoned areas but already disturbed surfaces, you would be able to put solar panels in those areas. Mr. Barbadoro said it would depend on the specific case: you can't find every eventuality in, so it would have to be analyzed on a case by case basis. Mr. Barbadoro wants to make sure it is not bigger than the zoning bylaw itself, you can't address everything. Brownfield sites would be encouraged. Ms. Verner said that through the site-plan review process that kind of thing would be addressed.

Susan Bak moved the question. The motion carried by a 2/3 vote.

Action on the motion on Article 34: Carried by a 2/3 vote as declared by the moderator.

Motion on Article 6. Wes Fowlks moved to pass over Article 6. The Select Board has not come to final terms with the unions for the first year of their contracts. **Fin Com recommends** passing over.

Action on the motion on passing over Article 6 passed unanimously.

ARTICLE 35 SENSE OF THE MEETING: BECOMING A VOCATIONAL TECHNICAL SCHOOL MEMBER TOWN

Sponsor: Select Board

Wes Fowlks, Select Board Chair moved that the Town vote if it is the sense of the meeting to request that the Select Board explore the possibility of the Town becoming a member of a regional vocational technical high school and report to back to the 2023 Annual Town Meeting as to the likely districts we might join, the process for doing so and the educational and financial impacts of doing so.

Summary:

At the 2016 Special Town Meeting, Boxborough voted to withdraw from the Minuteman Regional Vocational High School district. This vote was made after several years of declining enrollment of Boxborough students at Minuteman. However, 12 students from Boxborough applied for enrollment at one of the three schools that students from Boxborough have been attending since the withdrawal (Minuteman, Assabet Valley, and Nashoba Tech). All three schools had full admissions based on their member towns, thus were unable to accommodate Boxborough students. Vocational education has a long tradition of preparing students for careers or for further education. Towns are required to pay tuition and transportation for students who choose to attend a vocational school. Without being a member of any district, we run the risk of not being able to provide an appropriate education alternative to Acton-Boxborough, or to having to pay extra in transportation costs to go to schools even further away than the three current options. By exploring opportunities to join one of the nearby vocational districts we can help to ensure that our students receive the best education for their needs.

The Select Board recommends unanimously (5-0).

The Select Board feels that our students deserve this important educational option should they choose to. This article will lead to provide us with any available options that we can pursue for the future.

The Finance Committee recommends unanimously (6-0).

Finance Committee recommends.

Discussion on Article 35:

Jennifer Campbell presented on behalf of the Select Board. Vocation Tech school are decided by the town rather than the region. In 2016 the Town voted to leave the Minuteman Vocational School District as a town. There had been declining enrollment, increasing costs. Prior to that we had some advantages. Our students were given priority and could receive admission. Transportation was coordinated. Since 2016 we have a choice of Assabet, Minuteman, Nashoba. This year 12 students applied and none were accepted. One student was accepted at Essex but isn't going because the commute is way too long. Tuition is around \$17-20,000 per student; maybe extra costs for students with IEPs. The transportation costs per school is \$32-38,000 per school. If we were member town, the students would have to go to that member school unless there was a program that wasn't offered at that school. Not all students thrive at ABRHS. There is the benefit of learning a trade.

She proposed that we form a committee to one of the schools and present this as an option at a future town meeting. If we don't vote for this we still have to pay transportation costs and students have limited options. Our students can't vote so we need to show them that we care about their future.

Dick Wagman of Leonard Rd. remembers the Town Meeting at which we voted it down. He remembers it as a big blunder. We shouldn't force students to stay at ABRHS. Strongly supports trying to get back into something. It's OK to pick one school.

Michael Toups wishes that this wasn't done in 2016. We were assured that we would have more choices for our students. We asked them about what if they don't have room for us. The answer was no, and barely debated. They claimed it would cut transportation costs. His youngest went to Minuteman and then RPI. Unfortunately the horse has left the barn and we can't get back into Minuteman. They sized it for a smaller number of students than they had previously. He urged us to vote yes, but doesn't know how to solve this problem.

Cheryl Mahoney thanked Jennifer for the presentation. Mr. Toups' daughter was Valedictorian as was the AB student the year before. It was actually a longer protracted discussion. In 2015 this was put forth, but no analysis had been done so very reluctantly that person agreed to formulate a Vocational Study Committee. The findings of the Committee are that more students will want to go to these schools. Every study shows that that will change. That person pushed through the Article to remove us from the district and then left town. He also helped to sway Minuteman by reducing the size of the building.

Steve Ballard of Swanson Rd. stated that last year we had 11 Voch Tech students and previously there were none; the numbers are increasing and it's great. Last summer DESE changed their regulations because these regional schools had become an industry that were being gained by privileged families. If you look at the demographics at Minuteman, there are a lot from Acton, including 1 English language learner. They don't reflect the demographics that you would hope for. Large Hispanic populations in places like Lawrence aren't represented.

Christine Marlow said it's an important subject and it's heartbreaking to hear that 12 of our students didn't get into a voc tech school. If you are a member are you given priority?

Ms. Campbell explained that yes, our students wouldn't even be considered.

Ms. Marlow wants to vote yes on this. The numbers are changing so please vote yes.

Heather Fleming of Stow Rd. very much supports it, and would love to do this for our community not only to give our kids the choice and also to send the message that choice is fine and not better than or less than.

Mark White moved the question. Motion carried by 2/3 vote

Action on the motion on Article 35: Motion carried unanimously.

Wes Fowlks moved to dissolve the May 9, 10 and 12, 2022 meeting at 10:52 pm. The motion to dissolve the meeting carried unanimously. Moderator John Fallon received an instant standing ovation on the occasion of his final Town Meeting.

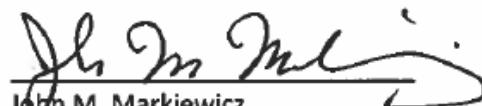
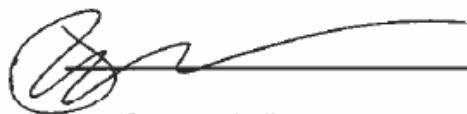
You are required to serve this Annual Town Meeting Warrant by posting copies thereof, attested by you, at the Town Hall, at the Sargent Library, at the Police Station, at the Fire Station, and at the Blanchard Memorial School, fourteen days at least, before the time appointed for such meeting.

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before April 25, 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

FINANCE COMMITTEE REPORT

Boxborough's Finance Committee is comprised of up to nine members (currently at 6) appointed by the Moderator for individual three-year terms. We are tasked by town bylaw with the responsibility to consider "all matters of business included within the articles of any warrant for Town Meetings" and "shall after due consideration report thereon in print its recommendation as to each article." We are responsible for initiating and managing the Town's budget process. This process of formulating the budget for a fiscal year beginning on July 1 typically begins the previous December and culminates in the presentation of the Finance Committee recommendation for the operating budget at the Annual Town Meeting (ATM) in May. Finally, the Finance Committee seeks to communicate to the voters the key financial and operating issues within town government so as to develop informed debate at town meetings and in other forums.

Overall Town Finances

The overall financial position of the Town remains strong. Boxborough has continued to maintain a AAA bond rating due to high reserves and other favorable budgetary, debt, OPEB planning and financial management metrics as measured by Standard & Poor's. Nevertheless, the Finance Committee and other Town officials continue to document the issues with the revenue side of the financial model. A number of our large commercial properties had abatements to their property taxes approved. As the abatements are approved either by the Town Assessor or by the courts, the financial burden has to switch to you, the taxpayer. The good news is that the larger properties are finding tenants which will help the Town in future years. On the reverse side, the last two years have been extremely difficult in the face of the Pandemic. We have had a high turnover in the finance office leading to delays in processes. Zoom continues to be a lifesaver for Town operations, but normalcy is starting to return. Most if not all of the committees, commissions and boards were able to operate in open meeting (per the Governor's order) via Zoom and now into a hybrid model. This actually allowed more visibility to the workings of the Town by allowing greater access to the meetings without physically being in attendance. Another financial change made by the interim Town Administrator is contracts for Town Employees (e.g. Tax Collector/Treasurer) versus the Personnel plan. It is unclear if this model is better or worse for the Town at this point.

Fiscal Year 2023 Operating Budget

The proposed FY23 operating budget of \$24,595,314 increases spending over FY22 by, \$1,313,212 or 5.6%. The primary budget drivers in FY23 are as follows:

School Assessments. School expenses (ABRSD, Minuteman, Nashoba, Assabet) total \$13,593,084 and reflect an overall increase of 4.1% from FY22 with the total ABRSD budget increasing by 4.6% and the difference from the three vocational technical schools.

FY23 is Boxborough's sixth year as an out-of-district town for Vocational Education. As a result, Boxborough students have the option of attending any vocational school of their choice and primarily Minuteman, Assabet or Nashoba if space exists. We are currently being told that Minuteman, Nashoba and Assabet are not taking new students in the upcoming year. For FY22 we had 6 students attend

Table 1: FY22 Operating Budget Drive

Budget item	FY23	FY22	\$ difference	% difference
Town Hall Staff				
ABRSD Assessment	\$13,257,674	\$12,676,080	\$581,594	+4.6%
Town Government	\$1,601,897	\$1,421,960	\$179,937	+12.65%
Debt Service	\$1,294,632	\$1,099,492	\$195,140	+17.75%
Employee Benefits	\$2,477,706	\$2,313,280	\$164,426	+7.11%
Employee Contracts	Not settled at the time this went to print			
Fuel	\$168,350	\$88,025	\$80,325	+91.25%
Total Budget	\$18,800,259	\$15,598,837	\$1,201,422	+6.4%

Minuteman (2 graduating), 2 at Nashoba and 1 at Assabet. For FY23, we expect the enrollment to remain level at Assabet and Nashoba. Transportation costs continue to be a major budget driver, but the Town's contract with the busing company is helping to maintain level costs.

The new twin school (Gates/Douglas) design/building is progressing and under budget with the plan to move in our students in the upcoming new school year (late August 2022).

Salaries. Higher "net" salaries reflect CPI-U increases plus steps. The previous three-year union contracts are currently concluded and the police, fire and dispatch employees are working on a one year contract. New 3-year contracts are being worked and would be presented either at this ATM in May 2022 or if not completed in time then an STM in Fall 2022. The non-union salaries are typically made up of two components consisting of step and CPI-U (cost of living). Town Government has jumped by 12%. This is driven by substantial salary increases in the finance department salaries. The Interim Town Administrator decided to offer contracts to members of the finance team instead of using the Personnel Plan. He is hoping this will help retain employees.

Benefits. Employee benefits continue to be one of the largest and fastest growing line items in the industry but continue to be reasonable in Boxborough. The employee benefits budget is increasing this year to \$2,477,706 or an **increase** of 7.11%. The town pays 75% of the cost of health insurance and current town employees pay the remaining 25%. This is not inclusive of County retirement or other insurance.

Debt Service. Overall, we are in a good place from a capital planning process with plans for a new public safety facility in process. The Town currently has 2 payments left of \$5,000 each on affordable housing, and 2 payments each of \$105,000 for the Sargent Memorial Library. A bond was opened for \$1.25M

to cover items from FY19 and FY20 ATMs. There were no items bonded in FY21 and 4 items to be bonded in FY22 (fire engine, road paving, dump truck and Liberty fields). As you will see in the warrant this year there are two items under consideration and if approved would be bonded for additional road paving and acquiring property on Sargent Road.

As shown in Table 2 below, the Total Operating Budget \$24,595,314 plus ATM proposed warrant and CPA articles, and overlay reserve (\$330,000) is \$xx, up 5.64% from last year.

Table 2: FY22 Operating Budget Summary by Function *			
Function	FY 23 Proposed	FY 22 voted	Percent Change
Town Government	\$1,601,897	\$1,421,960	12.7%
Protection	\$3,382,455	\$ 3,276,895	3.2%
Education	\$13,593,084	\$13,058,935	4.1%
Public Works	\$1,344,737	\$1,263,590	6.4%
Health Services	\$ 233,120	\$196,420	18.7%
Library, Culture & Recreation	\$ 517,683	\$501,529	3.2%
Debt Service	\$ 1,294,632	\$ 1,099,492	17.8%
Employee Benefits	\$2,477,716	\$2,313,280	7.1%
Reserve Fund	\$150,000	\$150,000	-
TOTAL OPERATING BUDGET	\$ 24,595,314	\$ 23,282,101	5.64%
ATM warrant articles within 2 1/2	\$74,550	\$128,280	-41.88%
ATM CPA warrant articles	\$707,650	\$353,050	100.44%
Overlay Reserve *	\$330,000	\$325,241	1.46%
TOTAL BUDGET **	\$25,707,514	\$24,088,672	6.72%

** FinCom's best estimate. Assessor had not determined overlay reserve as of this report*

*** Includes all warrant articles*

Proposed warrant articles total \$941,775, excluding Community Preservation Act (CPA) funded items. Items in the warrant include road paving, Sargent Road conservation land and various other items that have been identified on the capital plan.

Fiscal Year 2023 Revenues

The sources of funds available to Boxborough are limited to the following categories, with the following estimated amounts for FY23.

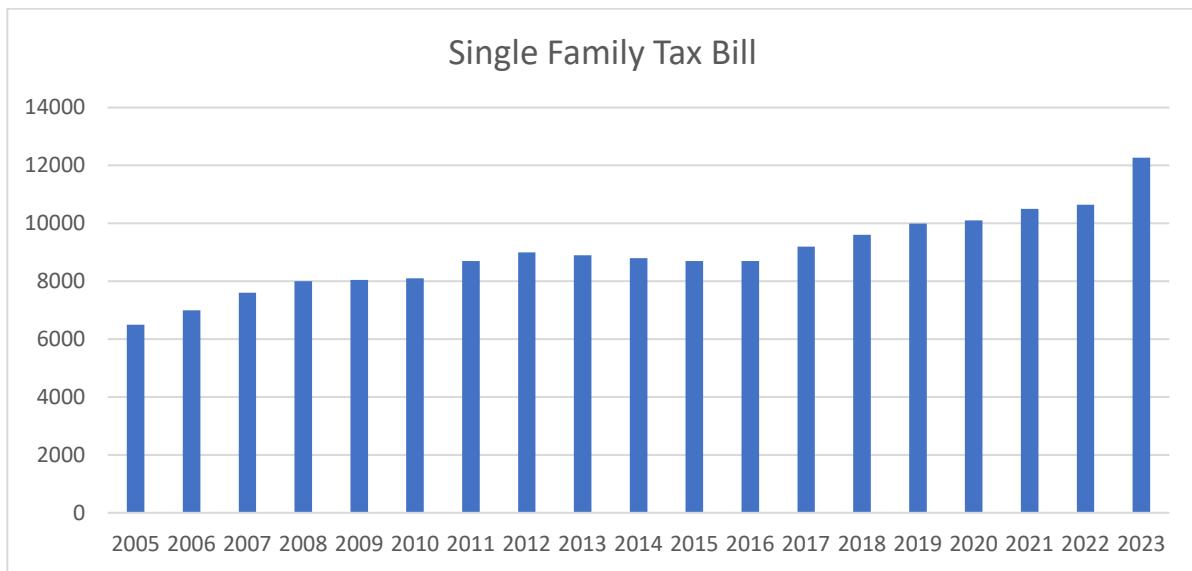
Table 3: FY23 Estimated Revenues and Funding Sources *			
Function	FY 23 Proposed	FY 22 Budget	Percent Change
Property Tax Levy	\$23,477,935	\$21,808,853	7.65%
Net State Aid (less Cherry Sheet assessments)	\$284,717	\$234,567	21.38%
Local Receipts (Excise tax, permits, etc)	\$1,575,000	\$1,550,000	1.61%
Free Cash - Warrant Articles	\$190,001	\$633,000	-69.98%
Stabilization Fund - Warrant Articles	\$0	\$0	
CPA Funds	\$707,650	\$353,050	100.44%
Other**	\$98,124	\$93,798	4.61%
Bonding - Warrant Articles	\$975,000	\$2,585,000	-62.28%
TOTAL REVENUES	\$27,308,427	\$27,258,268	.184%

*** includes Cable & TNC Funds*

The following table shows the currently estimated values of tax levy, tax rate, and average tax bill for the single-family home having a valuation of approximately \$676,268.

*FY23 estimated numbers are based on FY22 plus 3%. Actual FY23 estimates were not provided at the time of this report.

	FY19 Actual	FY22 Actual	FY23 Estimated
Property Tax Levy	\$19,172,247	\$21,887,645	\$23,477,935
Divided by Total Valuation	\$1,167,873,673	\$1,256,466,403	\$1,294,160,395*
= Tax Rate (per thousand)	\$16.42	\$17.42	\$18.14
Avg Single-Family Home Valuation	\$608,661	\$656,571	\$676,268*
Avg Single-Family Tax Bill	\$9,994	\$11,437	\$12,268
% Change from prior year	5.4%	8.7%	7.27%



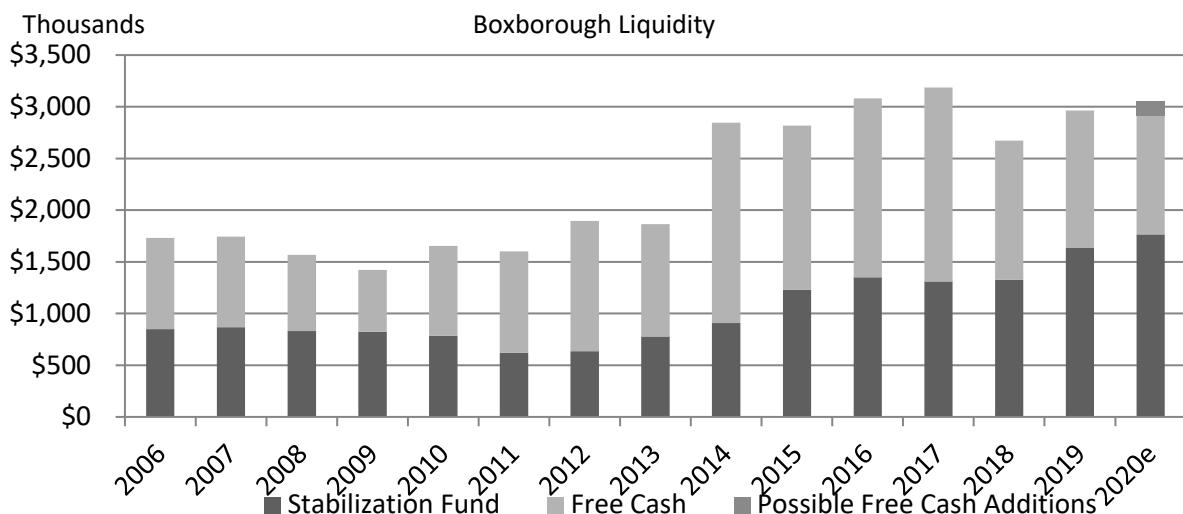
Town Cash Reserves

As noted above in the Revenues summary (Table 3), we are proposing to utilize \$600,000 of our free cash reserves to fund warrant articles plus additional free cash to cover many of the warrant articles. A conscious decision to not add to the Stabilization fund was agreed upon by both the Finance Committee and the Select Board.

Table 5: FY23 Available Funds

Sources of Funds	Prior to ATM	After ATM	\$ Change
Stabilization Fund	1,567,363	1,567,363	0
Free Cash	2,242,231	2,054,230	(188,001)
Total	3,809,594	3,621,593	(188,001)

The Town's liquidity position remains adequate without the addition of \$100,000 to the stabilization fund.



Capital Plan Summary

The capital planning summary below will provide Boxborough citizens with a glimpse of potential future capital expenditures for equipment and infrastructure improvements in the near-term (5 years). Enhancements have been made to the plan this year to help visualize and understand where expenses have occurred in the past and where they might be prioritized in the future. The plan will be reviewed and updated annually in conjunction with the Town's debt schedule and will provide an essential tool to guide Town Meeting in future planning and decision making. It is intended to make citizens aware of the essential projects that may need to be deferred due to financial constraints. At May's Annual Town Meeting, the Finance Committee will provide a brief presentation and further detail about the components of the plan. The presentation will be available on the Town's website after Town Meeting.

Table 7: Capital Plan Forecasted FYE June 30,

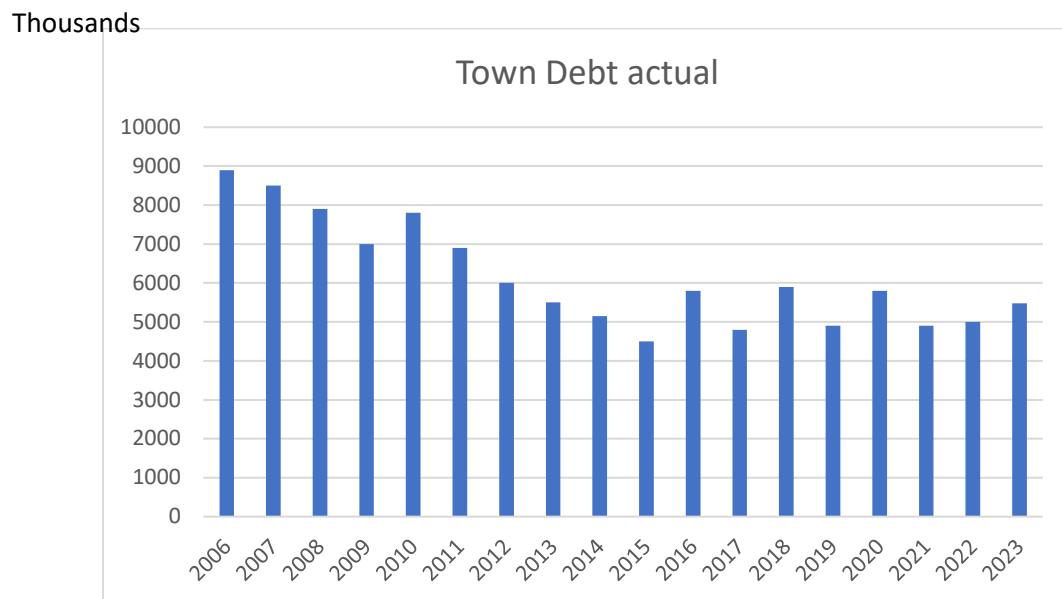
Department	2022	2023	2024	2025	2026	5 Year Total
Cemeteries	10,000	10,000	10,000	0	0	30,000
Conservation	10,000	10,000	10,000	10,000	10,000	50,000
Fire	825,000	70,000	625,000	315,000	1,555,000	3,530,000
Historical Museum	10,000	1,300	44,000	0	0	55,300
Library	40,000	22,500	212,000	140,000	115,000	349,500
Planning	10,000	25,000	0	0	0	35,000
Police	208,000	55,000	177,000	160,500	72,000	557,000
Public Works	597,000	307,500	375,000	557,000	522,000	2,337,500
Recreation	1,613,000	0	0	0	10,000	1,5623,000
Steele Farm	320,000	5,000	360,000	0	0	365,000
Town Clerk	0	0	10,000	10,000	10,000	30,000
Town Hall	94,000	0	170,000	0	0	180,000
Town Wide	61,000	81,000	94,000	64,000	64,000	382,000
Grand Total	3,798,000	586,800	2,087,000	1,256,000	2,358,000	10,086,300

* Public Works includes \$300,000 in annual paving

** Above figures do not include anticipated capital costs for proposed Public Safety Building

Town Debt

As the chart below indicates, long term debt will significantly decrease over the next 10 years. However, this does not account for anticipated capital request and other borrowing related to ABRSD refurbishment needs and a new public safety facility.



General Financial Policies

Policies adopted by the Finance Committee in recent years continue to guide the budget process. It may help the voters' decision-making process to understand these policies as they review the town's operating budget and warrant articles prior to the 2020 Annual Town Meeting. These policy guidelines address three broad areas of municipal finance: The General Fund, Capital Planning, and Debt Management.

General Fund

- Current operating expenses should be paid with current operating revenues, and a prudent use of free cash.
- Free cash should be maintained at 3% – 5% of total expenses.
- Free cash in excess of policy should be reserved for emergency expenses or added to the Stabilization Fund for future capital projects.
- In each annual budget, at least 2% of revenues should be allocated to current capital expenses or to the Stabilization Fund.
- In each annual budget, 20% of the property taxes from new growth should be allocated to current capital expenses or to the Stabilization Fund. We have not followed this policy in the last few years, but it continues to be monitored.
- Fees and user charges should be reviewed annually in relation to the cost of providing the service.
- New positions in the town should be added to the warrant as an article in the first year and then will be added to the operating budgets in following years.
- **Recurring expenses (non-bonded) in the town will be added to the warrant as an article in the first year and then will be added to the operating budgets in following years.**
- The Finance Committee recommends that the reserve fund be at 1% of the total budget, but with the AB region being over 50% of the total budget we have reduced the reserve fund.

Capital Planning

- Both the incremental operating costs and debt service costs for any proposed capital project must be considered before any approval is granted.
- FY16 started a new capital planning process and will continue each year ad infinitum.
- The warrant will include a 5-year rolling plan for projected capital needs.
- The capital forecast shows the projected item and the year in which the item is planned to be purchased. This forecast will change on an annual basis and will not reflect all the unplanned projects that arise on future warrant articles.

Debt Management

- Debt service should not exceed 10% of revenues.

The Finance Committee expects that these policies, together with a robust long-term planning effort encompassing operating budgets, capital improvements, and town land resources, will serve to guide the budget process in years to come.

Conclusions

The most important thing that voters can do at this time of the year is to familiarize themselves with the financial situation of the Town, by reviewing the information presented here and in the Article 5 description. Whatever the outcome of votes on specific budgetary lines, the Finance Committee wishes that the discussion be well informed and wide-ranging. It is you the voter who can determine the future prospects for the town by careful consideration of the Town Meeting Warrant Articles.

Appendix

Voters must keep in mind several definitions and issues that must be observed in approving a budget.

- Levy Limit – The maximum the tax levy can be in any given year, based upon the previous year's limit plus certain allowable increases. This value is generally a good deal less than 2.5% of the Town's full and fair cash value.
- Maximum Allowable Levy – The sum of the Levy Limit for any given year plus the amount of debt service that has been excluded from the provisions of Proposition 2 1/2 by prior Town Meeting and election/ballot actions.
- Levy Ceiling – The maximum value that the Levy Limit can be, equal to 2.5% of the Town's total full and fair cash value of all real and personal property in the community.
- General Levy Limit Override – Proposition 2 1/2 allows a community to assess taxes in excess of the automatic annual 2.5% increase by authorizing a general override for a specific dollar amount in excess of the normal limits. When passed, the Levy Limit for an override is calculated by adding the amount of the override to the normally increased Levy Limit. The override amount becomes a permanent increase in the Levy Limit of the Town.
- Debt Exclusion – Proposition 2 1/2 allows communities to exempt certain debt service costs from the normal Levy Limit constraints, adding the amount of such debt service costs to the normally calculated Levy Limit for the life of the debt. Debt exclusion does not become a permanent increase to the Town's Levy Limit.
- Capital Outlay Exclusion – This exclusion from the provisions of Proposition 2 1/2 allows communities to add the costs of approved capital projects to the normally calculated Levy Limit. Such capital outlay exclusion does not become a permanent addition to the Town's Levy Limit.
- Abatements – Taxpayers, including owners of commercial properties, can and do request a review of their property taxes. When it is found that the value of the property is recorded higher than evaluation calculations merit, then the correction is made financially which results in an abatement back to the taxpayer. The overlay account in the Town budget covers these unknown, but not unexpected abatements.

Addendum: Report of the Community Preservation Committee - 2022 Annual Town Meeting Warrant

CPA Summary - FY 2015 Actual through FY2023 Estimate

Total CPA Revenue	\$ 1,623,752.97
Total CPA State Match and Interest	\$ 387,692.44
Total CPA Funds Received/Anticipated	\$ 2,011,445.41
FY2016 Appropriations (less returned unused funds)	\$ 113,233.21
FY2017 Appropriations (less returned unused funds)	\$ 190,331.58
FY2018 Appropriations (less returned unused funds)	\$ 90,866.10
FY2019 Appropriations (less returned unused funds)	\$ 403,690.52
FY2020 Appropriations (less returned unused funds)	\$ 60,383.00
FY2021 Appropriations (less returned unused funds)	\$ 188,550.00
FY2022 Appropriations	\$ 353,050.00
FY2023 Appropriations	\$ 462,550.00
Total CPA Funds Appropriated/Spent	\$ 1,862,654.41
Total CPA Ending Balance	\$ 148,791.00

Total CPA Ending Balance	\$ 148,791.00
General Fund Balance	\$ 81,076.00
Open Space/Recreation Reserve	\$ 1,600.00
Community Housing Reserve	\$ 1,033.00
Historic Preservation Reserve	\$ 65,082.00

Report of the Community Preservation Committee – 2022 Annual Town Meeting CPC

Projects Funded Through FY2022

Project	ATM Year	Category	Amount	Status
Steele Farm Barn Exterior Restoration	2015	Historic Resources	\$90,000	Complete
Preservation and Restoration of Historic Town Hall Exterior Front Steps	2015	Historic Resources	\$10,000	Complete
Conservation of Historic Town Records	2015	Historic Resources	\$12,000	Complete
Site Plan for Basketball and Tennis Courts at Liberty Fields	2016	Open Space and Recreation	\$5,500	Complete
Regional Housing Monitoring Services (Year 3 – Calendar Year 2016)	2016	Community Housing	\$5,465	Complete
Regional Housing Monitoring Services (Year 4 – Calendar Year 2017)	2016	Community Housing	\$6,000	Complete
Boxborough Rental Voucher Program	2016	Community Housing	\$26,280	Complete
Conservation of Historic Town Records	2016	Historic Resources	\$11,000	Complete
Rehabilitation of Grange Meeting Room	2016	Historic Resources	\$106,775	Complete
Rehabilitation of Historic Town Hall Exterior Front Steps	2016	Historic Resources	\$35,000	Complete
Conservation Trust Fund	2017	Open Space and Recreation	\$5,000	Complete
Regional Housing Monitoring Services (Year 4 – Fiscal Year 2018)	2017	Community Housing	\$3,025	Complete
Boxborough Rental Assistance Program	2017	Community Housing	\$37,650	Complete
Conservation of Historic Town Records	2017	Historic Resources	\$10,000	Complete
North Cemetery Restoration	2017	Historic Resources	\$9,025	Complete
Preservation of Steele Farmhouse	2017	Historic Resources	\$30,000	Complete
Flerra Meadows Playground Rehabilitation	2018	Open Space and Recreation	\$62,000	Complete
Boxborough Rental Assistance Program	2018	Community Housing	\$37,650	Complete
Conservation Trust Fund	2018	Open Space and Recreation	\$10,000	Complete
Veterans Monument	2018	Historic Resources	\$105,000	Complete
Preservation of Steele Farmhouse	2018	Historic Resources	\$190,000	Complete

Boxborough Rental Assistance Program	2019	Community Housing	\$37,650	Complete
Flerra Baseball Field Rehab.	2019	Open Space and Recreation	\$8,000	Complete
Flerra Playground Fence	2019	Open Space and Recreation	\$7,600	Complete
Conservation Trust Fund	2019	Open Space and Recreation	\$10,000	Complete
Sargent Memorial Library - Brick Patio Renovation And Expansion	2020	Open Space and Recreation	\$35,000	On-going
Flerra Community Garden Water Supply	2020	Open Space and Recreation	\$15,000	Complete
North Cemetery Restoration	2020	Historic Resources	\$9,500	Complete
Preservation Of Historical Records	2020	Historic Resources	\$10,000	On-going
Boxborough Rental Assistance Program	2020	Community Housing	\$38,050	On-going
Regional Housing Services	2020	Community Housing	\$12,000	On-going
Hager Land Connection	2020	Open Space and Recreation	\$54,000	On-going
Conservation Trust Fund	2020	Open Space and Recreation	\$10,000	Complete
Liberty Field Capital Improvements	2021	Open Space and Recreation	\$300,000	On-going
Boxborough Rental Assistance Program	2021	Community Housing	\$38,050	On-going
Conservation Trust Fund	2021	Open Space and Recreation	\$10,000	On-going

Addendum: FY2023 Classification and Compensation Schedule
Regular Full-Time, Reduced Hours and Part-Time Employees

GRADE	POSITIONS	FLSA Status	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
16	Assistant Town Administrator	Exempt	84,841	86,962	89,136	91,364	93,649	95,990	98,389	100,849	103,370	105,955	108,604	111,319	114,102	116,954
	Police Lieutenant															
15	COA & Community Services Director	Exempt														
	Inspector Bldgs Commissioner (BICO)															
	Town Accountant		72,206	74,011	75,862	77,758	79,702	81,695	83,737	85,831	87,976	90,176	92,430	94,741	97,109	99,537
	*Town Assessor															
	Town Planner															
	*Town Treasurer/Collector															
14	Community Services Coordinator	Exempt														
	Council on Aging Coordinator		61,451	62,987	64,562	66,176	67,830	69,526	71,264	73,046	74,872	76,744	78,662	80,629	82,644	84,711
	Town Clerk/ <i>Temporary Town Clerk</i>															
	DPW Foreman	Non-Exempt	29.44	30.17	30.93	31.70	32.50	33.31	34.14	34.99	35.87	36.77	37.68	38.63	39.59	40.58
13	Associate Town Planner	Exempt														
	Youth Services Librarian		56,713	58,131	59,585	61,074	62,601	64,166	65,770	67,414	69,100	70,827	72,598	74,413	76,273	78,180
	Information Services Librarian	Non-exempt														
			27.16	27.84	28.53	29.24	29.98	30.72	31.49	32.28	33.09	33.91	34.76	35.63	36.52	37.44
	Technical Services Librarian															

GRADE	POSITIONS	FLSA Status	Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 Step 9 Step 10 Step 11 Step 12 Step 13 Step 14													
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
12	Administrative Assistant	Non-Exempt	25.26	25.89	26.54	27.20	27.88	28.58	29.30	30.03	30.78	31.55	32.34	33.14	33.97	34.82
	Conservation Agent															
	DPW Worker Skilled															
	Fleet Maintenance Mechanic															
11	Animal Control Officer	Non-exempt	23.51	24.10	24.70	25.32	25.95	26.60	27.26	27.94	28.64	29.36	30.09	30.84	31.62	32.41
	Department Assistant															
10	Bldgs/Grnds Maint Worker	Non-exempt	21.86	22.40	22.96	23.54	24.13	24.73	25.35	25.98	26.63	27.30	27.98	28.68	29.40	30.13
	DPW Worker Semi Skilled															
	Sr. Library Assistant															
	Transfer Station Operator															
9	Library Assistant	Non-exempt	20.34	20.85	21.37	21.90	22.45	23.01	23.59	24.18	24.78	25.40	26.04	26.69	27.35	28.04
8	Van Dispatcher	Non-exempt	18.92	19.40	19.88	20.38	20.89	21.41	21.94	22.49	23.06	23.63	24.22	24.83	25.45	26.09

* Under three year contract

Updated 12/10/21

FY2023 Classification & Compensation Schedule
Temporary, Per Diem and Intermittent

SG	Hourly (All Non-exempt)	FY22 Rate	FY22 1/1/2022	FY23 Rate
0	CIT	\$11.56		\$14.44
0	Intern (Town Hall)	\$11.56		\$14.44
1	Counselor	\$13.50	\$14.25	\$15.00
1	Asst. Animal Control Officer	\$13.50		\$15.00
1	Election Workers	\$13.50	\$14.25	\$15.00
2	Media Production Technician	\$14.27		\$15.56
2	Seasonal Conservation Officer	\$14.39		\$15.56
3	Laborer - Cemetery	\$13.50	-	\$14.25
3	Clerk of Elections	\$15.21		\$16.14
4	Lead Counselor	\$14.62		\$16.75
5	Van Driver	\$17.02		\$17.38
6	Seasonal Maintenance & Cemetery Worker	\$16.03		\$18.03
8	Lock Up Attendant	\$17.27		\$21.42
TBD	Part Time Dispatcher	\$19.47		
8	Winter Sports Director	\$21.42		\$21.42
8	Specialty Instructor Level I	\$21.42		\$21.42
9	Substitute Librarian	\$19.83		\$20.34
10	Special Police Officer	\$19.83		\$21.86
10	Specialty Instructor Level II	\$21.95		\$21.95
10	Summer Recreation Director	\$21.95		\$21.95
10	Snow Plow Operator	\$25.28		\$25.28
11	Firefighter/EMT	\$19.83		\$23.51
11	Animal Control Officer	\$21.80		\$23.51

Stipends (Annual)	Rate
Field Driver	\$45
Registrar Member	\$275
Registrar Chairperson	\$925
Cemetery Superintendent	\$5,000
Animal Inspector	\$1,015
Finance Director	\$6,000

Fee Based	Rate
Wiring Inspector	90% Permit Fees
Plumbing & Gas Inspector	90% Permit Fees
Meeting Secretaries	\$130.43/meeting

SG	Hourly (All Non-exempt)	FY22 Rate	FY22 1/1/2022	FY23 Rate	Stipends (Annual)	Rate
11	Lead Summer Recreation Director	\$22.53		\$23.51		
11	Veterans Services Officer	\$22.53		\$23.51		
TBD	Deputy Fire Chief	\$25.47				
14	Fire Lieutenant	\$21.80		\$29.44		
15	Fire Captain	\$22.53		\$33.91		
NR	Asst. Building Inspector	\$30.18		\$30.18		
NR	Call Building Inspector	\$35.13		\$35.13		
	<u>Junior Library Page</u>	\$11.56				
	<u>Library Page</u>	\$11.56				
	<u>Fire Department Chaplain</u>	\$19.83				
	<u>Gym Director</u>	\$21.42				
	<u>Call Fire Chief</u>	\$48.93				

SG 1 through 7 =
3.75% difference in
SG

Revised 12_14_2021