

**WARRANT and PROCEEDINGS  
of the SPECIAL TOWN MEETING  
held on May 13<sup>th</sup>, 2002**

**List of Articles:**

**Special Town Meeting**

- 1. BILLS OF A PRIOR FISCAL YEAR**
- 2. AMENDMENT TO FY02 BUDGET**
- 3. LAND PURCHASE FOR CONSERVATION PURPOSES – HOWE/PANEK**
- 4. LAND PURCHASE FOR CONSERVATION PURPOSES – RICHARDS**

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**ANNUAL TOWN MEETING**

- 1. CHOOSE TOWN OFFICERS**

**QUESTION 1 - EXEMPT FROM PROP 2 1/2 - LAND PURCHASE FOR CONSERVATION PURPOSES – HOWE/PANEK**

**QUESTION 2 - EXEMPT FROM PROP 2 1/2 - LAND PURCHASE FOR CONSERVATION PURPOSES - RICHARDS**

**QUESTION 3 - EXEMPT FROM PROP 2 1/2 - PURCHASE OF AFFORDABLE HOUSING RESTRICTIONS ON CONDOMINIUM UNITS**

- 2. HEAR AND ACCEPT REPORTS**
- 3. SET SALARIES AND COMPENSATION OF OFFICERS**
- 4. PERSONNEL ADMINISTRATION PLAN CHANGES**
- 5. TOWN OPERATING BUDGET**
- 6. REVOLVING FUND - ELECTRICAL INSPECTION\*\***
- 7. REVOLVING FUND - PLUMBING AND GAS INSPECTION\*\***
- 8. REVOLVING FUND - FIRE ARMS PERMITS\*\***
- 9. REVOLVING FUND – LIBRARY FINES\*\***
- 10. REVOLVING FUND – DOG LICENSE FEES\*\***
- 11. REVOLVING FUND – STEELE FARM\*\***
- 12. ELDERLY TAX RELIEF – INCREASE IN EXEMPTIONS\*\***
- 13. ACCEPTANCE OF MGL CH 129 §15\*\***
- 14. TOKATAWAN SPRING LANE ROAD ACCEPTANCE\*\***
- 15. REVOLVING FUND - INTEGRATED PRE-SCHOOL PROGRAM**
- 16. TWO-THIRDS VOTE COUNT BYLAW**
- 17. SNOW REMOVAL BYLAW**
- 18. CAPITAL IMPROVEMENTS – TOWN HALL PHONE SYSTEM**
- 19. CAPITAL IMPROVEMENTS - TOWN SPACE NEEDS DESIGN FEES**
- 20. REVALUATION CONSULTANT**
- 21. PURCHASE OF AFFORDABLE HOUSING RESTRICTIONS ON CONDOMINIUM UNITS**
- 22. AMENDMENTS TO THE WIRELESS COMMUNICATION FACILITIES BYLAW**
- 23. REZONE PORTION OF I-C DISTRICT #8 TO AGRICULTURAL-RESIDENTIAL**

- 24. CLARIFICATION OF FOOTNOTE #15 UNDER ENTRY FOR FARM IN THE USE SCHEDULE**
- 25. CAPITAL IMPROVEMENTS – SOUTH CEMETERY SHED**

**LEGEND**

\*\* CONSENT AGENDA

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**WARRANT and PROCEEDINGS  
of the SPECIAL TOWN MEETING  
held on May 13, 2002**

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, Massachusetts Avenue, Boxborough, MA on Monday, May 13, 2002 at 7:30 p.m. to act on Articles 1 through 4.

The Annual Town Meeting was called to order at 7:30 p.m. by Moderator, Reginald C. Brown. There was a recess until all the voters could be seated. There was a moment of silent prayer for the Police, Firefighters, Amy Sweeney and all the victims of 9/11. The ATM was adjourned so that we could open the Special Town Meeting that was called to order at 8:25 p.m. There were 404 voters in attendance.

A motion was made that the next sessions of this meeting would be held on Tuesday and Thursday of this week and Wednesday and Thursday of next week as necessary. This motion carried unanimously.

**ARTICLE 1 BILLS OF A PRIOR FISCAL YEAR**

(Nine-tenths vote required)

To see if the Town will vote to transfer from Free Cash to provide for the operations and expenses of the Town for FY01 expenses, the sum of One Thousand Two Hundred Forty-Three Dollars and Fourteen Cents (\$1,243.14) more or less, to pay bills from a prior fiscal year as follows:

Town Clerk Postage Expense	\$15.00
Police Department Law Books Expense	\$315.00
Police Department Vehicle Maintenance Expense	\$464.71
Police Department Telephone Expense	\$398.03
Dispatch Department Telephone Expense	\$50.40
<b>Total:</b>	<b>\$1,243.14</b>

or take any other action relative thereto.

## **SUMMARY**

Original invoices for these items were not received until well after the close of the fiscal year.

### **The Board of Selectmen Recommends (5 – 0).**

#### **The Finance Committee Recommends Unanimously.**

They are non-discretionary and the Finance Committee urges everyone to vote accordingly. These are Fiscal Year 2001 bills for goods and services the Town has already received. Unfortunately, the bills were not discovered in time to pay them through the usual process. Due to the checks and balances of municipal finance, the only way to legally pay these expenses is through a 9/10 majority vote at a Town Meeting.

**ACTION ON ARTICLE 1**, May 13, 2002. On Mr. Bunyard's motion, the Town did vote, unanimously, to transfer the sum of One Thousand Four Hundred Five Dollars and Forty-Eight Cents (\$1,405.48) from Free Cash to provide for the operations and expenses of the Town for FY01 expenses, to pay bills from a prior fiscal year, as printed in the warrant under Article 1. Fifteen Dollars (\$15.00) will be added to Town Clerk's Postage Expense and One Thousand Three Hundred Ninety Dollars and Forty-Eight Cents (\$1,390.48) will be added to the Police Department Expense.

## **ARTICLE 2 AMENDMENT TO THE FY 02 BUDGET**

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Forty-Three Thousand Fifty-One Dollars (\$43,051) more or less to provide for the operations and expenses of the Town for the fiscal year beginning on July 1, 2001 by amending the budget voted under Annual Town Meeting Article 5 on May 14, 2001; or take any other action relative thereto.

Line Item #	Description	Appropriate d at ATM, 5/14/01	Proposed Increase/ Decrease	Newly Recommended FY02
135	Town Accountant Salary	\$48,354	<22,500>	\$25,854
161	Town Clerk Other	\$4,785	\$15	\$4,800
210	Police Dept. Salary	\$665,398	\$<43,800>	\$621,598
	Police Dept. Other	\$133,855	36,000	169,855
	Police Dept. Total	\$799,253	< 7,800>	\$791,453
915	Medical, Life, & LTD Ins.	\$588,350	\$73,336	\$661,686
	Total Increase:		\$43,051	

**The Board of Selectmen Recommends (5-0).**

**The Finance Committee Recommends Unanimously.**

Simply put, the Finance Committee recommends that the Town reallocate funds from areas within the FY'02 operating budget that show surplus funds to alternate expense lines. The rationale for each line is listed below:

**Accountant:** We are temporarily without a Town Accountant. This has resulted in a surplus in the Accountant's salary line item. By reducing this line item we can re-allocate the funds to help offset the additional cost of Health Insurance, as explained below.

Until we hire a new Town Accountant, we are employing a part-time bookkeeper as well as reallocating some of the Assistant Town Administrator's time for accounting purposes. Our auditors, Powers and Sullivan, have also been providing additional consulting.

**Police Department:** For the past several years we have purchased one marked cruiser annually as a regularly occurring operating expense. Based upon an analysis of the Police fleet, we believe that this is necessary in FY '03. Because there is a significant surplus in the Police salary line for FY'02, the Finance Committee and Board of Selectmen agreed that it made sense to purchase the cruiser in June with FY'02 funds and thus avoid having to raise these the funds within the FY'03 operating budget.

**Health Insurance:** This expense is non-discretionary and must be paid in order to continue to provide Town employees with contractually obligated health insurance benefits. The FY 02 budget submitted last year assumed an 8% increase over prior year actual costs, which was a reasonable assumption based upon historical cost increases. The FY 02 actual costs (including payments to be voted under this warrant) are 21% higher than our FY '01 costs. These increased costs reflect additional 8 participants as well as rate increases from the HMO and indemnity plans offered to Town employees. These offered plans include Harvard Pilgrim, Tufts, Fallon, BCBS, and Harvard Senior, whose premium increases range from 14% to 24%.

Boxborough is one of many towns experiencing such large health cost increases. We belong to the Minuteman Nashoba Health Group, a co-op that includes Concord, the CASE Collaborative, Carlisle, the Concord-Carlisle RSD, Harvard, Groton, Lancaster, Stow, Tyngsborough, Ayer, Bolton, Pepperell, and the Lincoln-Sudbury RSD.

**ACTION ON ARTICLE 2**, May 13, 2002. On Ms. Hilberg's motion, the Town did vote, unanimously, to transfer from Free Cash the sum of Forty-Three Thousand Fifty-One Dollars (\$43,051) to provide for the operations and expenses of the Town for the fiscal year beginning on July 1, 2001 by amending the budget voted under Annual Town Meeting Article 5 on May 14, 2001, as printed in the warrant under Article 2.

**ARTICLE 3 LAND PURCHASE FOR CONSERVATION PURPOSES (HOWE/PANEK)**

(Two-thirds vote required)

To see if the Town will vote to borrow the sum of Six Hundred Forty-Five Thousand Dollars (\$645,000), more or less, pursuant to Chapter 44, Section 8C of the General Laws as amended or any other enabling authority, for the purpose of acquiring for conservation and passive recreation purposes by eminent domain or negotiated purchase or otherwise, all or a portion of the fee interest in three tracts of land consisting of 70 acres, more or less, and further identified as listed below, including costs incidental and related thereto; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts Statutes relating to Conservation, to be managed and controlled by the Conservation Commission of the Town of Boxborough, and the Conservation Commission be authorized to file on behalf of the

Town of Boxborough any and all applications for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any other state and/or federal programs including those in aid of conservation land acquisition and to receive and accept such grants or reimbursement for this purpose, and be authorized to accept conservation restrictions, enter into all agreements and execute any and all instruments including a Self-Help Program Grant Agreement with the Commonwealth of Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition, such vote shall be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k); or take any other action relative thereto.

**TRACT I:**

A certain tract of land containing 17.06 acres, more or less, on the southwesterly side of Liberty Square Road in Boxborough, being shown as Lot 5 and Lot 6 on a plan entitled "Plan of Land Boxborough Massachusetts," scale 1 in. = 100 ft., September 2000 (Final plot 08/31/01), prepared for Nancy Howe by Dillis & Mische, Inc, Registered Professional Land Surveyors, 21 Park Street, P.O. Box 99, Ayer, MA, 01432.

**TRACT II:**

Also a certain tract of land containing 41.59 acres, more or less on the westerly side of Liberty Square Road in Boxborough, being shown as Lot 8-5-184 on the Boxborough Assessor's Maps, being described in a deed recorded at Middlesex South Registry of Deeds in Book 19733 at Page 108.

### **TRACT III:**

Also a certain tract of land containing 11.49 acres, more or less, on the westerly side of Liberty Square Road in Boxborough, being shown as Lot 8-5-185 on the Boxborough Assessor's Maps, being described in a deed recorded at Middlesex South Registry of Deeds in Book 20537 at Page 419.

Lots 8-5-184 and 8-5-185 will be conveyed to the Town subject to a Conservation Restriction to be granted jointly to the Boxborough Conservation Trust and the Harvard Conservation Trust.

#### **Summary**

The Conservation Commission, pursuant to the provisions of M.G.L. Chapter 40, Section 8C, shall accept a gift of \$50,000 from the Boxborough Conservation Trust, which shall be used towards the purchase of the parcels described above. The funding requested for the purchase of the parcels (\$645,000) is net of this gift. Further, the Town has applied for a grant under the Self-Help Act (Chapter 132A, Section 11), which will be awarded for a maximum of \$250,000, subject to meeting conditions of the grant, reducing the cost to the Town before associated bonding fees to \$395,000.

#### **The Board of Selectmen Recommends (5 – 0).**

In the ten years between 1990 and 2000 Boxborough was the second fastest growing community in the state: the number of households grew by 46%, which is twice the rate of our surrounding towns. We are on the outer fringes of Boston's metropolitan suburban sprawl, which will inexorably consume us, just as it has communities like Arlington, Lexington, Bedford, Acton and Marlborough. We cannot completely prevent this, but we can take measures to mitigate it. With this article for the purchase of two adjacent parcels, and also with the next article for a third parcel, we have an opportunity to preserve a very large and ecologically important portion of the town from development. The property connects several other town-owned parcels creating opportunities for a large network of hiking trails accessible from several roadways. It can be our legacy to have saved this large upland open space for our future generations, or we can squander the opportunity and just let it go to the bulldozer of sprawl. We may never have another opportunity on this scale, and at this value. The \$250,000 grant committed by the state, coupled with the \$50,000 contribution from the Boxborough Conservation Trust, and the generous below-market offer price from the owners of one of the two parcels, the Paneks, make this purchase a bargain for the Town. The Board of Selectmen strongly recommends that the Town preserve this open space for the future. We believe the purchase will be a long-term investment in Boxborough's future, the importance of which will greatly outweigh the minor short-term financial impact the Town will experience.

#### **The Conservation Commission Recommends.**

The Conservation Commission strongly recommends that the town acquire the land described in the above article for conservation and passive recreation purposes. This seventy (70) acre tract along with the nearby 33 acre parcel (described in Article 4) and existing town-owned parcels will create a connected 230-acre conservation area in the largest remaining unfragmented upland area in Boxborough. These parcels offer the walker, cross-country skier and horseback rider access to four (4) miles of existing trails through a magnificent beech grove, a stand of hemlock, mature black birch and towering oaks and pines. The variety of wildlife habitat away from highway noise makes for a birder's paradise.

Thanks to the State Self-Help Grant award, the Boxborough Conservation Trust contribution and the generosity of the Paneks, the net cost of these parcels is \$5,643 per acre. Not since 1979 (Flerra Meadows) has upland been available to the town at a lower price per acre. Tomorrow this land will not be available. Tomorrow the State money will be lost. Tomorrow the opportunity to save this unique open space will be gone.

#### **The Finance Committee Recommends Unanimously.**

The Finance Committee thanks the Commonwealth and the BCT for their grants and recommends this article. Receipt of these grants was the deciding factor in persuading us to recommend this article. It was difficult for the Finance Committee to recommend a discretionary expense of this magnitude in the current fiscal environment, but the value provided to the Town in this case is exceptional. There are several stipulations associated with the State Self-Help grant that must be met prior to release of funds to the Town. The Finance Committee is confident that the Board of Selectmen and Conservation Commission are working to ensure that these conditions are met.

The net cost to the Town after the Self-Help and BCT grants is \$395,000. Assuming a 20-year bond cycle and 5.5% long term interest rate, the yearly cost to the residential taxpayer is approximately:

Home Value	Tax Bill Impact Per Year				
	1	2	3	4	20
<b>\$250,000</b>	14.81	14.00	13.32	12.49	4.24
<b>\$350,000</b>	20.74	19.61	18.52	17.49	5.94
<b>\$400,000</b>	23.70	22.41	21.17	19.98	6.79
<b>\$450,000</b>	26.66	25.21	23.82	22.48	7.64

**ACTION ON ARTICLE 3**, May 13, 2002. Mr. Ashmore read the “Report of the Planning Board”, as follows:

### ARTICLE 3: LAND PURCHASE FOR CONSERVATION PURPOSES – HOWE/PANEK

At a duly called and posted meeting of the Planning Board on May 7, 2002, the Planning Board voted to recommend approval of Article 3.

The acquisition of the land identified in Article 3 together with the land in Article 4 provides a unique opportunity to the Town to preserve a significant amount of environmentally sensitive land for conservation purposes. The acquisition of this land is consistent with the goals and objectives of the Boxborough Master Plan (January 22, 2002) and the Boxborough Open Space and Recreation Plan Draft (April 2002) where the preservation of open space is identified as a primary planning goal.

The acquisition of this land is consistent with the following goals and objectives presented in the Master Plan and Open Space and Recreation Plan:

- Keep the small-town, rural atmosphere of the Town and its sense of community
- Protect the openness of the landscape and environmental resources, especially water supply
- Protect through acquisition and conservation restriction larger, less fragmented areas
- Target land acquisition to connect existing parcels of town-owned land
- Provide additional trails and corridors connecting the conservation parcels
- Protect wildlife habitat
- Preserve unique natural, cultural, and historic resources

This may be Boxborough’s last opportunity to acquire a conservation parcel of this size and at this price. The project has received a \$500,000 Self-Help grant and financial support from the Boxborough Conservation Trust (BCT) that may not be available in future fiscal years. This area contains hickory-oak and beech upland forests with clusters of vernal pools that contain blue-spotted salamanders and spotted turtles, both state-listed rare species. Placing this interior land in conservation would connect six existing conservation parcels, providing an extensive trail system for passive recreation. The area is also an important water resource since it is recharge area for the Guggins Brook Drainage Basin.

### THE BOXBOROUGH PLANNING BOARD:

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Jennie Rawski, Chairman

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Michael Ashmore, Clerk

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Owen Neville, Member

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John Markiewicz, Member

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Karen Metheny, Member

All discussion for this purchase was of a positive nature. Sue Morse made a motion to move the question. This motion carried unanimously. On Ms. Golden’s motion, the Town did vote, unanimously, to appropriate the amount of Six Hundred Forty-Five Thousand Dollars (\$645,000), for the purpose of acquiring by purchase, gift, eminent domain or otherwise, all or a portion of the fee interest in three tracts of land consisting of 70 acres, more or less, as described in the warrant, including costs incidental and related thereto; that to meet such appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$645,000.00 pursuant to Massachusetts General Laws, Chapter 44, Sections 7(3) and/or 8 (C) or any other enabling authority; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, to be managed and controlled by the Conservation Commission, and the Conservation Commission be authorized to file on behalf of the Town any and all applications for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any other state and/or federal programs including those in aid of conservation land acquisition and to receive and accept such grants or reimbursement for this purpose, and be authorized to accept conservation restrictions, enter into all agreements and execute any and all instruments including a Self-Help Program Grant Agreement with the Commonwealth of

Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition, such vote shall be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k).

## **ARTICLE 4 LAND PURCHASE FOR CONSERVATION PURPOSES (RICHARDS)**

(Two-thirds vote required)

To see if the Town will vote to borrow the sum of Four Hundred Eighty-Five Thousand Dollars (\$485,000), more or less, pursuant to Chapter 44, Section 8C of the General Laws as amended or any other enabling authority, for the purpose of acquiring for conservation and passive recreation purposes by eminent domain or negotiated purchase or otherwise the fee interest in a certain tract of land totaling 33.26 acres, more or less, located on the northerly side of Depot Road, identified as Lot 7-5-132 on the Boxborough Assessor's Maps, being described in a deed recorded at Middlesex South Registry of Deeds in Book 27581 at Page 281, including costs incidental and related thereto; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts Statutes relating to Conservation, to be managed and controlled by the Conservation Commission of the Town of Boxborough, and the Conservation Commission be authorized to file on behalf of the Town of Boxborough any and all applications for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any other state and/or federal programs including those in aid of conservation land acquisition and to receive and accept such grants or reimbursement for this purpose, and be authorized to accept conservation restrictions, enter into all agreements and execute any and all instruments including a Self-Help Program Grant Agreement with the Commonwealth of Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition, such vote shall be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k); or take any other action relative thereto.

### **Summary**

The Town has applied for a grant under the Self-Help Act (Chapter 132A, Section 11), which may be awarded for a maximum of \$250,000, subject to meeting conditions of the grant, reducing the cost to the Town before associated bonding fees to \$235,000.

### **The Board of Selectmen Recommends (5 – 0).**

The land purchase in this article is as important for the Town as the Howe/Panek land purchase in the last article, for all the same reasons. Although the offer price from the owner is the full appraised value of the property, the state believes this parcel to be important enough to have committed a grant of 52% of the purchase price to offset the cost to the Town. The Board of Selectmen strongly recommends that the Town also preserve this open space for the future. It is adjacent to the existing Patch Hill Conservation Area, and together with the Howe/Panek parcels in the previous article, would make a 230 acre contiguous tract of town-owned land. This purchase will also be a long-term investment in Boxborough's future, the importance of which will greatly outweigh the minor short-term financial impact the Town will experience.

### **The Conservation Commission Recommends.**

The Conservation Commission strongly recommends that the town acquire the land described in the above article for conservation and passive recreation purposes. This beautiful 33-acre parcel contains vernal pools, rare species, a variety of wildlife habitat and a mile long existing trail. The headwaters of the Guggins Brook Aquifer, the town's largest aquifer, is located here. This parcel, added to the parcels described in Article 3, will link six existing town-owned parcels that will be accessible from Liberty Square Road, Depot Road, Hill Road, Avebury Circle and Tokatawan Spring Lane with ample parking available at the Hetz Athletic Fields. With the State Self-Help Grant, the net cost of this acquisition is \$7,121 per acre. The Self-Help Grant will be lost July 1st; the land may also not be available for future purchase. If we want to permanently protect the natural resources of this parcel, we must act now.

### **The Finance Committee Recommends Unanimously.**

The Finance Committee rationale for recommending this article is essentially identical to that for Article 3. The net cost to the Town after the State Self-Help grant is \$235,000. Again assuming a 20-year bond cycle and 5.5% long term interest rate, the yearly cost to the residential taxpayer is approximately:

<b>Home Value</b>	<b>Tax Bill Impact Per Year</b>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>20</b>
<b>\$250,000</b>	8.81	8.33	7.87	7.43	2.52
<b>\$350,000</b>	12.34	11.66	11.02	10.40	3.53
<b>\$400,000</b>	14.10	20.27	19.33	18.43	4.04
<b>\$450,000</b>	15.86	15.00	14.17	13.38	4.54

**ACTION ON ARTICLE 4**, May 13, 2002. As with the previous article, all discussion on this article was in favor. On Ms. Golden's motion, the Town did vote, unanimously, to appropriate the amount of Four Hundred

Eighty-Five Thousand Dollars (\$485,000), for the purpose of acquiring by purchase, gift, eminent domain or otherwise, the fee interest in a certain tract of land totaling 33.26 acres, more or less, as described in the warrant, including costs incidental and related thereto; that to meet such appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$485,000.00 pursuant to Massachusetts General Laws, Chapter 44, Sections 7(3) and/or 8 (C) or any other enabling authority; that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, to be managed and controlled by the Conservation Commission, and the Conservation Commission be authorized to file on behalf of the Town any and all applications for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, Section 11) and/or any other state and/or federal programs including those in aid of conservation land acquisition and to receive and accept such grants or reimbursement for this purpose, and be authorized to accept conservation restrictions, enter into all agreements and execute any and all instruments including a Self-Help Program Grant Agreement with the Commonwealth of Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition, such vote shall be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k).

The Special Town Meeting was adjourned at 9:300 p.m. and the Annual Town Meeting reconvened.

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

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before April 25, 2002.

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Timmi W. Rudolph, Chairman  
Board of Selectmen

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David L Birt, Clerk  
Board of Selectmen

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Simon C. Bunyard  
Board of Selectmen

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Leslie Fox  
Board of Selectmen

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Donald R. Wheeler  
Board of Selectmen

**WARRANT and PROCEEDINGS  
of the ANNUAL TOWN MEETING  
held on May 13th, 14th, and 16<sup>th</sup>, 2002**

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, Massachusetts Avenue, Boxborough, MA on Monday, May 13, 2002 at 7:30 p.m. to act on Articles 2 through 25 of this Annual Town Meeting Warrant.

You are also required to notify all such residents of Boxborough to come to their polling place at Boxborough Town Hall, 29 Middle Road, Boxborough, on Monday the 20th day of May, 2002 at 7:00 a.m. for the Election of Town Officers pursuant to Article 1 and Questions 1 to 3. The polls will be open continuously until 8:00 p.m. when they shall be closed.

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**CONSENT AGENDA**

In an effort to streamline Town Meeting and therefore make it more inviting to voters, the Board of Selectmen has decided to continue the use of the Consent Agenda. This agenda speeds the passage of articles which the Selectmen feel, in consultation with Town Counsel, the Moderator, and the Finance Committee, should generate no controversy and can be properly voted without debate. The purpose of the Consent Agenda is to allow motions under these articles to be acted upon as one unit and to be passed without debate. The articles to be taken up on the Consent Agenda are indicated by a double asterisk (\*\*).

**THE CONSENT AGENDA WILL BE TAKEN UP AS THE SIXTH ORDER OF BUSINESS AT THE ANNUAL TOWN MEETING ON MONDAY, MAY 13, 2002.**

Please do your homework. If you have any questions about the consent articles or procedure, please feel free to call the Town Administrator, at 978-263-1116 before Town Meeting.

At the call of the Consent Agenda, the Moderator will call out the numbers of the Articles, one by one. If one or more voters object to any particular Article being included in the Consent Agenda, they should say the word "Hold" in a loud voice when the number is called. The Article will then be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask that all items remaining be passed AS A UNIT by the voters.

Please carefully review the list of articles proposed for each Consent Item. Complete summaries are found under each article printed in this warrant.

## **ARTICLE 1 CHOOSE TOWN OFFICERS**

(Majority vote required)

**One Moderator** for a one year term

**One Town Clerk** for a one year term

**Two Selectmen** members, each for a three year term

**One Board of Health** member for a three year term

**Two Library Trustees**, each for a three year term

**Two Planning Board** members, each for a three year term

**One School Committee (Local and of the Region)** member for a three year term

As well as other Town Officers as may be necessary, and to vote on the following questions. (*Listed with the election results.*)

Specimen Ballots and Cards of Instruction were posted as required by law. The Ballot Box was examined and found to be empty and in order, and the keys were held by the Town Clerk because no Police Officer was assigned. The Election Officials--all duly sworn in before beginning their duties--were Warden, Richard Golden; Clerk, Virginia B. Richardson; Tellers, Christine Avery, Mary Larson, Ellen Landry, Elaine Garabedian, Shirley Warren, Barbara Wheeler, Patricia Fallon and Astrid Chalupa. The counters were Charlene Golden and Barry Harsip.

In the absence of the Moderator, Virginia Richardson opened the polls at 7:00 a.m. and closed the polls at 8:00 p.m. The checklists showed that 672 people had voted and 672 ballots were removed from the Ballot Box. There were 672 ballots cast (including 9 absentee ballots). There were 2,754 registered voters. The count was completed at 9:00 p.m.

The results of the election are as follows:

### **MODERATOR, One Year**

Reginald C. Brown	592
Scott Coleman	1
Richard W. Golden	1
Owen Neville	1
Blanks	77

**TOWN CLERK, One Year**

Virginia B. Richardson	615
Blanks	57

**SELECTMEN, Three Years**  
Vote for not more than TWO

Leslie R. Fox	496
Kristin Hilberg	553
Timmi W. Rudolph	1
Blanks	295

**SCHOOL COMMITTEE, Three Years**  
Local and Regional

Rebecca R. Neville	543
Blanks	129

**LIBRARY TRUSTEES, Three Years**  
Vote for not more than TWO

Janet J. Glidden	539
Janet R. Tyndall	478
Blanks	327

**PLANNING BOARD, Three Years**  
Vote for not more than TWO

Jennie L. Rawski	370
Karen B. Metheny	417
Solange M. Richards	193
Blanks	364

**Board of Health, Three years**

Marie C. Cannon	76
Scott C. Coleman	1
Eugene B. Skayne	1
Blanks	594

**QUESTION 1 EXEMPT FROM PROP 2 1/2 - LAND PURCHASE FOR CONSERVATION PURPOSES – HOWE/PANEK**

(Majority vote required)

Shall the Town of Boxborough be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to acquire all or a portion of the Howe/Panek land consisting of 70 acres more or less, located on Liberty Square Road identified as Lot 5 and Lot 6 on a plan entitled "Plan of Land Boxborough Massachusetts," and parcels 8-5-184, and 8-5-185, and further described in Article 3 as printed in the Warrant for the May 13<sup>th</sup> Special Town Meeting, said land to be acquired for the purposes of conservation and passive recreation under the provisions of M.G.L. Chapter 40, Section 8C, including costs incidental and related thereto?

YES 590 NO 50 BLANKS 32**QUESTION 2 EXEMPT FROM PROP 2 1/2 - LAND PURCHASE FOR CONSERVATION PURPOSES - RICHARDS**

(Majority vote required)

Shall the Town of Boxborough be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to acquire all or a portion of the Richards land consisting of 33.26 acres more or less, located on the northerly side of Depot Road, identified as Lot 7-5-132 and further described in Article 4 as printed in the Warrant for the May 13<sup>th</sup> Special Town Meeting, said land to be

acquired for the purposes of conservation and passive recreation under the provisions of M.G.L. Chapter 40, Section 8C, including costs incidental and related thereto?

YES 606 NO 53 BLANKS 13

### **QUESTION 3 EXEMPT FROM PROP 2 1/2 - PURCHASE OF AFFORDABLE HOUSING RESTRICTIONS ON CONDOMINIUM UNITS**

(Majority vote required)

Shall the Town of Boxborough be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to acquire deed restrictions on two bedroom condominium units within the Town for the purpose of making them available, as Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) certified affordable housing, to qualified applicants under MGL Chap 40 B as further described in Article 21 as printed in the Warrant for the May 13<sup>th</sup> Annual Town Meeting, including costs incidental and related thereto?

YES 528 NO 117 BLANKS 27

This session of the Annual Town Meeting was called back to order at 9:30 p.m. by Moderator Reginald Brown. Mr. Wagg made a motion to take Article 21 out of order so that the largest number of voters would be present to vote on it. This motion carried. All articles will be kept in numerical order.

### **ARTICLE 2 HEAR AND ACCEPT REPORTS**

(Majority vote required)

To hear the reports of the Selectmen and other Town Officers, Agents and Committees; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

This article provides for the acceptance of the Town Report and any other reports that Town Boards and Commissions may offer. In addition, this allows for acceptance of any committee reports requested by previous Town Meetings.

**ACTION ON ARTICLE 2**, May 14, 2002. On Mr. Bunyard's motion, the Town did vote, unanimously, to hear and accept the reports of the Selectmen and other Town Officers, Agents and Committees. The Library, BIT Com., Planning Board, and Cable Advisory Comm. reports are on file with the Town Clerk.

### **ARTICLE 3 SET SALARIES AND COMPENSATION OF OFFICERS**

(Majority vote required)

To see if the Town will vote to fix the salaries and compensation of various officials for the year beginning July 1, 2002 as follows:

Selectmen	\$400.00 each member/year
Board of Health	\$166.67 each member/year
Tax Collector	\$45,419.61 year
Town Clerk	\$29,582.53 year
Moderator	\$25.00 each meeting
Constables	\$3.00 each copy/warrant posted
Planning Board Members	\$109.00 each member/year

or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

This article establishes the salaries for all elected members of Town Government.

**The Finance Committee Recommends Unanimously.**

The Finance Committee agrees with all salaries and compensation as proposed by the Personnel Board.

**ACTION ON ARTICLE 3**, May 14, 2002. On Mr. Fox's motion, the Town did vote, unanimously, to fix the salaries and compensation of various officials for the year beginning July 2, 2002 as printed in the warrant under Article 3.

**ARTICLE 4 PERSONNEL ADMINISTRATION PLAN CHANGES**

(Majority vote required)

To see if the Town will vote to make the following changes to the Personnel Administration Plan:

## **Article II (Application)**

### **Section 2: REPLACE** entire section with:

"The Plan applies to all employees of the Town, except positions filled by popular election and those under the direction of the School Committee.

A collective bargaining agreement with conflicting provisions prevails over the terms of this Personnel Administration Plan."

## **Article III (Definitions)**

**Section 2g: CHANGE** Exempt employees are "indicated by an asterisk (\*) on Schedule A" **TO** "indicated on Schedule A"

**Section 2j: (new) ADD** "Department Head/Chief is any individual, permanent or acting, filling a position listed in Schedules A and B under 'Department Heads.'"

**Section 9: (new) ADD** "Partner" is defined as a member of an entity formed by two persons in which the individual and employee shall reside together in a common household in a relationship of mutual support, caring, and commitment, and intend to do so indefinitely. Partners must consider themselves to be a family, be each other's sole domestic partner, and be eighteen years old or over. Neither individual may be married to anyone nor have a different domestic partner, nor may the partners be related by blood closer than would bar marriage in the Commonwealth of Massachusetts. Further, the individuals must share basic living expenses, e.g., basic food, shelter, and other joint expenses, and the employee shall show evidence of this.

## **Article IV (Administration)**

### **Section 6: CORRECT** list sequence.

## **Article V (Position Classification)**

### **Section 7 REPLACE** entire section with

"Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the Personnel Board shall propose such change by modifying Schedule A for approval at Town Meeting."

### **Section 9 DELETE**

## **Article VI (Pay Plan)**

### **Section 7: REPLACE** entire section with

"Existing employees will move from Step to Step each July 1, if they have achieved an overall performance rating of 'meets requirements' or better.

New employees hired before January 1, move to the next step on the following July 1, if they have achieved an overall performance rating of "meets requirements" or better. New employees hired after January 1, move to the next step on the July 1, after completing a full year of employment and achieving an overall performance rating of 'meets requirements' or better."

## **Section 10: CHANGE "Section 6" TO "Section 7"**

### **Article VII (Hours of Work and Overtime)**

**Section 1: CHANGE** "eight hours in any one shift, or forty hours in any one week" **TO** "seven and one-half (7.5) or eight (8) hours in any one shift, or thirty-seven and one half (37.5) or forty (40) hours in any one week"

### **Section 4: REPLACE** entire section with:

"A non-exempt employee, other than Firefighter/EMT, shall be paid at one and one-half (1.5) his/her regular rate for work

1. in excess of forty (40) hours in one (1) week, and/or
2. in excess of eight (8) hours in one (1) day when required in an emergency or safety threatening situation, and/or
3. all work performed on Saturday and Sunday.

Firefighter/EMTs shall be paid at one and one-half (1.5) his/her regular rate for work in excess of fifty (50) hours in one (1) week.

Incidental overtime, such as incurred helping a citizen who asked for service late in the day, should be compensated with an equal amount of time arriving late or leaving early another day during the same week.

All overtime must be pre-approved by the Town Administrator, Assistant Town Administrator, or Department Head/Chief.

Overtime shall be equitably distributed among personnel in each department who ordinarily perform such related work in the normal course of their work week. Employees who are offered overtime work and refuse will be credited with having had their turn."

### **Article VIII (Other forms of Pay)**

#### **Section 2. (Education Reimbursement) REPLACE** entire section with:

"Full-time employees are eligible for reimbursement of tuition and the cost of books, within the limits of the approved educational budget for the department, provided that:

1. The course provides for professional development related to the employee's current work assignment.
2. Any such course is approved in advance by the Town Administrator or Department Head/Chief.
3. The course is completed with a grade of C- or better,

For enrollment in any state-supported course or program at the undergraduate or graduate level at any Community College, State College, or State University, full tuition remission shall apply. For enrollment in any non-state-supported course or program offered through continuing education at any Community College, State College, or State University, fifty percent (50%) tuition remission shall apply."

### **Article X (Vacations)**

#### **Sections 1-3: REPLACE** with:

"All regular full-time employees shall accrue vacation with pay as follows:

Service	Accrual Rate	Vacation
Date of hire to end of fiscal year	One (1) day for each five (5) weeks worked	
After one (1) year	1 day for 5 weeks worked	Ten (10) work days
After five (5) years	1.5 days for 5 weeks worked	Fifteen (15) work days
After ten (10) years	2 days for 5 weeks worked	Twenty (20) work days

Employees shall be allowed to use vacation in half-day increments.

For employees with hire date from January 1, through June 30, vacation accrual increases at the beginning of the fiscal year following completion of the service requirement shown in the chart above. For employees with hire date from July 1, through December 31, vacation accrual increases at the beginning of the fiscal year following completion of the service requirement shown less six (6) months, i.e., at 4 1/2 and 9 1/2 years."

#### **Section 2 (was 4): REPLACE** entire section with

"Regular reduced-hours employees shall be entitled to vacation according to Section 1 except that the resulting days shall be multiplied by the average number of hours worked each week and then divided by forty (40)."

#### **Section 3: NEW**

"Regular part-time, per diem, and intermittent employees do not accrue vacation time."

**Section 5 (was 6, 7, & 9): REPLACE** entire section with:

"Each vacation year begins on July 1. Vacation time earned may be taken within the vacation year it was earned but may be deferred by the employee for a maximum of one year. Payment in lieu of vacation leave is not allowed, except as stipulated in Sections 7 through 9 (new numbers) of this Article."

**Section 7 (was 10): CHANGE** "Sections 1, 2, 3, 3a, and 4" **TO** "Sections 1 and 2." **DELETE** "The vacation begins on the first day of July"

**RENUMBER** remaining sections of Article X

**Article XI (Paid Leaves)**

**Section 1 (Sick Leave) paragraph a:** **CHANGE** "each regular full-time employee shall be entitled to one day" **TO** "Each regular full-time and regular reduced-hours employee shall be entitled to one day, of the same number of hours as regularly or on average worked,"

**Section 2 (Bereavement Leave):** ADD "grandchild" and "foster child." **CHANGE** both occurrences of "spouse" to "spouse or partner."

**Section 8 (Family &Medical Leave) item b:** **CHANGE** "spouse" to "spouse or partner"

**Article XII (Benefits) REPLACE** Sections 1-5 with:

**Section 1.** Medical Insurance - The Town will continue to provide the following plans or their equivalents: an Indemnity Plan paid at seventy-five percent (75%) by the Town and an HMO plan paid at ninety percent (90%) by the Town.

**Section 2.** Group Life, Accidental Death, and Dismemberment Insurance - The Town will continue to provide the same insurance or its equivalent that is presently in effect and pay fifty percent (50%) of the premium for this insurance for the first ten thousand dollars coverage (\$10,000). The amount of coverage shall be a minimum of ten thousand dollars (\$10,000.00).

**Section 3.** Liability Insurance - The Town will continue to provide the Liability Insurance or equivalent that is presently in effect.

**Section 4.** Disability Insurance - The Town will continue to provide the Disability Insurance or equivalent that is presently in effect. The Town will continue to pay fifty percent (50%) of the premium for this insurance.

**Section 5.** Changed Benefits - In the event the Town changes benefits or terms relating to insurance, in excess of or more advantageous to the employees than those provided for in this Article, such benefits or terms shall prevail to the extent permitted by law."

**Article XV (Resolution of Complaints) REPLACE** entire Article with

**Section 1:** A grievance/complaint is defined as any dispute between an employee and the Town concerning the meaning, interpretation, or application of an express and specific provision of this document.

**Section 2:** The following is the grievance procedure:

**Informal Step:** The aggrieved employee shall take up the grievance with the Supervisor, Department Head, or Chief, informally, within fourteen (14) calendar days of its occurrence. The Supervisor/Department Head/Chief shall attempt to adjust the grievance after an informal meeting.

**Step 1:** The aggrieved employee shall take up the grievance, in writing, with the Personnel Board. "In writing" shall mean that the grievance is detailed, and a cover sheet in the form of the COMPLAINT/GRIEVANCE FORM (per Attachment A) shall be generated within fourteen (14) calendar days from the date of the informal meeting required by the Informal Step. The Supervisor/Department Head/Chief must sign the form indicating that the Informal Step has occurred.

Because the Personnel Board has scheduled meetings, on average, only 18 times per year, a special meeting may be required for the hearing of a grievance. The time clock for escalation of the grievance shall be started only by personal receipt of documents by the Chairman of the Personnel Board. The Personnel Board shall establish the dates for further escalation and shall attempt to adjust or settle the matter, and respond in writing within fourteen (14) calendar days from receipt by the Chairman.

**Step 2:** If the grievance still remains unsettled, it shall be presented to the Board of Selectmen in writing within fourteen (14) calendar days of the Personnel Board answer in Step 1. The Board of Selectmen will have a hearing on the grievance within fourteen (14) calendar days of the receipt of the grievance and shall respond, adjust, or settle the matter, in writing, within fourteen (14) calendar days from the date of the hearing.

**Section 3:** Any grievance which is not pursued in accordance with the time limits specified herein, or as extended by mutual agreement, is deemed waived. The parties may, by mutual agreement in writing, extend the time limits referred to in this Article.

**Section 4:** No grievance based on an event or condition which occurred or existed prior to the acceptance of this article may be the subject of a grievance.

**Section 5:** The failure of the employee to file a grievance, or the decision of the employee not to file a grievance, in one or more instances, shall not be deemed to be a waiver if an employee chooses to file a grievance in any other instance or instances.

**ATTACHMENT A****Town of Boxborough  
Complaint/Grievance Form**

**Summary (1 sentence including date of occurrence):**

**Article & Section reference from Contract or Personnel Administration Plan:**

**Submitted by:**

Step	Procedural	Procedural	Actual	Actual
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	<b>Recipient</b>	<b>Date of Escalation</b>	<b>Recipient (signature)</b>	<b>Date/Time Received</b>
<b>Informal</b>	<b>Supervisor/ Department Head/ Chief</b>	<b>(14 cal. days)</b>		
<b>Step 1</b>	<b>Personnel Board</b>	<b>(14 cal. days)</b>		
<b>Step 2</b>	<b>BoS</b>	<b>(14 cal. days)</b>		
<b>Step 2b</b>	<b>BoS ruling</b>	<b>(30 cal. days)</b>		

## **Article XVII (Compensation for Positions)**

**Section 1:** CHANGE "step increase" TO "a step increase the following July1," AND "review on the employment anniversary of each employee" TO "review during the anniversary month of each employee."

**Section 2:** CHANGE "step increase" TO "a step increase the following July1," AND "review on the employment anniversary of each employee" TO "review during the anniversary month of each employee."

## **Article XVIII (Performance Reviews),**

**Section 2 (Administrative Procedures):** CHANGE "The Department Head shall review performance..." TO "The Department Head, with input from any Boards or Committees directly supported by the employee, shall review performance . . ."

4. **Needs Improvement:** This rating applies to the employee who does not complete all of the tasks required by the position. This employee meets performance expectations for some responsibilities and goals. Other responsibilities of this employee may require extra direction by the Department Head, or the Department Head may find it necessary to avoid assigning the more difficult tasks to the employee. When using this rating the Department Head indicates if there are other factors that should be considered.
5. **Unsatisfactory:** This rating applies to the employee who fails to do what is expected and is not fulfilling his/her responsibilities. Performance is below acceptable levels for one or more major responsibilities. This employee requires counseling and must understand that improved performance, within a prescribed period, is a condition for continued employment. When using this rating the Department Head indicates if there are other factors that should be considered. **Section 3 (Ratings):** REPLACE entire section with:
  1. **Superior:** This rating is for the employee who consistently goes beyond the job description. He/she works in a timely fashion and his/her performance is clearly exceptional in comparison to expectations. This employee consistently exceeds goals and provides innovative ideas contributing to the success of the department.
  2. **Good:** This rating applies to the employee who completes the tasks required for the position and at times goes beyond the requirements. This employee always meets performance expectations and frequently exceeds expectations for several responsibilities. This employee contributes to reaching new levels of department productivity.
  3. **Meets Requirements:** This rating applies to the employee who does only the work required for the position. This employee meets performance expectations for all responsibilities and goals, is successful, and performs in a competent manner. This employee is recognized as an asset to the department. This is the expected and usual rating for most employees.

The annual rating should never come as a surprise to the employee. Ratings 4 and 5 above may not be used unless prior, documented, discussions of the issues have been held between the Department Head and the employee.

## **ARTICLE XXII (HIRING POLICY)**

**Section 2 (Conflict of Interest) Paragraph 2:** CHANGE "spouse" to "spouse or partner."

## **(NEW) ARTICLE XXIII (MANAGEMENT RIGHTS)**

**"Section 1:** This Personnel Administration Plan is not intended to violate any Federal, State, County or Municipal Laws, nor shall anything in this document be interpreted as diminishing the right of the Town to determine and prescribe the methods and means by which its operation of the Departments shall be conducted, except as may otherwise be provided in this document.

**Section 2:** The Town shall exercise the customary rights and responsibilities of the management of Town Departments. The Town shall have the exclusive right to manage the Town Departments, to direct the working forces, to contract and sub-contract, to determine the operations, the methods, the processes and procedures, the schedules and work assignments. The Town has the right to hire, layoff, promote, demote, transfer, assign, discipline or discharge, maintain discipline, and require the observance of the Town's reasonable rules and regulations. The Town may dismiss any employee with or without cause, as long as the dismissal does not violate state or federal law. The Town may dismiss any employee with an overall performance rating below "meets requirements" if the rating has not been remedied to "meets requirements" in six (6) months. The Town may relieve employees from duty because of lack of work or other proper reasons. The Town has the exclusive and sole right to determine and maintain equitable standards of performance, and to attain and maintain efficiency.

**Section 3:** The failure of the Town to exercise, or the decision of the Town not to exercise, any of its management rights in one or more instances, shall not be deemed to be a waiver by the Town if it chooses to enforce the right or rights in any other instance or instances."

**And by:**

Amending Schedule A as indicated to:

**MOVE CoA Coordinator** from Part-Time to Regular-Reduced-Hours.

**CHANGE:** (Title changes ONLY)

Instructor of Summer Playground	to	Lead Counselor
Recreation Aide	to	Counselor
Recreation Junior Aide	to	Counselor-in-Training

**And by:**

Amending Schedule B as indicated in the following schedule:

or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

A public hearing was held on March 25, 2002.

### **Personnel Board Recommends.**

These changes correct errors, clarify sections, and generalize to all employees articles negotiated with our Union employees.

### **The Finance Committee Recommends.**

The proposed amendments to the Personnel Administration Plan are intended to continue Boxborough's commitment to fair and professional personnel practice. A key element of this objective is to maintain a healthy level of parity between union and non-union employee rights and benefits. The changes are intended to clarify the plan language, and reflect recently negotiated contracts. This has required a tremendous amount of work on the part of the Personnel Board, and they should be commended for the time and effort put into the process.

**ACTION ON ARTICLE 4, MAY 14, 2002.** Mr. Rudolph made an amendment to add the words "when not part of the regular scheduled workweek" in Article VII, Section 4, item "3". A friendly amendment was made by Ms. Gray to delete item 3 which was accepted by Mr. Rudolph. Workers will get overtime if they do not work a full forty-hour week. A motion was made to table discussion on Article 4 until the Selectmen and Personnel Board comes back to the Town with a clarification. This motion carried by a vote of 76 in favor; 16 opposed. Mr. Rudolph made a motion to take Article 4 off the table. This motion carried. Mr. Rudolph remade his original amendment. Ms. Apgar made a motion to move the question. This motion carried. Mr. Rudolph's motion to amend Article VII, Section 4 "3" carried. Mr. Neville made a motion to delete Article III, Section 9 in its entirety and under Article XI (Paid Leaves) not to change "spouse" to "spouse/partner". This motion did not carry. On Ms. Gephart's motion, the Town did vote to amend the Town of Boxborough Personnel Administration Plan as amended. The text will read the same as printed in the warrant except for Article VII, Section 4, which will read as follows:

#### **Section 4: REPLACE entire section with:**

"A non-exempt employee, other than Firefighter/EMT, shall be paid at one and one-half (1.5) his/her regular rate for work.

1. in excess of forty (40) hours in one (1) week, and or
2. in excess of eight (8) hours in one (1) day when required in an emergency or safety threatening situation, and/or
3. all work performed on Saturday and Sunday when not part of the regular scheduled workweek

Firefighter/EMTs shall be paid at one and one-half (1.5) his/her regular rate for work in excess of fifty (50) hours in one (1) week.

Incidental overtime, such as incurred helping a citizen who asked for service late in the day, should be compensated with an equal amount of time arriving late or leaving early another day during the same week.

All overtime must be pre-approved by the Town Administrator, Assistant Town Administrator, or Department Head/Chief.

Overtime shall be equitably distributed among personnel in each department who ordinarily perform such related work in the normal course of their workweek. Employees who are offered overtime work and refuse will be credited with having had their turn."

## **ARTICLE 5 TOWN OPERATING BUDGET**

(Majority vote required)

To see what sums of money the Town will appropriate and raise by taxation or otherwise for the operations and expenses of the Town for the Fiscal Year beginning July 1, 2002 or take any other action relative thereto.

### **The Finance Committee Recommends Unanimously.**

The operating budget categories and sums presented below represent the funds necessary for the Town to execute governmental, financial, public safety, education, and maintenance functions provided to all Boxborough citizens.

All salaries and wages for both union and non-union employees (excluding all School employees) are commensurate with Schedule B found in the Personnel Administration Plan, Article 4. There are no additional personnel included in the General Government operating budgets.

**ACTION ON ARTICLE 5**, May 14, 2002. Mr. Alvarez made a motion to amend to restore Hazardous Waste in the amount of \$10,396.00. This motion carried. Becky Neville made a motion to move the question. This motion carried. On Ms. Hilberg's motion, the Town did vote that the Town raise and appropriate by taxation or otherwise, the sum of

\$14,596,109.00

for the operations and expenses of the Town during the fiscal year beginning July 1, 2002, the purposes for which funding are set forth in the Department Account Numbers 114 through 945, and any subheadings included under said account numbers, as printed in Article 5 of the warrant, under the heading FY'03 Recommendation, except for,

Department #210, Police Department Salary, \$685,619, is increased to \$685,753

Department #210, Police Department Expenses, \$92,184, is decreased to \$91,384

Department #300, Blanchard Memorial School, \$4,735,871, is increased to \$4,745,871

Department #751, Maturing Debt, Interest, \$513,175, is increased to \$514,429

Department #431, Hazardous Waste, \$00.00 to \$10,396

For a net increase of \$20,984

And to meet this appropriation that \$10,863,763 be raised by taxation

That estimated Cherry Sheet Aid of \$ 1,908,155,

And that estimated local receipts of \$ 1,225,558,

Be applied against this appropriation.

And that \$ 598,633 be transferred from FREE CASH

Mr. Rudolph made a motion to take Article 4 off the table. This motion carried. Action taken on articles are listed in numerical order.

## **ARTICLE 6 REVOLVING FUND - ELECTRICAL INSPECTION \*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to reauthorize a revolving fund for purposes of receiving fees and paying the Electrical Inspector for inspections conducted by him up to Ninety-Eight Thousand Six Hundred Seventy-Three Dollars (\$98,673), to be under the direction of the Building Inspector who shall approve all such expenditure; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004 to pay for inspections for permits not yet completed; or take any other action relative thereto.

### **The Board of Selectmen Recommends (5 – 0).**

### **The Finance Committee Recommends Unanimously.**

This article is required to re-authorize the revolving fund established to pay electrical inspectors from the fees collected for the indicated purpose, and to set the maximum annual disbursement from the fund. Currently, the applicable fee schedule states that 90% of electrical inspection fees collected must be disbursed to the Electrical Inspector, and 10% remains for Town administrative fees. Due to the large commercial property development

occurring over the last few years, the disbursement cap must be increased to \$98,673 in order to be able to meet the percentage commitments. This article has no tax rate implications to the Town.

**ACTION ON ARTICLE 6**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 7 REVOLVING FUND - PLUMBING AND GAS INSPECTION \*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to reauthorize a revolving fund for purposes of receiving fees and paying the Plumbing/Gas Inspector for inspections conducted by him up to Thirty Thousand Dollars (\$30,000) to be under the direction of the Building Inspector who shall approve all such expenditure; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004 to pay for inspections for permits not yet completed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

This article is required to re-authorize the revolving fund established to pay the Plumbing and Gas Inspectors from the fees collected for the indicated purpose, and to set the maximum annual disbursement from the fund. Currently, the applicable fee schedule states that 90% of plumbing and gas inspection fees collected must be disbursed to the Plumbing and Gas Inspector, and 10% remains for Town administrative fees. The disbursement is capped at the same level as in FY '02 (\$30,000) and has no tax rate implications to the Town.

**ACTION ON ARTICLE 8**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 9 ACTION ON ARTICLE 7**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 8 REVOLVING FUND - FIRE ARMS PERMITS \*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to reauthorize a revolving fund for purposes of receiving monies and paying expenses for the Fire Arms Permits up to Two Thousand Dollars (\$2,000) to be under the direction of the Police Chief who shall approve all such expenditure; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004 to pay for expenses not yet completed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

This article re-authorizes the existing revolving fund for the purposes indicated. According to State firearms law, the Police Department collects fees when issuing a firearms permit. They must then submit 50% of those fees to the State. This fund allows the financial mechanism to achieve this efficiently. It is capped at the same level as FY'02 (\$2,000) and has no tax rate implications to the Town.

**REVOLVING FUND - LIBRARY FINES\*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E 1/2 to reauthorize a revolving fund up to Two Thousand Dollars (\$2,000) for purposes of receiving library fines and penalties and that all fines and penalties be deposited in said fund to pay for library materials acquisitions, to be under the direction of the Library Director who shall approve all such expenditure; and further to provide that the monies remaining in the fund at the end of the fiscal year 2003 be carried over into fiscal year 2004 to pay for expenses not yet completed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Library Board of Trustees Recommends.**

Trustees recommend passage of this article. It would permit the library to use fines, collected for late or missing books, up to \$2,000 per year for book acquisitions and replacements.

**The Finance Committee Recommends Unanimously.**

In the past, library fines and fees were returned to the Town's General Fund on an annual basis. The Finance Committee believes that it makes sense that the library be allowed to use these modest fees to replace and/or augment their current holdings. Any fees collected over \$2,000 will roll into the Town's General Fund.

**ACTION ON ARTICLE 9**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 10 REVOLVING FUND - DOG LICENSE FEES\*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44 Section 53E 1/2 to reauthorize a revolving fund for the purpose of receiving dog licensing fees and that all licensing fees and penalties be deposited in said fund to pay for costs up to a maximum of Four Thousand Dollars (\$4,000) annually relating to the licensing, damage to livestock and fowl, and penalties paid to the Dog Officer, to be under the direction of the Town Clerk who shall approve all such expenditure; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004 to pay for expenses not yet completed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

This article re-authorizes the existing revolving fund. It allows for the acceptance of licensing fees and provides the financial mechanism to pay for the expenses related to licensing, assessing fines and for damage to fowl or livestock. It is funded at the same level as authorized in FY'02 and has no tax rate implications to the Town.

**ACTION ON ARTICLE 10**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 11 REVOLVING FUND – STEELE FARM\*\***

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to authorize a revolving fund for purposes of receiving monies from the sale of Christmas trees activities and paying expenses for the Steele Farm up to Three Thousand Dollars (\$3,000), to be under the direction of the Steele Farm Advisory Committee who shall approve all such expenditure by a majority vote; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004 to pay for expenses not yet completed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

The Steele Farm Advisory Committee has plans to revitalize the Christmas tree lot at Steele Farm. This Revolving Fund will provide the financial mechanism to allow the committee to use funds raised by the sale of these trees for Steele Farm maintenance and expenses.

**ACTION ON ARTICLE 11**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 12 ELDERLY TAX RELIEF – INCREASE IN EXEMPTIONS\*\***

(Majority vote required)

To see if the Town will vote to accept Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for an increase up to 100% in certain property tax exemptions for qualifying senior citizens, disabled veterans and other individuals; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

This elderly tax relief-increase in exemptions article was passed at the 1999 Annual Town Meeting and at present a number of Boxborough's seniors, disabled veterans and other qualified citizens are enjoying the benefits.

The DoR has advised us that we must vote to accept this chapter every year and as a result this article appears on this warrant and should be labeled housekeeping.

**The Finance Committee Recommends Unanimously.**

At the May 1999 Annual Town Meeting the Town approved Elderly Tax Relief according to the state statute listed above. State law requires that this be re-authorized by the taxpayers annually prior to the setting of the tax rate. This tax relief act has stringent income and asset guidelines. While the total senior-citizen property tax abatement associated with this program is small, the Finance Committee believes that it is important to assist older residents who may be on fixed incomes. There is a negligible increase in the tax obligation of citizens not taking advantage of this program to compensate for the revenue lost.

**ACTION ON ARTICLE 12**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 13      ACCEPTANCE OF MGL CH 129 § 15\*\***

(Majority vote)

To see if the Town will vote to accept Section 15 of Massachusetts General Laws Chapter 129, Paragraph 2 which shall cause the nomination of the Inspector of Animals to be made by the Board of Health and not by the Selectmen; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 – 0).**

**The Finance Committee Recommends Unanimously.**

This is an administrative issue, and has no financial impact to the town.

**ACTION ON ARTICLE 13**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

**ARTICLE 14      TOKATAWAN SPRING LANE ROAD ACCEPTANCE\*\***

(Majority vote required)

To see if the Town will vote to accept the laying out and establishment as a Town Way, a way known as Tokatawan Spring Lane, together with the right to install, maintain, replace and repair all drainage structures constructed in the way and in appurtenant drainage easements and to discharge surface and subsurface drain water in the appurtenant drainage easements, with the boundaries and measurements of the way shown on the plans entitled: "Definitive Plan of Steele Farm Subdivision in Boxborough, Mass.," prepared for: J.S. Kangas and Associates, scale 1"=40', dated: October 6, 1989, last revised March 10, 1995 drawn by: Acton Survey and Engineering, Inc. 277 Central Street, Acton, MA 01720, recorded with Middlesex South District Registry of Deeds as Plan No. 1142 of 1996, in Book 26807, Pages 333-337, and to which plan reference may be had for a more particular description of said Tokatawan Spring Lane; and "As Built Plan for Steele Farm Tokatawan Spring Lane" prepared by Stamski and McNary Inc., dated November 23, 1999 and to authorize the Selectmen to acquire, by gift, the fee or any lesser interest in said way for all purposes for which public ways are used in the Town, as well as easements for drainage or otherwise in any of the lands as may be necessary in connection with use of Tokatawan Spring Lane as a public way; or take any other action relative thereto.

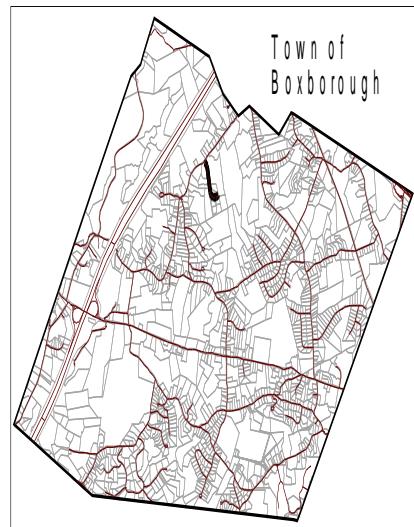
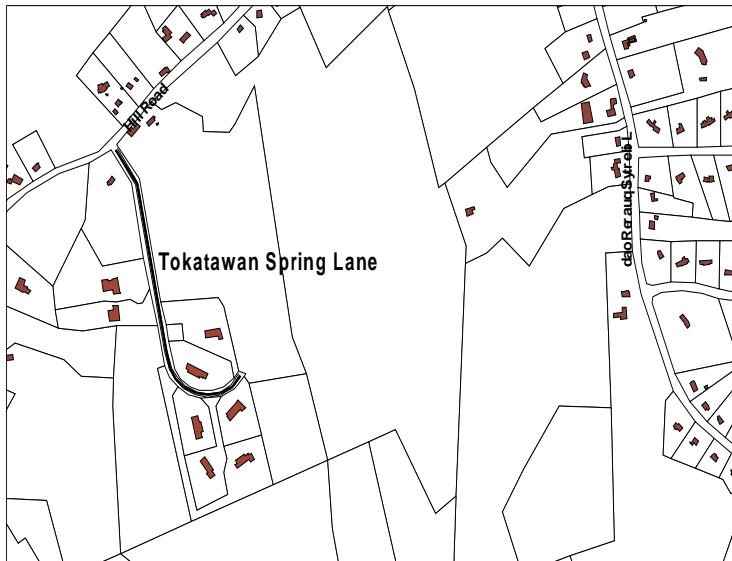
**Summary**

The Planning Board moved to pass over this article at the last annual town meeting because the applicant had not obtained a Certificate of Compliance from the Conservation Commission. A Certificate of Compliance was issued on December 5, 2001 and recorded on January 4, 2002. All other items for road acceptance have been completed, and the road is now ready for acceptance.

**The Planning Board Recommends.**

**The Finance Committee Recommends Unanimously.**

We hope this is the last time we have to see this article on the warrant! We have been informed that all legal requirements have been met and the Planning Board, Conservation Commission, and Highway Department have reviewed and recommended the acceptance of Tokatawan Spring Lane.



**ACTION ON ARTICLE 14**, May 14, 2002. On Mr. Brown's motion, this article carried unanimously and the Consent Agenda.

## **ARTICLE 15 REVOLVING FUND – INTEGRATED PRESCHOOL PROGRAM**

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to authorize a revolving fund for purposes of receiving monies and paying expenses for the Integrated Preschool Program up to Forty-Four Thousand Dollars (\$44,000), to be managed by the Blanchard Memorial School Business Manager, who under the direction of the Boxborough School Committee and Blanchard Memorial School Superintendent, shall approve all such expenditures; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004; or take any other action relative thereto.

### **The Boxborough School Committee Recommends.**

The Boxborough School Committee unanimously recommends the creation of a revolving account for the Integrated Preschool. A revolving account will allow the Blanchard School to accept tuitions for typically developing Boxborough students and for out-of-district Special Education students. The revolving account will be used for payment of expenses associated with the Preschool.

### **The Finance Committee Recommends Unanimously.**

The School Committee has voted to create an Integrated Pre-School Program at Blanchard School as indicated in their summary. This initiative has long-term potential for both improving services to Boxborough's children and efficiently managing costs. Funds deposited in the revolving fund may be used only for expenses associated with the Integrated Pre-School Program. Should this article not pass, Article 5 will need to be re-opened and adjusted to accommodate estimated program expenses.

**ACTION ON ARTICLE 15**, May 14, 2002. Ms. Neville made a motion to take this article out of order. This motion carried unanimously. It was stated that this year the program should break even. The class is already full with six special needs students and eight students without special needs. On Ms. Neville's motion, the Town did vote, unanimously, to authorize a revolving fund pursuant to the provisions of MG.L. Chapter 44, Section 53E1/2 for purposes of receiving monies and paying expenses for the Integrated Preschool Program up to Forty-Four Thousand Dollars (\$44,000), to be managed by the Blanchard Memorial School Business Manager, who under the direction of the Boxborough School Committee and Blanchard Memorial School Superintendent, shall approve all such expenditures; and further to provide that the monies remaining in the fund at the end of fiscal year 2003 be carried over into fiscal year 2004.

## **ARTICLE 16 TWO-THIRDS VOTE COUNT BYLAW**

(Majority vote required)

To see if the Town will vote to amend its General Bylaw by adding the following Bylaw:

On Town Meeting matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared by the Moderator is immediately questioned by seven or more registered voters as provided in General Laws, Chapter 39, Section 15 (or as otherwise provided in these bylaws).

or take any other action relative thereto.

### **The Board of Selectmen respects the will of Town Meeting and therefore is not making a recommendation on this article.**

### **The Finance Committee Does Not Recommend, by Unanimous Vote.**

While the Finance Committee is sensitive to the issue of streamlining town meeting procedures, we believe that the current system of voting the 2/3 Vote Count Rule at each meeting, versus establishing a permanent Bylaw, is an easy and useful reminder to the voters of their rights.

**ACTION ON ARTICLE 16**, May 14, 2002. Mr. Wheeler's motion to amend the General Bylaws of the Town of Boxborough by adding the Two-thirds Count Bylaw, as written in the warrant under Article 16 was defeated by a vote of 34 in favor; 41 opposed.

## **ARTICLE 17 SNOW REMOVAL BYLAW**

(Majority vote required)

To see if the Town will vote to amend its General Bylaw by adding the following Bylaw:

Section 1. The tenant or occupant, and in case there is no tenant or occupant, the owner, or any other person having the care of any building or lot of land abutting upon any street, lane, court, square or public place within the Town where there is a sidewalk, shall exert reasonable effort to keep sidewalks free of snow and ice. If the sidewalk becomes covered with ice that cannot be readily removed, the tenant, occupant or owner shall place sand or ashes on the sidewalk to render it safe for pedestrians.

Section 2. The owner, or any other person having the care of any building abutting upon or any part of which stands within fifteen (15) feet of the line of any public street, the roof of which building pitches or slopes toward the street or sidewalk, shall fit or provide such roof with snow barriers or guards sufficient to eventually prevent the sliding of snow and ice from such building into any part of the street or sidewalk.

Section 3. No person shall lay, throw or place or cause to be placed any ice or snow on that portion of any street or sidewalk within the Town, which has been cleared or plowed for travel. No snow shall be plowed across any public way by any private plow to deposit snow from one property to another. No snow shall be deposited in such a way as to obstruct the operation of any fire hydrant, including Fire Department connections to buildings, cisterns and dry hydrants.

Section 4. This bylaw may be enforced through the non-criminal disposition procedures established by the Enforcement Bylaw, dated September 13, 1990.

The penalty for violation shall be \$10.00.

The Building Inspector/Code Enforcement Officer, when he shall determine there to be a public safety issue, shall be authorized to enforce this bylaw. This decision may be appealed in writing to the Town Administrator within seven days of the notice of violation.

Section 5. To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

or take any other action relative thereto.

**The Board of Selectmen Recommends (4 - 1).**

Snow removal on sidewalks is an important issue of liability to the town but is an even more important issue of public safety for the residents. While the proposed bylaw is modeled after the bylaws of the majority of communities within the 495 beltway, it has been shaped specifically to fit the character of Boxborough. Specifically, the bylaw is not meant to be punitive or encourage a general enforcement in inappropriate areas. Rather it is intended to prescribe a general responsibility for property owners. Alternatively, an additional town service would have been required to accomplish the indicated activities which would have significant capital and operations costs inconsistent with demand.

**The Finance Committee Defers Our Recommendation.**

The Finance Committee will make a recommendation at Town Meeting after resolving with the Board of Selectmen several questions regarding the purpose, clarity, and consequences of provisions in the proposed Bylaw.

**ACTION ON ARTICLE 17**, May 14, 2002. The Finance Committee does not recommend. Mr. Brown made a motion to table discussion on Article 17. This motion carried. Mr. Brown made a motion to waive the 10:30 time limit for taking up new articles. This motion carried. A motion was made and carried to take Article 17 off the table. Sue Spencer made a motion to move the question. This motion carried. Mr. Rudolph's motion to amend the General Bylaws of the Town of Boxborough by adding the Snow Removal Bylaw as printed in the warrant under Article 17 did not carry.

**ARTICLE 18 CAPITAL IMPROVEMENTS – TOWN HALL PHONE SYSTEM**

(Two-thirds vote required for bonding; otherwise majority vote required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, or borrow or otherwise provide the sum of Twenty Thousand Three Hundred Fifty Dollars (\$20,350), more or less, for the purpose of acquiring a new telephone system for Town Hall; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 - 0).**

Continuing the trend of responsive government, this article would enable the conversion of an inadequate phone system no longer supported by the vendor and update the system to the standards recently accomplished at other town facilities. Commensurate with our small town character, personal reception will be maintained, but messages and information will be conveyed more effectively for individuals knowing the target department or employee. This will allow the professionals at Town Hall to focus on their principal responsibilities.

**The Finance Committee Defers Our Recommendation.**

The Finance Committee will make a recommendation at Town Meeting pending investigation of the scope and technical alternatives of the proposed new system. Key information from the several applicable technical and cost proposals is not yet available. BITCom (Boxborough Information Technology Committee) is currently evaluating the available technical and cost data, and will provide a recommendation prior to Town Meeting. We believe that there is a demonstrated need to upgrade the current telephone system, but at present have insufficient information to make a determination.

**ACTION ON ARTICLE 18**, May 14, 2002. The Finance Committee recommends this article by a vote of 5-4. Ms. Grossman stated that she supports this article. Mr. Follett made a motion to move the question. This motion carried. On Mr. Bunyard's motion, the Town did vote to transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000) for the purpose of acquiring a new telephone system for Town Hall.

## **ARTICLE 19 CAPITAL IMPROVEMENTS – TOWN SPACE NEEDS DESIGN FEES**

(Majority vote required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, or borrow or otherwise provide the sum of Ten Thousand Dollars (\$10,000), more or less, for the purpose of hiring an architect to redesign space for Town operations; or take any other action relative thereto.

### **The Board of Selectmen Recommends (5 - 0).**

This is a small price to pay to get a plan in place to meet the evergrowing need for space to efficiently conduct Town operations.

### **The Finance Committee Defers Our Recommendation, Pending Further Discussion with the Board of Selectmen.**

We agree that there are needs for reallocation and improvement of spaces at Town Hall, the Sargent Memorial Library, and the Police Station. Further information on the uses of the proposed funds is necessary before we can make an informed recommendation.

**ACTION ON ARTICLE 19**, May 14, 2002. The Finance Committee recommends It was felt that the Town should wait and consider all available sites. There was a question whether \$10,000 was enough to evaluate all buildings, and it was recommended that this article be considered at a future date. It was also suggested that the Permanent Building Committee should do this. Ms. Neville made a motion to move the question. This motion carried. Mr. Bunyard's motion that the Town transfer from Free Cash the sum of Ten Thousand Dollars (\$10,000), for the purpose of hiring an architect to redesign space for Town operations did not carry.

## **ARTICLE 20 REVALUATION CONSULTANT**

(Majority vote required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, or borrow or otherwise provide the sum of Forty Thousand Dollars (\$40,000), more or less, for the purpose of hiring a revaluation consultant to work with the Assessor's Office; or take any other action relative thereto.

### **The Board of Selectmen Recommends (5 - 0).**

Every three years, the Department of Revenue must certify that the town's property values meet State requirements of 100% valuation. The last professional revaluation of property values was performed in the mid 1980's. Recent Financial Review by DoR strongly recommends that the town enlist services of a professional appraiser for commercial property and personal property. Commercial valuation is a highly specialized field, best done by experts. During the certification year, the workload in the Assessor's office increases dramatically. Hiring consultants will result in more fair and equitable assessments, which will minimize the chances of costly appeals at the Appellate Tax Board.

### **The Finance Committee Recommends Unanimously.**

The Town is required to do a revaluation of all properties every three years in order to adjust for market trends and ensure equitable values. This routine revaluation has been based upon state-approved formulas reflecting sales and other relevant data. Periodically, this type of formula-revaluation must be enhanced by detailed evaluations of individual properties. This has not been done in over a decade. The Finance Committee agrees it is necessary to hire outside consultants in order to accomplish the scope of work in a timely fashion as well as to take advantage of the expertise such a consultant would offer. This work will begin in July 2002, and must be completed prior to the Tax Rate Setting in November 2002.

The key values provided by the consultants include:

- Mastery of Mass. Department of Revenue (DoR) requirements,
- Professional staff experienced in similar revaluations for area towns,
- Extensive experience in developing revaluation models,
- Timely filing of all required DoR reports.

**ACTION ON ARTICLE 20**, May 14, 2002. On Mr. Bunyard's motion, the Town did vote, unanimously, to transfer from Free Cash the sum of Forty Thousand Dollars (\$40,000) for the purpose of hiring a revaluation consultant to work with the Assessor's Office.

**ARTICLE 21 PURCHASE OF AFFORDABLE HOUSING RESTRICTIONS ON CONDOMINIUM UNITS**

(Two-thirds vote required)

To see if the Town will vote to borrow the sum of Two Hundred Thousand Dollars (\$200,000), more or less, pursuant to Chapter 44, Section 7 of the General Laws as amended or any other enabling authority, for the purpose of funding the purchase of affordable housing restrictions under General Laws Chapter 184 Sections 31 and 32 on two bedroom condominium units within the Town for the purpose of making them available, as Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) certified affordable housing under MGL Chap 40 B to qualified applicants, including costs incidental and related thereto, such vote to be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k); or take any other action relative thereto.

**The Board of Selectmen Recommends (4 - 1).**

Majority opinion

A majority of the Board of Selectmen recommends. The Boxborough Housing Board's Affordable Housing Long-Range Plan was approved at the 2001 ATM. This plan outlines a 20-year schedule to produce affordable housing in Boxborough through a balanced strategy of condominium conversion ("exchange"), town-sponsored Open Space Affordable Housing and private initiatives. In accordance with the Long-Range Plan, the Housing Board's goal is to produce more than 50% of total affordable units through condominium exchange. With funds approved at the November 2001 STM, the Housing Board contracted a study of market and financial feasibility factors for a condominium exchange program. That study has been completed and the results used by the BHB to develop a condo exchange plan to produce DHCD-recognized affordable housing through the purchase of affordable housing deed restrictions on selected 2 bedroom condominium units. The Housing Board's proposed condo exchange program offers good leverage of town funds and avoids the complications of town equity participation in real estate transactions. Approval of this article will permit Boxborough and the Housing Board to take an important next step, moving beyond feasibility studies and into action for the production of affordable housing units.

Minority opinion

A minority of the Board of Selectmen believes that decisions on the Condo Exchange Plan should be deferred until more information is available on the Open Space Affordable Housing (OSAH) alternative. OSAH may be the preferred and more cost-effective approach to meeting state goals, and appears to offer additional benefits of protecting open space and minimizing overall housing density. It is recognized that the development of a concrete OSAH proposal is a complex matter and may require significant time. To help the voters be well-informed about choices, the Housing Board is encouraged to present a cost-benefit analysis of OSAH versus Condo Exchange approaches to achievement of affordable housing goals.

**The Finance Committee Recommends Unanimously.**

The Finance Committee supports the efforts of the Boxborough Housing Board to provide a balanced solution to our affordable housing needs. The Condo Conversion Plan promises a cost-effective means of adding affordable housing stock. The mechanism for implementing this plan is in its infancy, and the associated costs are not known with great certainty.

The funding mechanism proposed represents a short-term strategy to accommodate the conversion plan to the current difficult fiscal environment. Due to the uncertainties in conversion costs, the Finance Committee agrees with the BoS recommendation that this expense be initially bonded. We expect that recurring out-year costs will be included in the operating budget for the corresponding fiscal year. The objectives of the Housing Board require a long-term commitment to sizable annual investments aimed at enlarging our affordable housing stock. The Finance Committee intends to work with the Boxborough Housing Board to develop a viable long term funding strategy.

**ACTION ON ARTICLE 21**, May 13, 2002. Rental units can be counted towards affordable housing, but would require someone to manage it. This is something that the Town does not want to do. We would also have to buy the unit or build it (which would cost more money) in order for it to be affordable. Ms Kroll urged the Town to vote for this article. We have housing in the affordable range, but we can't count it. Ms. Neville made a motion to move the question. This motion carried unanimously. On Mr. Wagg's motion the Town did vote to appropriate the sum of Two Hundred Thousand Dollars (\$200,000), for the purpose of funding the purchase of affordable housing restrictions under General Laws Chapter 184 Sections 31 and 32 on two bedroom condominium units within the Town for the purpose of making them available, as Commonwealth of Massachusetts Department of Housing and Community Development (DHCD) certified affordable housing under MGL Chap 40 B to qualified applicants, including costs incidental and related thereto, that to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$200,000 pursuant to Chapter 44, Section 7(3) of the General Laws as

amended, or any other enabling authority, such vote to be contingent upon passage of a proposition two and one-half debt exclusion vote in accordance with M.G.L. Chapter Fifty-Nine, Section Twenty-One C (k). The vote on Article 21 was 154 in favor; 11 opposed.

This session of the Town Meeting was adjourned at 10:40 p.m. and reconvened on Tuesday, May 14<sup>th</sup> at 7:30 p.m. with 104 voters in attendance.

## **ARTICLE 22 AMENDMENTS TO THE WIRELESS COMMUNICATION FACILITIES BYLAW**

(Two-thirds vote required)

To see if the Town will vote to amend the Boxborough Zoning Bylaw, with regard to the regulation of Wireless Communication Facilities, by:

- a. Amending the first sentence of Section 4830. General Requirements to read as follows:  
Wireless Communication Facilities shall be allowed only in the Wireless Communication Facilities Overlay District only upon issuance of a special permit in accordance with the provisions of M.G.L Ch. 40A s.9, this By-law and any rules and regulations adopted hereunder.
- b. Amending Section 4835 to read as follows:  
No tower shall be located within one mile of another such tower.
- c. Inserting a new Section 4831 to read as follows:  
Wireless Communication Facilities should be concealed within existing structures where possible.  
And renumbering existing Sections 4831 through 4846 accordingly
- d. Adding the following sentence to existing Section 4838:  
All equipment areas shall be landscaped and screened from public view.
- e. Adding a new Section 4848 to read as follows:  
A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.
- f. Amending Section 5420 to require site plan approval for Wireless Communication Facilities by inserting the phrase “wireless communication facility” between the word “office” and the word “multiple” in the first sentence.
- g. Amending Section 2110. Types of Districts by adding a new Section 2119B. Wireless Communication Facilities Overlay.
- h. Amending the first sentence of Section 2120. Location of Districts to read as follows:  
Said Districts, with the exception of the Aquifer Protection, Wetlands and Watershed Protection, Flood Plain, and Wireless Communication Facilities. Overlay Districts, which are individually mapped, are located and bounded as shown on a map entitled: “Zoning Map of Boxborough, Massachusetts” dated March 11, 1969 as amended and on file in the office of the Town Clerk.
- i. Adopting a new Wireless Communications Overlay District map, dated May 2002 showing the boundaries of said district.
- j. Amending Section 2200. Use Regulations by changing the Wireless Communication Facility entry under the Section 2233 table of UTILITY AND PUBLIC SERVICE USES to read as follows:

Wireless Communication Facility	DISTRICTS						
	AR	R1	B	B1	OP	TC	IC
-----See Footnote 17-----							

or take any other action relative thereto.

### **Summary**

The proposed article creates a new overlay district and adds areas along Massachusetts Avenue (Route 111) where Wireless Communication Facilities may be located by special permit. The amendment includes additional review criteria, and changes the two mile separation requirement to one mile. Thirdly, the amendment requires Site Plan Approval for any Wireless Communication Facility.

### **The Board of Selectmen Recommends (5 - 0).**

The Selectmen are in favor of any revisions which allow more effective coverage while better addressing abutters' concerns.

### **The Finance Committee Recommends Unanimously.**

Acceptance of this Bylaw brings Boxborough into compliance with Federal regulations, and may reduce the Town's exposure to legal actions. The addition of Town-owned parcels to the areas where wireless communication facilities may be located will open a potential revenue stream associated with leasing space for such facilities.

### **ACTION ON ARTICLE 22, May 16, 2002.** Mr. Neville read the "Report of the Planning Board", as follows:

#### **ARTICLE 22: AMENDMENTS TO THE WIRELESS COMMUNICATION FACILITIES BYLAW**

In accordance with MGL Chapter 40A Section 5, the Planning Board conducted a public hearing on April 9, 2002 to review Article 22. A second public hearing was conducted on May 7, 2002, as recommended by Town Counsel, because the changes to the bylaw as originally proposed were significant.

This article was amended based on input from the public hearings, comments from Town Counsel, and input from the joint BITCOM, Wireless Carriers, and Planning Board meeting. Changes from the article as printed in the Warrant include: a) changing the one-mile tower separation to 1500 feet; b) adding a 500 foot setback requirement from school buildings; and c) deleting the requirement for Site Plan Approval from the Planning Board.

This article creates a new Wireless Communication Facilities Overlay Zoning District and Map that identifies areas where Wireless Communication Facilities may be located in town. The proposal retains the Board of Appeals as the special permit granting authority for Wireless Communication Facilities.

In addition to the creation of an Overlay District and Map, the amendments change some of the requirements for the issuance of a special permit for Wireless Communication Facilities. Changes to the criteria of the existing Wireless Communication Facilities bylaw are as follows:

- Section 4835 requiring a two-mile separation between towers has been reduced to 1500 feet.
- Adding a preference for concealing antennas within existing structures.
- Adding a 500 foot setback from any school building.
- Adding a landscaping and screening requirement for equipment areas.
- Adding a requirement that a qualified engineer certify that the facility is designed to meet all health and safety standards of applicable state and federal law.

Therefore, the Planning Board recommends approval of Article 22.

#### **THE BOXBOROUGH PLANNING BOARD:**

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Jennie Rawski, Chairman

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Michael Ashmore, Clerk

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Owen Neville, Member

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John Markiewicz, Member

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Karen Metheny, Member

By accepting the Overlay District and Map, the Hager Land, the Department of Public Work's land, the Fire and Police Station, the Church and the Town Hall would be added to the areas that the towers would be allowed. There was some opposition on the setbacks from the school while others argued the fact that some towns have asked to have towers sited on their flagpoles. Miss Becker made a motion to amend by adding the words "or any residential building" after the words "school building" under section "d". This amendment would eliminate the Town Hall

and the church from the overlay. Ms. Neville made a motion to move the question. This motion carried. Ms. Becker's motion to amend did not carry.

Mr. Ashmore made a motion to amend Section 4834 by changing the word "tower" to "Wireless Communication Facilities".

This session was adjourned at 12 midnight without finishing Article 22, to reconvene at 7:30 p.m. on Thursday, May 16<sup>th</sup>.

The third session of this meeting was called at 7:30 p.m. with 53 in attendance.

The discussion on Article 22 was reopened. Mr. Small made a motion to amend Section 4834 by changing the "500" to "1000" and by changing the word "building" to "facility". The earlier motion by Mr. Ashmore was incorporated in Mr. Small's motion so that Section 4834 now reads "All Wireless Communication Facilities shall be setback a minimum of 1000 feet from any facility. Mr. Bunyard wanted to make it clear, that because of the Federal Communication Act, the Town has very little control. If we make a bylaw that is too restrictive, the towers could be placed anywhere and we wouldn't have any say. Ms. Golden made a motion to move the question. This motion carried unanimously. Mr. Small's motion did not carry. Ms. Neville made a motion to move the question. This motion carried unanimously. On Mr. Neville's motion, the Town did vote to amend the Zoning Bylaws under Article 22 as printed in the handout. The vote on this article was 45 in favor; 5 opposed. The contents of the handout are as follows:

- a. Amending the first sentence of Section 4830. General Requirements to read as follows:

Wireless Communication Facilities shall be allowed only in the Wireless Communication Facilities Overlay District only upon issuance of a special permit in accordance with the provisions of M.G.L Ch. 40A s.9, this By-law and any rules and regulations adopted hereunder.

- b. Amending Section 4835 to read as follows:

No tower shall be located within 1500 feet of another such tower.

- c. Inserting a new Section 4831 to read as follows:

Wireless Communication Facilities should be concealed within existing structures where possible.

And renumbering existing Sections 4831 through 4846 accordingly

- d. Adding the following sentence to existing Section 4834:

All towers shall be setback a minimum of 500 feet from any school building.

- e. Adding the following sentence to existing Section 4838:

All equipment areas shall be landscaped and screened from public view.

- f. Adding a new Section 4848 to read as follows:

A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.

- g. Amending Section 2110. Types of Districts by adding a new Section 2119B. Wireless Communication Facilities Overlay.

- h. Amending the first sentence of Section 2120. Location of Districts to read as follows:

Said Districts, with the exception of the Aquifer Protection, Wetlands and Watershed Protection, Flood Plain, and Wireless Communication Facilities. Overlay Districts, which are individually mapped, are located and bounded as shown on a map entitled: "Zoning Map of Boxborough, Massachusetts" dated March 11, 1969 as amended and on file in the office of the Town Clerk.

- i. Adopting a new Wireless Communications Overlay District map, dated May 2002 showing the boundaries of said district.

- j. Amending Section 2200. Use Regulations by changing the Wireless Communication Facility entry under the Section 2233 table of UTILITY AND PUBLIC SERVICE USES to read as follows:

<u>DISTRICTS</u>						
AR	R1	B	B1	OP	TC	IC
Wireless Communication Facility				-----See Footnote 17-----		

## **ARTICLE 23 REZONE PORTION OF IC DISTRICT #8 TO AGRICULTURAL-RESIDENTIAL**

(Two-thirds vote required)

To see if the Town will vote to rezone the portion of Assessor's Parcel 176, as shown in the map below, 750' from the I-495 right-of-way and along the northerly property line of Parcel 176 on Maps 4 and 8 from Industrial-

Commercial District #8 to Agricultural-Residential District and to amend the Zoning Map accordingly; and to amend the second paragraph of the DISTRICT #8 INDUSTRIAL-COMMERCIAL "Definition of Districts" which currently reads:

"Southerly by the Northerly line of said Conservation land to a point where a line running parallel to and 750' from the taking line of said 495 intersects such property line; Easterly by said line running parallel to and 750' from said taking line of Route 495 to a point 600' Southerly of the Littleton Town line, Southerly by a line 600 feet from and parallel to said Littleton Town line to a point on the Westerly line of Hill Road; and Easterly by the Westerly line of Hill Road to the point of the beginning."

to read as follows:

"Southerly by the Northerly line of said Conservation land to a point where a line running parallel to and 750' from the taking line of said 495 intersects such property line; Easterly by said line running parallel to and 750' from said taking line of Route 495 to a point approximately 150' Southerly of the Littleton Town line, Southerly by the Northerly property line of Assessor's parcel 176 to a point on the Westerly line of Hill Road; and Easterly by the Westerly line of Hill Road to the point of the beginning."

or take any other action relative thereto.

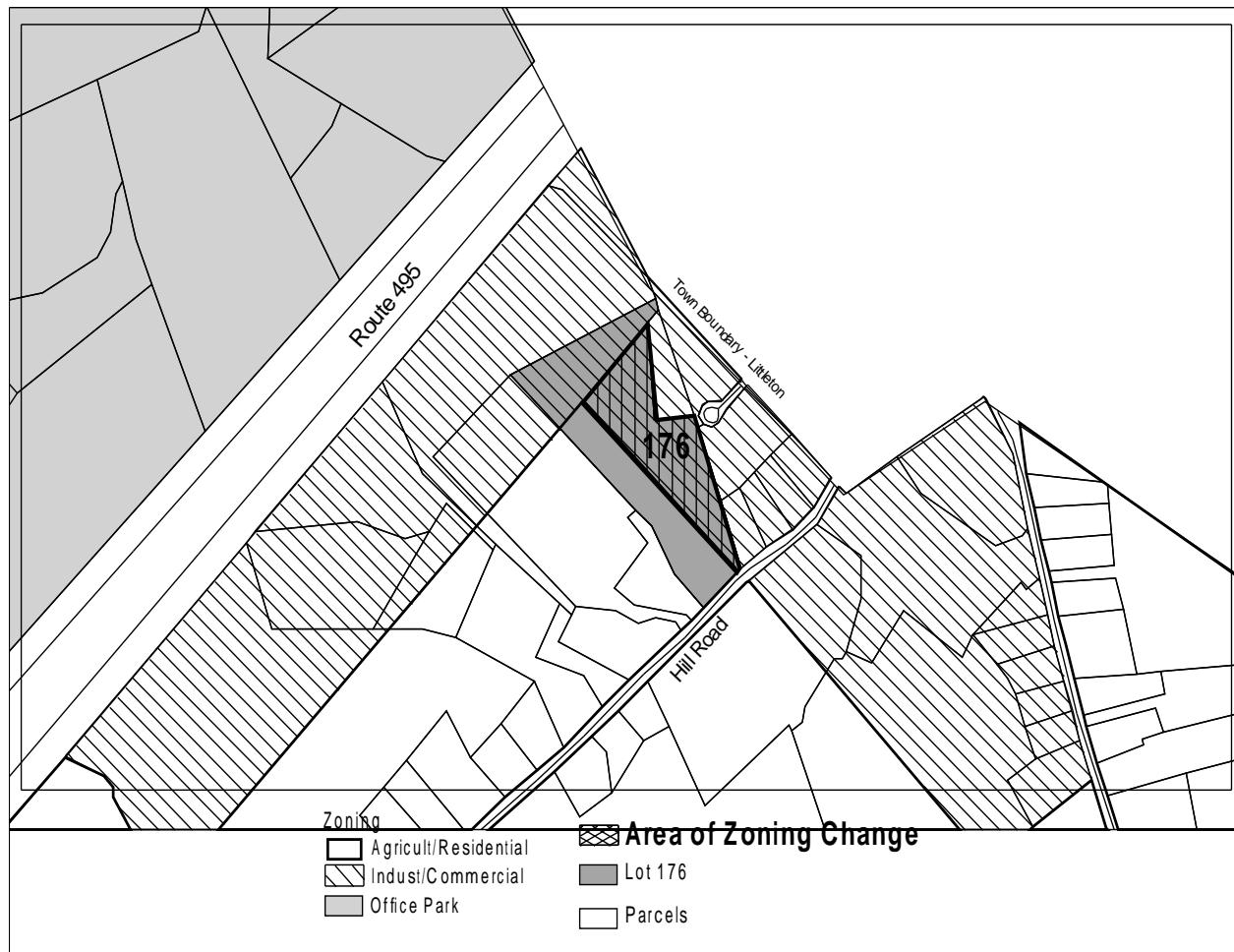
### Summary

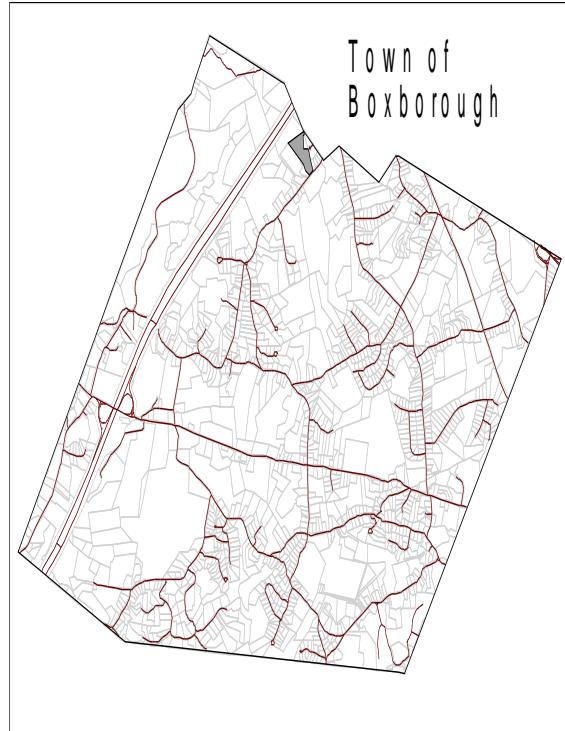
The Planning Board was asked to review the zoning of Industrial-Commercial District #8 as it relates to Parcel 176 off Hill Road. The Planning Board invited all landowners within IC District #8 to a public meeting to review the zoning. After receiving public input, the Planning Board decided to maintain the 750 foot strip of Industrial-Commercial land, and to only rezone the front portion of Parcel 176 to Agricultural-Residential.

### The Finance Committee Recommends Unanimously.

This action carries small financial impact, should one or two houses be built on the property in question.

## ARTICLE 23 REZONE PORTION OF IC DISTRICT #8 TO AGRICULTURAL-RESIDENTIAL





**ACTION ON ARTICLE 23**, May 16, 2002. Ms Metheny read the “Report of the Planning Board”, as follows:

**ARTICLE 23: REZONE PORTION OF INDUSTRIAL-COMMERCIAL (IC) DISTRICT #8 TO AGRICULTURAL-RESIDENTIAL (AR)**

In accordance with MGL Chapter 40A Section 5, the Planning Board conducted a public hearing on April 9, 2002 to review Article 23.

The Planning Board was asked to review the zoning of Industrial-Commercial (IC) District #8 as it relates to Parcel 176 off Hill Road. The Planning Board invited all landowners within IC District #8 to a public meeting to review the zoning. After receiving public input, the Planning Board decided to maintain the 750 foot strip of Industrial-Commercial land, and to only rezone the front portion of Parcel 176 to Agricultural-Residential (AR).

Currently, the land zoned Industrial-Commercial can be used to meet minimum lot size and other “passive” requirements in the Agricultural-Residential District. The potential development of the lot under existing zoning is one additional house lot. The proposed house would be required to be located in the existing AR District.

Under the proposed rezoning, if the land were subdivided through the creation of a new subdivision road to provide frontage for new lots, there could be 4 additional lots created. Subdivision using existing frontage could result in one to two additional lots.

Therefore, the Planning Board recommends approval of Article 23.

**THE BOXBOROUGH PLANNING BOARD:**

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Jennie Rawski, Chairman

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Michael Ashmore, Clerk

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Owen Neville, Member

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John Markiewicz, Member

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Karen Metheny, Member

The Finance Committee recommends unanimously. On Ms. Metheny’s motion, the Town did vote, unanimously, to rezone the portion of Assessor’s Parcel 176, as shown in the map printed in the warrant under Article 23 and to amend the Zoning Map accordingly; and to amend the second paragraph of the DISTRICT #8 INDUSTRIAL-COMMERCIAL “Definition of Districts” of the Zoning Bylaw as printed in the warrant under Article 23.

**ARTICLE 24 CLARIFICATION OF FOOTNOTE 15 UNDER ENTRY FOR FARM IN THE USE SCHEDULE**

(Two-thirds vote required)

To see if the Town will vote to amend the use schedule for "Farm" contained in Section 2232 of the Zoning Bylaw, by adding to the OP, B and B1 Districts, footnote 15, which presently reads: "Dwellings shall be permitted as accessory structures only in the Agricultural-Residential, Residential 1, and Town Center Districts;" or take any other action relative thereto.

**Summary**

It has been brought to the Planning Board's attention that footnote 15 only appears in the Industrial-Commercial (IC) column. This footnote should be referenced in all districts where residential dwellings are not permitted.

**The Finance Committee Recommends Unanimously.**

This is a Planning Board housekeeping article.

**ACTION ON ARTICLE 24**, May 16, 2002. Ms Rawski read the "Report of the Planning Board", as follows:

**ARTICLE 24: CLARIFICATION OF FOOTNOTE 15 UNDER ENTRY FOR FARM IN THE USE SCHEDULE**

In accordance with MGL Chapter 40A Section 5, the Planning Board conducted a public hearing on April 9, 2002 to review Article 24.

It has been brought to the Planning Board's attention that footnote 15 only appears in the Industrial-Commercial (IC) column. This footnote should be referenced in all districts where residential dwellings are not permitted.

This is a housekeeping item.

Therefore, the Planning Board recommends approval of Article 24.

**THE BOXBOROUGH PLANNING BOARD:**

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Jennie Rawski, Chairman

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Michael Ashmore, Clerk

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Owen Neville, Member

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John Markiewicz, Member

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Karen Metheny, Member

The Finance Committee recommends unanimously. On Ms. Rawski's motion, the Town did vote, unanimously, to amend the use schedule for "Farm" contained in Section 2232 of the Zoning Bylaw, as printed in the warrant under Article 24.

**ARTICLE 25 CAPITAL IMPROVEMENTS - SOUTH CEMETERY SHED**

(Majority vote required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, or borrow or otherwise provide the sum of Five Thousand Four Hundred Dollars (\$5,400), more or less, for the purpose of replacing the South Cemetery shed; or take any other action relative thereto.

**The Board of Selectmen Recommends (5 - 0).**

The current South Cemetery structure is a safety hazard in dangerous disrepair. A new structure is required to support cemetery operations effectively. The cost of this article is very minimal leveraging the DPW skills and support from Minuteman Regional High School.

**The Finance Committee Recommends.**

The existing South Cemetery shed is not only in a state of disrepair but also poses a potential physical hazard. The cost indicated above will be used for materials, with labor provided by the Highway Department and Minuteman Regional Vocational School students and staff.

**ACTION ON ARTICLE 25**, May 16, 2002. Owen Neville made the remark that this shed should “go away”; have it documented and move it. He doesn’t think that we need it in that location and that we need a new building that will take care of the hearses and other items. Becky Neville made a motion to move the question. This motion carried unanimously. On Mr. Rudolph’s motion, the Town did vote to transfer from FREE CASH the sum of Five Thousand Four Hundred Dollars (\$5,400) for the purpose of repairing or replacing the South Cemetery shed.

A special thanks was given to Tim Rudolph for the three years that he served on the Board of Selectmen.

This session of the town meeting was adjourned at 9:25 p.m.

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 26, 2002.

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Timmi W. Rudolph, Chairman  
Board of Selectmen

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David L Birt, Clerk  
Board of Selectmen

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Simon C. Bunyard  
Board of Selectmen

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Leslie Fox  
Board of Selectmen

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Donald R. Wheeler  
Board of Selectmen

**POSTED:** April 26, 2002

**BY:** Richard W. Golden  
Constable