

TOWN OF BOXBOROUGH
WARRANT and PROCEEDINGS of the
SPECIAL TOWN MEETING
held on MARCH 26th and 27th , 2001

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, March 26, 2001 at 7:30 p.m. to act on Articles 1 through 7 of this Special Town Meeting Warrant.

LIST OF ARTICLES

1. PRELIMINARY LIBRARY DESIGN
2. LIBRARY CONSTRUCTION PROGRAM
3. ACCEPTANCE OF COMMUNITY PRESERVATION ACT – CH. 44 §§3 - 7
4. BYLAW TO ESTABLISH COMMUNITY PRESERVATION COMMITTEE
5. AMENDMENT TO THE FY 01 BUDGET
6. PURCHASE OF MARCUS PROPERTY
7. BLANCHARD MEMORIAL SCHOOL – SUPPLEMENTAL APPROPRIATION

Please review the warrant articles. Complete summaries are found under each article printed in this warrant. If you have any questions about any of the articles, motions or procedure, please feel free to call the Town Administrator, 263-1116 before Town Meeting.

The Special Town Meeting was called to order on Monday, March 26th at 7:30 p.m. by Moderator, Reginald C. Brown, with 239 voters in attendance.

ARTICLE 1 PRELIMINARY LIBRARY DESIGN

(Majority Vote Required)

To see if the Town will vote to accept the preliminary design for the new Library building and to authorize the Library Trustees to apply for, accept and expend any State grants which may be available to defray the cost of design, construction and equipping the new Library; or take any other action relative thereto.

The Library Board of Trustees Recommends.

The Library Trustees unanimously recommend and urge the passage of this article. At the May 2000 Annual Town Meeting, the Trustees were authorized to hire an architect to help with the site selection process and to develop schematic designs and cost estimates for a new library. That work has been completed. Based on that design and cost estimate, the Library Trustees have also applied for a State construction reimbursement grant, which will offset approximately 40% of the cost for constructing a new building. State reimbursement grant application rounds have not been available on a yearly basis; it is likely that another round will not be available for a number of years. In order to be approved for funding, the State requires Town Meeting approval of this article. No actual Town expenditures would take place until the Town provides funds as specified in Article 2 of this Warrant.

The Board of Selectmen Recommends (4 – 0).

The BoS supports this article. It is a procedural article required to enable the Mass Board of Library Commissioners to consider the application for possible State Grants. This is important for the significant offset of costs for the project through State funding. This article does not guarantee State funding, but we will be prevented from receiving it without passage. Article 2 commits Town resources to the project, pending State grant acceptance.

The Finance Committee Recommends Unanimously.

The Finance Committee unanimously recommends acceptance of the preliminary design for the new library building to be built on the Hager property. We fully support the Library Trustees as they apply for, accept and expend any State grants received to defray the costs of design, construction and equipping the new library.

This article is procedural, allowing the library grant application to be officially submitted to the Massachusetts Board of Library Commissioners. This is an important step towards the implementation of a new library.

The library has gone through a number of iterations, first while we were looking at the Gateway site (which included the Design Guideline requirements), and then the change to the Hager site (where the Design Guidelines were no longer required). The architect has done a good job both on the interior and the exterior. The interior has a great flow from front to back. We believe that the brick, while more expensive initially, will keep the maintenance costs down over the life of the building.

The Boxborough Historical Commission Recommends.

The Boxborough Historical Commission urges passage of Article 1 relating to plans for the new Library. Members of the Historical Commission participated in the work leading up to the article proposed and are satisfied with the inclusion of provisions for historical book collections and for historical displays in the proposed design.

ACTION ON ARTICLE 1, March 26, 2001. Ms. Glidden stated that the floor plan could be modified, and by accepting the State grant, a certain amount has to be spent on books. On Ms. Glidden’s motion, the Town did vote to accept the preliminary design for the new Library building and to authorize the Library Trustees to apply for, accept and expend any State grants which may be available to defray the cost of design, construction and equipping the new Library.

ARTICLE 2 LIBRARY CONSTRUCTION PROGRAM

(Two-Thirds 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 Three Million Six Hundred Twenty-Six Thousand Six Hundred Sixty-Six Dollars (\$3,626,666), more or less, and to authorize the Library Trustees to proceed with the project of designing, equipping and constructing a new Library at the Hager site, including costs incidental and related thereto, pursuant to Chapter 44, Section 7 of the General Laws as amended or any other enabling authority, contingent upon the Town being approved for funding by State grants according to the formula and procedures as specified by Regulations for the Massachusetts Public Library Construction Program (605 CMR 6.00). This 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.

The Library Board of Trustees Recommends.

The Library Trustees unanimously recommend and urge the passage of this article. This article will provide the funding and authorization for the Library Trustees to construct a new library contingent on the Town being selected to receive a State Library Construction Grant. This means that we would begin the building project as soon as we are notified that we are on the list to receive reimbursement. We expect to receive notification in June 2001. Our goal would be to occupy the new facility in early 2003. While actual reimbursement timing would depend on the Legislature’s annual funding and our placement on the waiting list, we have applied for \$1,558,946 in State reimbursement funds. This would result in a net cost to the Town, excluding borrowing and bonding costs, of \$2,036,420 to build a new library.

We now have a great opportunity to build a new library which will serve the needs of all our citizens well into the future.

The passage of this special article, as well as our recommendation, is based on the condition that the State does indeed award a library grant of approximately \$1,558,946 to Boxborough. The slight uncertainty in the exact dollar figure needed to be appropriated is due to items in the building budget that the State does not cover such as landscaping, bookshelves other than the basic steel shelves, etc.

A minority of the Finance Committee does not recommend that the Town commit Library construction funds at this time due to large uncertainties in the operating and capital budgets for the next several years.

These members do not believe that a new Library is among the highest priorities for funding in the near term.

The FinCom does expect that the Town will receive a grant based on the requirements put forth in the grant submittal. What we do not know is the time frame of the grant disbursement to Boxborough. We have performed a number of cost estimates based on when the grant arrives, including years 2, 3 and 5. We believe that according to our best estimates, Boxborough will be among the library projects funded in year 3 (FY2003) of the grant program. It is expected that libraries in need of major repair and towns not as fortunate as Boxborough would receive the grants in the first two years.

Based on a typical house assessed at \$400,000 there would be an additional \$140 to \$150 assessment per year until the grant is approved. Once the grant is approved by the State and the Town receives the money, the ten-year bonding would take place. The State pays out the grant over three years in three equal payments. In year 1 of the bonding, there would be an additional \$224 on the tax bill. Year 2 would be \$210, followed by \$196, \$183 and thereafter dropping about \$10 to \$12 every year until the bond is paid off in 10 years. We assume for this calculation that the long-term interest rate will be 5.5% at the time of bonding.

Year	Cost per home with a \$400,000 valuation	Dollar per \$1,000 valuation
2001	\$149	\$0.37 per 1000
2002	\$145	\$0.36 per 1000
2003	\$224, year one of bonding	\$0.56 per 1000
2004	\$210, year two of bonding	\$0.52 per 1000
2005	\$196, year three of bonding	\$0.49 per 1000
2006	\$183, year four of bonding	\$0.46 per 1000

The Council on Aging Recommends.

The Council on Aging strongly recommends the passage of this article. We feel the library benefits the entire town. It would offer the seniors a spacious and comfortable environment in which to enhance their cultural and educational experiences.

The Boxborough Historical Commission Recommends.

The Boxborough Historical Commission urges passage of Article 2 relating to funding for the new Library. The Commission also believes that the proposed article addresses an overdue Town need to update its existing library facilities.

ACTION ON ARTICLE 2, March 26, 2001. Jim Gorman made a motion to vote by secret ballot. This motion did not carry. Ms. Golden made a motion to move the question. This motion carried. The tellers were Karen Metheny, G. Michael Ashmore, Carol Driscoll and John Davis. On Mr. Ross’s motion, the Town did vote to authorize debt in the amount of Three Million Six Hundred Twenty-Six Thousand Six Hundred Sixty-Six Dollars (\$3,626,666) including costs incidental and related thereto and to authorize the Library Trustees to proceed with the project of designing, equipping and constructing a new Library, at the Hager site, contingent upon the Town being approved for funding by State grants according to the formula and procedures as specified by Regulations for the Massachusetts Public Library Construction Program (605 CMR 6.00). This 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 vote on this article was 162 in favor; 57 opposed.

ARTICLE 3 ACCEPTANCE OF COMMUNITY PRESERVATION ACT – CH. 44 §§3 - 7

(Majority Vote Required)

To see if the Town will vote to accept Sections 3 to 7, inclusive of Massachusetts General Laws Chapter 44B, known as the Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired as provided under said Act; to approve a property tax surcharge in the amount of three percent (3%) of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2001; and to exempt from the surcharge the following: property owned and occupied as a domicile by a person who would qualify for low income housing or moderate income senior housing in the community, or take any other action relative thereto.

Board of Selectmen Recommends.

The Community Preservation Act (CPA) gives Boxborough a formalized process and one additional mechanism to address growth and maintain the character of the town. It represents one part of a range of planning, land use and acquisition options. The act does impose constraints on the Community Preservation Fund, but these are consistent to achieve a balance of preservation activities. It is a start at addressing the message we have heard repeatedly from Town Meeting - address growth issues as many opportunities for preservation may be fleeting.

- The BoS regards the State matching funding as a “bonus” to acceptance of the Act, a further benefit to the goal of community preservation.
- Ultimately, Town Meeting always decides the disposition of where community preservation funds go.

Acceptance of the CPA and establishment of the Community Preservation Committee will help to maintain the character of the Town of which we are proud, for our current residents and future Boxborough generations.

The Finance Committee Does Not Recommend by a Unanimous Vote.

Although the Community Preservation Act provides a means for limited long-term financial planning, the Finance Committee has several reservations regarding its implementation and its impact on Boxborough’s future financial health. Our primary financial concerns are as follows:

1. Individual home-owners, as well as commercial, industrial and business property owners, will be assessed a significant “a priori” surcharge in advance of a definitive spending plan. This practice differs from our normal approach of planning a specific expenditure and only then levying taxes. The CPA determines the parameters of the spending requirements. Although Town Meeting makes the ultimate decision on how Community Preservation Funds are spent, this approval is “ex post facto.” The Finance Committee cannot support such taxation.
2. The State-imposed limitations on spending from this fund are too restrictive. The tax dollars secured in the Community Preservation Trust Fund will be, by statute, unavailable for other uses despite Boxborough’s potentially more pressing future financial needs. The Finance Committee would prefer to maintain the current means of local control over appropriations for Town initiatives.
3. The Finance Committee would prefer that Boxborough do its own autonomous, long-term financial planning rather than have the State dictate our spending requirements. The current Master Planning Committee, with support from other Town committees such as the Affordable Housing Committee, the Land Use Committee, and the Historical Commission, will likely serve our needs more appropriately.
4. Surcharge receipts, even with 100% State reimbursement, are relatively small in light of recent land purchase prices, recreation development costs and the current affordable housing estimates of spending requirements. It will be several years before the fund would be large enough to purchase land, build a significant amount of affordable housing, etc. Again, as stated above, these tax dollars will be unavailable for other uses.
5. Within the parameters of the CPA, towns are permitted to borrow money against future surcharge revenues as long as the purchases meet the approved CPA guidelines. The Finance Committee is very uncomfortable with this notion. This would mean that the Town would not be able to rescind the CPA after the statutory five year commitment and would be bound to continue assessing the surcharge necessary to meet the obligation of the outstanding debt service (principal and interest) for the life of the bond (loan).

We feel financial uncertainties remain within the CPA. Most importantly, there is no guarantee that the State Matching Funds will continue to be either as forthcoming, or as generous, as they are currently described. However, by accepting the provisions of the CPA, Boxborough will be obligated to continue to participate for at least five years. This means we must assess at least some surcharge annually, whether it is to our financial advantage or not.

The Town of Boxborough has a long history of being actively supportive of preserving our community, be it via land purchases, community and school volunteerism or other means. We are confident that the Town will continue this tradition without the limitations and State-mandated control of the Community Preservation Act.

The Planning Board Recommends.

The Design Review Board Recommends.

This act is consistent with efforts addressing the overall nature and character of the Town, and is consistent with the intent of the Design Review Board. The DRB unanimously recommends this article.

ACTION ON ARTICLE 3, March 26, 2001. When this article was first considered, there was an exemption on real estate on the first \$100,000 of evaluation that the Board of Selectmen eliminated. Mr. Rudolph made a motion that we reconvene until Tuesday, March 27th for our adjourned session if necessary. This motion carried. Larry White made a motion that we table Article 3 until our next session. This motion did not carry. Paul Rey thinks that we need complete local control--Big Brother shouldn't be telling us how to spend our money without knowing our needs. Most of the speakers were in support of our making our own decisions. Mr. Rudolph made a motion to accept Sections 3 to 7, inclusive of Massachusetts General Laws Chapter 44B, known as the Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired as provided under said Act; to approve a property tax surcharge in the amount of three percent (3%) of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2001; and to exempt from the surcharge the following: property owned and occupied as a domicile by a person who would qualify for low income housing or moderate income senior housing in the community. This motion did not carry.

This session of the Special Town Meeting adjourned at 11:15 p.m. and reconvened at 7:30 p.m. on Tuesday, March 27, 2001.

ARTICLE 4 BYLAW TO ESTABLISH COMMUNITY PRESERVATION COMMITTEE

(Majority Vote Required)

To see if the Town will vote to accept the Bylaw as worded below to establish The Community Preservation Committee, or take any other action relative thereto.

CHAPTER 1: ESTABLISHMENT

- 1.1 There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B.
- 1.2 With the exception of subsections c and f, which are appointed by the Planning Board and Moderator, respectively, the members of the Committee shall be appointed by the Board of Selectmen as designated by the following:
 - a. One member of the Conservation Commission as designated by the Commission.
 - b. One member of the Historical Commission as designated by the Commission.
 - c. One member of the Planning Board as designated and appointed by the Board.
 - d. One member of the Recreation Commission as designated by the Commission.
 - e. One member of the Boxborough Housing Board as designated by the Board.
 - f. One member to be appointed by the Town Moderator.
 - g. Three members to be appointed by the Board of Selectmen (BoS). At least one of the BoS appointments will be a member of the Board and designated to serve as Chairperson of the Community Preservation Committee.

Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

- 1.3 Should any of the Commissions, Boards, or Committees who have appointment authority under this Chapter be no longer in existence for what ever reason the Board of Selectmen shall appoint a suitable person to serve in their place.

- 1.4 Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

CHAPTER 2: DUTIES

- 2.1 The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission and the Boxborough Housing Board. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- 2.2 The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section.
- 2.3 The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- 2.4 In every fiscal year, the Community Preservation Committee must recommend either that Town Meeting spend or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for (a) open space (not including land for recreational use), (b) historic resources, and (c) community housing.
- 2.5 The Community Preservation Committee may make recommendations to the Board of Selectmen on land use and acquisition priorities and properties outside of the community preservation fund applicability. Such recommendations shall be advisory only.

CHAPTER 3: REQUIREMENT FOR A QUORUM

- 3.1 The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. c. 39 §23B. The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

CHAPTER 4: COST ESTIMATES

- 4.1 Recommendations to the Town Meeting shall include their anticipated costs and strategies for longer term financing within the provisions of the Act.

CHAPTER 5: AMENDMENTS

- 5.1 This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with M.G.L. Chapter 44B.

CHAPTER 6: SEVERABILITY

- 6.1 In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

CHAPTER 7: EFFECTIVE DATE

- 7.1 Provided that the Community Preservation Act, M.G.L. c. 44B, is accepted at the 2001 Annual Town Election, this Bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after requirements of M.G.L. c. 40, §32 have been met.
- 7.2 After notification of Attorney General's approval has been received, each appointing authority shall make their appointments within 30 days.

The Board of Selectmen Recommends (4 – 0).

The BoS recommends the adoption of this Bylaw. It is necessary for the establishment of the Community Preservation Committee to: 1) conduct the duties associated with the Community Preservation Act; and, 2) provide a formal mechanism to address land use and acquisition activities within the Town. The CPC will have broad representation and combine the perspectives of representatives from multiple town boards, committees, and citizens at large, all with important perspectives on community preservation. Ultimately, however, decisions on actual expenditures will come before Town Meeting for consideration. The Board of Selectmen requests your support on this important step to address the future of the Town.

The Finance Committee Does Not Recommend by a Unanimous Vote.

The Finance Committee does not support the establishment of the Community Preservation Committee due to our unwillingness to support enacting the Community Preservation Act.

The Planning Board Recommends.

The Design Review Board Recommends.

The DRB unanimously recommends this article as it provides a mechanism to better coordinate and address preservation and development activities in town.

ACTION ON ARTICLE 4, On Mr. Rudolph’s motion, the Town did vote, unanimously, to pass over Article 4

ARTICLE 5 AMENDMENT TO THE FY 01 BUDGET

(Majority Vote Required)

To see if the Town will vote to raise and appropriate, appropriate from available funds or otherwise provide for the operations and expenses of the Town for the fiscal year beginning on July 1, 2000 by amending the budget voted under Article 5, ATM on May 8, 2000 as follows:

Appropriated ATM, 5/8/00	Proposed Increase	Newly Recommended FY01
101	\$930	\$11,031
820	\$350	\$1,170
921	\$1,280	\$12,201

Unanimous Vote.
The current Operating Budget is good and does not necessitate the action.

To raise and appropriate additional funds for the position of the Council on Aging Coordinator has implemented new and additional resources available to the senior program. The increase in her work hours is \$60,000 and the increase in CoA spending

Line Item	Line #	Description	Appropriated at ATM, 5/8/00	Proposed Increase	Newly Recommended FY01
300	62	Blanchard School	\$3,782,365	\$60,000	\$3,842,365

The Boxborough School Committee Recommends.

The long standing practice in Boxborough is for Blanchard School to budget SPED costs for students enrolled in the system the prior year assuming that the nature and cost of their services remain the same from year to year. The requested funds are to cover the projected FY2001 net deficit for Special Education (SPED) costs for new SPED students since last Spring and changes in services for existing students.

The Finance Committee Recommends Unanimously.

As indicated in the School Committee recommendation, these additional funds are required for unanticipated and unbudgeted SPED costs associated with both new students entering the system and for modifications to the program needs of existing students. The Town has a statutory responsibility to provide appropriate services to all students above the age of three years with recognized special educational needs. These expenditures are therefore not discretionary. The Finance Committee is satisfied that the Blanchard School budget requires the requested infusion of SPED funds.

Or take any other action relative thereto.

ACTION ON ARTICLE 5, March 27, 2001. On Ms. Hilberg's motion, the Town did vote, unanimously, to amend the FY 01 budget, as voted under Article 5 at the Annual Town Meeting on May 8, 2000 by increasing line item #541 (Council on Aging) by One Thousand Two Hundred Eighty Dollars (\$1,280) and line item #300 (Blanchard School) by Fifty-Three Thousand Dollars (\$53,000) for a total of Fifty-Four Thousand Two Hundred Dollars (\$54,280) and further to fund this amendment by transferring said sum from the Overlay Surplus Account.

ARTICLE 6 PURCHASE OF MARCUS PROPERTY

Two-Thirds Vote Required)

To see if the Town will vote to acquire by purchase, gift, eminent domain or otherwise all or a portion of the Marcus Property from Stephen A. and David E. Marcus, Trustees of Marcus Family Realty Trust under Declaration of Trust dated June 27, 1990 and recorded with Middlesex South District Registry of Deeds in Book 20624, Page 53 consisting of 27 acres more or less, and being more particularly described in a deed recorded in Book 20624, Page 61, and further identified as Assessors' Map 6, Group 4 Lot 120, said land to be acquired for general municipal purposes and to raise and appropriate, transfer from available funds, or borrow pursuant to Chapter 44, Section 7 of the General Laws as amended or any other enabling authority the sum of Nine Hundred Twenty-Three Thousand Eight Hundred Seventy-Five Dollars (\$923,875) for said acquisition, and for costs incidental and related thereto, and to authorize the Board of Selectmen to accept any gifts or grants for the purpose of said land acquisition, and further to authorize the Board of Selectmen to take such action as may be necessary to purchase said land and secure any such funds, or take any other action relative thereto.

The Board of Selectmen Recommends.

The Board of Selectmen has exercised its right of first refusal to purchase the Marcus property conditioned on a successful Town Meeting vote. This parcel has very high value for multiple town purposes and benefits. Through the efforts of the cross-board Land Use Group, the potential uses for this parcel have received careful scrutiny and evaluation. The town boards have had a close look at the Marcus property and support the acquisition. The parcel has been very highly rated as a potential site for Open Space Affordable Housing, combining low-density affordable housing with open space preservation for town use and enjoyment. Affordable housing is an identified and urgent Town need. Acquisition of this parcel would be an important and significant step in meeting stated needs, and provide about 1/3 of total land requirements for town-developed affordable housing over the next 20 years. The parcel has good conservation value consistent with Open Space Affordable Housing goals, and would help preserve the Mass Ave tree canopy. It has some value for future municipal building needs. As an adjoining parcel, it could in future be incorporated into an expanded Town Center district, increasing overall value and benefit to the Town. The Board of Selectmen concurs with the conclusion of the Land Use Group and recommends that Boxborough purchase the Marcus property.

The Finance Committee Recommends by a Split Vote (6 - 3).

Once again the Town is presented with the decision of whether to appropriate substantial funds to purchase Chapter 61A property that might otherwise be developed in undesirable ways. The Finance Committee generally agrees that there are several good municipal purposes for which this parcel may be used, foremost among these being the development of affordable housing. We are, however, extremely

unhappy with the notion of spending \$900,000, plus an additional \$23,875 in bonding costs, on this property without a specific plan for its use.

The maximum tax rate impact of this appropriation will be approximately \$0.23 per \$1,000 for a ten year bond issue, or approximately \$80.00 in the peak year for a \$350,000 home. This is a significant expenditure.

The majority of the Finance Committee believes that the need to establish a responsible affordable housing program outweighs our uneasiness about a lack of current planning. A minority believes that the demands of sound fiscal planning require us to forego this land purchase opportunity, especially in light of the lack of any coherent land use planning for recent acquisitions.

The Planning Board Recommends.

The Planning Board has ranked this parcel as one of its top ten for acquisition.

The Boxborough Housing Board Defers Its Recommendation until Town Meeting.

ACTION ON ARTICLE 6, March 27, 2001. Karen Metheny read the “Report of the Planning Board, as follows:

In June of 2000, the Planning Board submitted their review of all Chapter Land to the Board of Selectmen. The Planning Board evaluated all Chapter land for its conservation value and its municipal value. In general, land that had natural or scenic resources that should be preserved was ranked high for conservation purposes. Land that had good development potential was considered valuable for municipal purposes. The Marcus parcel received a high municipal ranking and a medium conservation ranking. The Marcus land was ranked high for municipal purposes because it has a good central location near existing municipal buildings and the proposed Town Center development. The Marcus land could be used for municipal offices, highway, or affordable housing purposes.

The Marcus land has been proposed for a 7 residential lot and 2 business lot subdivision. The Planning Board disapproved the Definitive Subdivision Plan because the Bylaw does not permit access to the residentially zoned land through the business district. The case is currently in litigation.

THE BOXBOROUGH PLANNING BOARD:

Jennie Rawski, Chairman

John Markiewicz, Member

Karen Metheny, Clerk

Michael Ashmore, Member

Owen Neville, Member

Ms. Golden stated that this purchase would link Priest Estates to Heath meadow Trail, even though it is of medium value as conservation land. Mr. Fox made a motion that the Town vote to acquire by purchase, gift, eminent domain or otherwise all or a portion of the Marcus Property from Stephen A. and David E. Marcus, Trustees of Marcus Family Realty Trust under Declaration of Trust dated June 27, 1990 and recorded with Middlesex South District Registry of Deeds in Book 20624, Page 53 consisting of 27 acres more or less, and being more particularly described in a deed recorded in Book 20624, Page 61, and further identified as Assessors' Map 6, Group 4 Lot 120, said land to be acquired for general municipal purposes and to borrow pursuant to Chapter 44, Section 7 of the General Laws as amended or any other enabling authority the sum of Nine Hundred Twenty-Three Thousand Eight Hundred Seventy-Five Dollars (\$923,875) for said acquisition, and for costs incidental and related thereto, and to authorize the Board of Selectmen to accept any gifts or grants for the purpose of said land acquisition, and further to authorize the Board of Selectmen to take such action as may be necessary to purchase said land and secure any such funds.

ARTICLE 7 BLANCHARD MEMORIAL SCHOOL – SUPPLEMENTAL APPROPRIATION

(Majority Vote Required)

To see if the Town will vote to raise and appropriate, appropriate from available funds, or otherwise provide the sum of Seventy-Seven Thousand, Nine Hundred and Thirty-Two Dollars (\$77,932), more or less, to supplement the funds already authorized for the purpose of meeting the FY2000 Net School Spending Requirement related to the Blanchard School, and voted under Article 5 of the Special Town Meeting held on March 27, 2000; or take any other action relative thereto.

SUMMARY

In late 1999 the Commonwealth fully funded the Education Reform Act of 1993 by substantially increasing the amount of Chapter 70 School Aid, thus making the Net School Spending Requirement for each school district equal to the Department of Education Foundation Budget for that district. In order to meet the Net School Spending Requirement for FY 2000, the Town voted a Supplemental Appropriation to the Blanchard School budget of \$485,158 at the Special Town Meeting held on March 27, 2000. These monies were intended to be spent both to resolve an anticipated operating budget shortfall, and to purchase a number of educational items identified at the time of the STM. As a result of several technical deficiencies in the Town's accounting system, and inattention on the part of responsible individuals, the Supplemental Appropriation of STM Article 5, March 27, 2000, was overcommitted. After several adjustments among accounts to minimize the funds required to cover the overrun, the unpaid bills from the March 2000 Supplemental Appropriation total \$77,932. These bills must be paid. While specific educational program items are represented in the unpaid bills, it would be erroneous to conclude that the overrun was caused by purchasing these items. The specific bills remaining unpaid simply reflect the timing of vendor invoices and delays caused by school department questioning of various charges. The proximate causes of this unhappy situation can be traced to the incomplete picture of Town financial encumbrances provided by our accounting system, lapses in the procedures for communicating financial information between Town Hall and the Blanchard School, and the serious illness of a responsible individual in the critical time frame. The end result of these contributing causes was that the School Department believed it had more money to spend than was actually the case. The Finance Committee, School Department, and Town Administration have reviewed the relevant accounting procedures, and some changes have already been made to minimize the likelihood of any such mistakes in the future. The Finance Committee is continuing to explore procedural and technical improvements in the Town's accounting system, and will recommend further specific measures by the May 2001 Annual Town Meeting.

The Boxborough School Committee Recommends.

These bills need to be paid. As outlined by the Finance Committee, mistakes were made due to a number of factors. A number of changes in process have been made as a result of the three party review of the situation and more changes will be put in place for FY 2002.

The Finance Committee Recommends Unanimously.

As indicated in the summary discussion above, these bills must be paid. The extraordinary circumstances that led to this budgetary overrun do not diminish this simple fact. The Finance Committee will recommend procedural and technical changes to rectify the identified deficiencies in the accounting practices and coordination.

ACTION ON ARTICLE 7, March 27, 2001. On Mr. Gorman's motion, the Town did vote (by a hand count of 50 in favor, 40 opposed) to transfer the sum of Seventy-Seven Thousand, Nine Hundred and Thirty-Two Dollars (\$77,932) from the Overlay Surplus Account to supplement the funds already authorized for the purpose of meeting the FY2000 Net School Spending Requirement related to the Blanchard School, and voted under Article 5 of the Special Town Meeting held on March 27, 2000.

Several voters stated how unhappy they were that this mistake happened and wanted to know what would be done in the future to prevent it from happening again.

Marcus Soule made a sense-of-the-meeting motion to request that the School Board show where their budget has been reduced by \$77,932.00. This motion carried.

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 March 9, 2001.

Donald R. Wheeler, Chairman
Board of Selectmen

Timmi W. Rudolph, Clerk
Board of Selectmen

David L Birt
Board of Selectmen

Simon C. Bunyard
Board of Selectmen

Leslie Fox
Board of Selectmen

POSTED: October 19, 2001
BY: David L. Birt
Constable