

**WARRANT and PROCEEDINGS
of the SPECIAL TOWN MEETING
Held on October 30th, 2000
at the BLANCHARD MEMORIAL SCHOOL**

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, October 30, 2000 at 7:30 p.m. to act on Articles 1 through 8 of this Special Town Meeting Warrant.

LIST OF ARTICLES

SPECIAL TOWN MEETING

***QUESTION 1 - EXEMPT FROM PROP 2 1/2 ACTON-BOXBOROUGH REGIONAL SCHOOL
DISTRICT CONSTRUCTION AND RENOVATION (BALLOT QUESTION ON
NOVEMBER 7)***

1. ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT CONSTRUCTION AND RENOVATION
2. ACCEPTANCE OF CEDARWOOD ROAD AND PARCELS A & B**
3. PETTINGEL PARK EASEMENT**
4. INCREASE REVOLVING FUND - ELECTRICAL INSPECTION**
5. AMENDMENT TO THE WIRE, OIL AND GAS INSPECTION BYLAW**
6. REPORT OF LIBRARY TRUSTEES ON THE NEW LIBRARY BUILDING PROJECT
7. REPORT OF RECREATION COMMISSION ON THE HETZ RECREATIONAL FIELDS PROJECT
8. BYLAW TO ESTABLISH BOXBOROUGH HOUSING BOARD

LEGEND

** CONSENT AGENDA

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 CONSENT AGENDA WILL BE TAKEN UP AS THE 1st ORDER OF BUSINESS AT THE SPECIAL TOWN MEETING ON MONDAY, OCTOBER 30, 2000.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to call the Town Administrator, 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 review the list of articles and motions proposed for each Consent Item. Complete summaries are found under each article printed in this warrant. Please review them carefully.

QUESTION 1 (WILL APPEAR ON BALLOT ON NOVEMBER 7, 2000)

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 Acton-Boxborough Regional School District bond issued in order to construct an addition or additions to the Acton-Boxborough Regional High School and for remodeling, reconstruction or making extraordinary repairs to the existing structure, including costs incidental and related thereto as set forth in the October 30, 2000 Special Town Meeting Warrant?

WARRANT and PROCEEDINGS of the SPECIAL TOWN MEETING held on OCTOBER 30, 2000

The meeting was called to order at 7:30 p.m. by Moderator Reginald C. Brown with 186 voters in attendance. There was a moment of silent prayer for the recent passing of George W. Robinson and James D. Coutts, both of whom gave generously of their time to the benefit of the Town. A motion was made by Mr. Brown to vote on consent agenda Articles 2, 3, 4, and 5 as a group. The action on these articles can be found in numerical order.

ARTICLE 1 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT CONSTRUCTION AND RENOVATION

(2/3 vote required)

To see if the Town will vote to approve the amount of Fifty-Two Million Four Hundred Eleven Thousand Dollars (\$52,411,000) debt authorized by the Acton-Boxborough Regional School Committee, for constructing an addition or additions to the Acton-Boxborough Regional High School and for remodeling or making extraordinary repairs to the existing structure, including costs incidental and related thereto, or to take any other action relative thereto. 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 Boxborough Members of the Acton-Boxborough School Committee Recommend.

When the proposal to expand the R. J. Grey Junior High School came to the Boxborough Town Meeting in 1998, it was also discussed that there would be a need to expand and renovate the Acton-Boxborough Senior High School. Over the past six months the Acton-Boxborough Regional School Building Committee has been working with the school administration, School Committee and the Office of Michael Rosenfeld (OMR) architectural team to finalize a specific proposal for the expansion and renovation of the Senior High School, thus completing the Senior High study started in 1998.

The goal of the Committee was to develop a plan that met four challenges: enrollment, educational program, physical site and cost effectiveness. We feel the proposal meets these four challenges.

Over the period 1995 to 1998 Acton-Boxborough Regional High School averaged 1320 students of whom approximately 1100 were residents of Acton or Boxborough, the rest being choice students. This month over 1,500 students registered at the Senior High School; over 1,400 of these are residents of Acton or Boxborough. This number of students is expected to grow rapidly over the next ten years, reaching over 2,050 students at the peak. A proposal that produces an increase in space from 222,000 square feet to 328,000 square feet has been developed to house this expanding number of students.

Acton-Boxborough High School delivers excellent education but in buildings that were built in 1964 and 1973. Times have changed and so has education. The Building Committee, administration, teachers and architects worked together on a plan to insure that this quality of education will be provided in the future with a much larger student body. The current plan renovates existing space as needed to extend its life and make it functional for the future including a new library, expanding the small open space classrooms, updating heating, electrical service and fire protection. A large amount of the 106,000 square feet of new space is specialized areas, like science labs and classrooms, that will meet the education needs of the future.

Space on the central campus is quite limited. Thus, the new 106,000 square foot addition is planned as a three story building. This has a much smaller footprint than the traditional two story structure, conserving space for parking and two new athletic fields as well as saving cost.

From day one, the goal was to produce a cost efficient plan and to provide the best possible value for the taxpayers of the Towns. The School was sized at 160 square feet per student, which is lower than the majority of current high school building projects in Massachusetts. As much as possible, the current high school structure and infrastructure is being re-used and renovation was limited to items that were needed for educational programs, health and safety, to comply with codes or to save replacement costs in the relatively near future.

The plan provides the 328,000 square feet at a total project cost of roughly \$52.5 million. While this is a very large sum of money, it represents a total and per square foot cost less than that of many comparable projects.

The Finance Committee Recommends.

The Finance Committee recommends that we proceed with the plans for the construction of an addition to the Acton-Boxborough Regional High School and for the renovation of the existing structure. We further recommend an override to the provisions of Proposition 2 1/2 for this purpose.

Due to the population growth in both Acton and Boxborough, High School enrollment will soon exceed the building's capacity for students. We have reviewed the ten-year school population projections and feel comfortable that they justify the need to proceed with the renovation/addition. The High School Building Committee has been careful to keep renovation costs to the minimum allowable by the state, yet still produce a fully functional, high quality school building which will meet our needs for the foreseeable future.

We have worked closely with Acton's Finance Committee to reach an agreement regarding the financial impact of the project on the two towns. The assumptions used were as follows:

- Long term interest rates are expected to remain at 5.5%
- Short term interest rates for the initial 5 to 6 years are currently at 4.5%
- The total building costs including contingencies are assumed to be approximately \$52.4 Million
- Boxborough will continue to grow at 3.5% per year
- The state will reimburse us for 61% of the project.
- Boxborough's share, based on the estimated number of students attending the school, goes from 13.20% to a maximum of 21.82% in 2012.

With these assumptions in place, the property tax impact on a house in Boxborough valued at \$300,000 is projected to be:

1st year	\$43
2 nd year	\$119
3 rd year	\$200
4 th year	\$217
5 th year	\$222
6 th year	\$262 (long term interest rate begins, state begins reimbursement, principal payments begin)
7 th year	\$251 (downward trend begins from here on)

ACTION ON ARTICLE 1, October 30, 2000. On Mr. Fallon's motion, the Town did vote, unanimously, to authorize debt in the amount of Fifty-Two Million Four Hundred Sixty Thousand Dollars (\$52,460,000.00) authorized by the Acton-Boxborough Regional School Committee, for constructing an addition or additions to the Acton-Boxborough Regional High School and for remodeling or making extraordinary repairs to the existing structure, including costs incidental and related thereto. 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).

ARTICLE 2 ACCEPTANCE OF CEDARWOOD ROAD AND PARCELS A & B**

(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 Cedarwood Road as shown on the plan entitled: "Definitive Plan, Boxborough, Massachusetts, Pine Burroughs Homes," dated September 23, 1988, last revised February 10, 1989, drawn by DeSimone Surveying Services Inc. and Joseph R. Henry Associates, Inc., and recorded with Middlesex South District Registry of Deeds as Plan No. 464 of 1989, in Book 19798, Page 173 and also shown on the plan entitled: "As-Built Plan of Cedarwood Road in Boxborough, Mass.," prepared for J.J O'Brien and Sons Inc., dated January 1995, drawn by David E. Ross Associates, Inc., and to authorize the Board of Selectmen to acquire by gift and to accept deeds to the inhabitants of the Town of the fee simple interest in Cedarwood Road and Parcels A & B, as described on the Plan, upon such terms and conditions as it shall deem appropriate, for the purposes of a public way and further to authorize the Board of Selectmen to acquire by gift or otherwise for highway purposes the fee or any lesser interests as well as easements for drainage.

Or take any other action relative thereto.

The Planning Board Recommends.

The Board of Selectmen Recommends.

The Finance Committee Recommends.

The Finance Committee recommends the acceptance of Cedarwood Road and Parcels A & B. All legal requirements have been met, and both the Planning Board and the Highway Department have reviewed and recommended the acceptance.

ACTION ON ARTICLE 2, October 30, 2000. Article 2 carried, unanimously, on the consent agenda.

ARTICLE 3 PETTINGEL PARK EASEMENT **

(Majority vote required)

To see if the Town will vote to accept the Grant of Easement for a public pedestrian way pursuant to the provisions of an Open Space Commercial Development Special Permit (Decision No. 97-01) issued by the Town of Boxborough Planning Board on January 19, 1997, recorded with Middlesex South Registry of Deeds in Book 31344, Page 221, from the subdivision roadway shown as "Beaver Brook Road" shown on a set of plans entitled "Plan of Land in Boxborough, MA (Middlesex County) and Harvard, MA (Worcester County)" prepared by Beals and Thomas, Inc. dated July 18, 2000, recorded with the Middlesex South Registry of Deeds as Plan No. 739 of 2000 and with Worcester District Registry of Deeds in Plan Book 758 as Plan No. 1, to a certain property commonly known as, and referred to as "Pettingel Park," owned by the Town of Boxborough and shown as "N/F Town of Boxborough" on a plan entitled "Easement Plan of Land, Towermarc Business Park, Boxborough, MA (Middlesex County)," prepared by Beals and Thomas, Inc. dated June 2, 2000, said easement for public pedestrian access over the area shown as "30' Wide Pedestrian Access Easement 15,904 +/- SF" on the Easement Plan.

Or take any other action relative thereto.

The Board of Selectmen Recommends.

Acceptance of this easement is one in a series of benefits related to our relationship with Cisco Systems, Inc. It provides important access to an important municipal asset for the community to enjoy.

The Finance Committee Recommends.

The Finance Committee recommends the acceptance of the Pettingel Park easement. One of the special permit conditions of approval for the development of the Towermarc/Cisco property is that the Town be given an easement to provide access to Pettingel Park. If approved, the Town will have the option of developing trails or other passive recreation enhancements at some future date.

The easement will be held by the Board of Selectmen, and all legal requirements have been met and approved by Town Counsel. This is the final step necessary for acceptance as required by law.

The Planning Board Recommends.

ACTION ON ARTICLE 3, October 30, 2000. Article 3 carried, unanimously, on the consent agenda.

ARTICLE 4 ELECTRICAL INSPECTION REVOLVING FUND**

(Majority vote required)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 to increase the amount of the revolving fund established for purposes of receiving fees and paying the Electrical Inspector for inspections conducted by him from “up to Twenty Five Thousand (\$25,000) dollars,” as authorized by a vote of Town Meeting under Warrant Article 7 on May 8, 2000, to an amount up to One Hundred Thousand Dollars (\$100,000), 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 2001 be carried over into fiscal year 2002 to pay for inspections for permits not yet completed; or take any other action relative thereto.

The Board of Selectmen Recommends.

This measure is being presented to address the significantly larger amount of fees received as a result of major commercial construction projects.

The Finance Committee Recommends.

Recent increases in commercial development in Town have caused electrical inspection fees to accrue far beyond expectations. The \$25,000 cap approved at Annual Town Meeting is inadequate to meet our current needs. Therefore, we recommend that the cap be raised to \$100,000 at this time. There is no financial impact to the Town.

ACTION ON ARTICLE 4, October 30, 2000. This article originally carried, unanimously, on the consent agenda. Mr. Bunyard made a motion to reconsider the action on this article. This motion carried. On Mr. Bunyard’s motion, the Town did vote, unanimously, to increase the amount of the revolving fund, pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2, established for purposes of receiving fees and paying the Electrical Inspector for inspections conducted by him from “up to Twenty Five Thousand (\$25,000) dollars,” as authorized by a vote of Town Meeting under Warrant Article 7 on May 8, 2000, to an amount up to Eighty Thousand One Hundred Ninety-Seven Dollars (\$80,197.00), 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 2001 be carried over into fiscal year 2002 to pay for inspections for permits not yet completed.

ARTICLE 5 AMENDMENT TO THE WIRE, OIL AND GAS INSPECTION BYLAW

(Majority vote required)

To see if the Town will vote to amend Section 3 of the Wire, Oil and Gas Inspection Bylaw which reads:

“The Selectmen shall fix the fees to be charged by such inspectors, each of whom shall be compensated by an amount **equal to the sum which each, respectively collects in fees for services rendered.** Each inspector shall turn over fees collected by him to the Town Treasurer.”

by deleting:

“**equal to the sum which each, respectively collects in fees for services rendered,**”

and replacing with:

“**to be set by the Selectmen,**”

so that Section 3 shall now read:

“The Selectmen shall fix the fees to be charged by such inspectors, each of whom shall be compensated by an amount **to be set by the Selectmen.** Each inspector shall turn over fees collected by him to the Town Treasurer.”

Or take any other action relative thereto.

The Board of Selectmen Recommends.

This will provide an equitable means to fairly compensate our inspectors.

The Finance Committee Recommends.

Unanticipated increases in commercial development have resulted in a marked increase in the fees received for electrical inspections. While this could be considered a short-term bonus for the Electrical Inspector, the dollar amounts involved also represent a potentially significant revenue source to the Town. Current policy stipulates that 90% of electrical inspection fees collected be disbursed to the Electrical Inspector, and 10% remains with the Town. This bylaw change will allow the Board of Selectmen to set a new compensation schedule for Electrical Inspectors. We trust that the Selectmen will use their discretion and come to an equitable decision allowing both parties to benefit from this unexpected windfall.

ACTION ON ARTICLE 5, October 30, 2000. On the consent agenda, the Town did vote, unanimously, to amend Section 3 of the Wire, Oil and Gas Inspection Bylaw as printed in the warrant under Article 5.

ARTICLE 6 REPORT OF LIBRARY TRUSTEES ON THE NEW LIBRARY BUILDING PROJECT

(Majority vote required)

To see if the Town will vote to hear the report of the Library Board of Trustees on the new library building project; or take any other action relative thereto.

The Library Board of Trustees Recommends.

The Board of Selectmen Recommends.

The Board of Selectmen encourages all residents to hear the report of the Library Trustees who have proactively pursued the development of a new town library. Further to the vote taken at May's Annual Town Meeting, the Design Selection process has been completed. Significant issues including the potential state grant process and the important issues and tradeoffs associated with site selection are important considerations for future town meetings.

The Finance Committee Recommends.

The Finance Committee recommends that we hear the Library Trustees' report on the proposed construction of a new library. Good work has gone into the process of choosing an architect, putting together a schedule and starting the initial work on the grant application.

ACTION ON ARTICLE 6, October 30, 2000. On Mr. Ross's motion, the Town did accept, unanimously, with thanks, the report of the Library Board of Trustees on the new library building project. Mr. Ross stated that the Trustees want to meet all the needs of the Town. They will apply for a grant, but it has to be done by January 18th, 2001. If they meet this deadline, they will know by June if they are on the list to receive a grant. They will have to complete a multi-page document before an architect can be chosen. A Special Town Meeting, by State requirement, will have to be held in March. The site for the new library has been narrowed down to the Gateway of Town Center, land next to the Police Station, and the front part of the Hager land. The Gateway of Town Center is the preferred location. It is planned that the library will be good for the next 20 years. It should be cozy, welcoming, and have window seats with a children's and an adult section. Separate work areas will be needed, as well as computer rooms. Needed are more books for young adults and space for donated items. There is a video at the library of unique libraries.

ARTICLE 7 REPORT OF RECREATION COMMISSION ON THE HETZ RECREATIONAL FIELDS PROJECT

(Majority vote required)

To see if the Town will vote to hear the report of the Recreation Commission on the Hetz recreational fields project; or take any other action relative thereto.

The Board of Selectmen Recommends.

The Board of Selectmen recommends hearing the report. The nature and resources raised for this project have changed since the last Annual Town Meeting. Town Meeting is encouraged to understand the steps necessary to fund completion of the project at future Town meetings.

The Finance Committee Recommends.

The Finance Committee recommends that the Town hear the Recreation Commission's report on the development of playing fields at the Hetz property. The Recreation Commission has been working diligently to develop not only an economically feasible plan, but also one that will take best advantage of the property's topography. They have fully utilized the Town's resources and support available to them and should be commended for their thorough attention to the project.

The Recreation Commission Recommends.

ACTION ON ARTICLE 7, October 30, 2000. On Mr. Bunyard's motion, the Town did vote, unanimously, to accept the report of the Recreation Commission on the Hetz recreational fields project. In the report, Mr. Apgar stated that they have the design plans. When the bids were put out, they came in at \$1.2 million dollars. The bid was brought down to \$600,000 by making changes, but it was finally decided to go to another engineering firm. Because the fill needed would cost about \$440,000, it was decided to have the Highway Department look at it. The Highway Department would have to hire some equipment, but they could lower the field by seven inches and not need additional fill. They also decided that they would not have to put in irrigation pipes as they are not going to have the water problems that they thought originally. They will still have to come back to Town Meeting for an additional \$350,000 to \$1,200,000.

ARTICLE 8 BYLAW TO ESTABLISH BOXBOROUGH HOUSING BOARD

(Majority vote required)

To see if the Town will vote to accept the bylaw as worded below to establish The Boxborough Housing Board:

SECTION 1. There is hereby established a permanent Board that shall be known as the Boxborough Housing Board. The members of said Board shall consist of not less than five members who shall be appointed by the Board of Selectmen for staggered three-year terms as designated by the Board of Selectmen, such appointments to be made annually by the Board of Selectmen on or before June thirtieth. A member of said Board may be removed for cause by the Board of Selectmen.

Members shall serve until their successors are appointed. Any vacancy in said Board, however occurring, may be filled by the Board of Selectmen for the unexpired portion of the term.

A majority of said Board shall constitute a quorum.

The Boxborough Housing Board shall be responsible for implementing and executing the Boxborough Affordable Housing Long-Range Plan to provide for affordable housing in the Town of Boxborough, and for updating and revising said plan in accordance with town needs, and with the approval of the Board of Selectmen. The Boxborough Housing Board shall exercise its powers and perform its duties for the purpose of investigating, implementing, managing, and providing affordable housing in accordance with the requirements and guidelines of MGL Ch 40B, and regulations issued thereunder as amended.

The liability of said Board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.

The Boxborough Housing Board may, at its discretion, delegate specific operational or oversight responsibilities to the Town Administrator.

The Boxborough Housing Board shall submit a written annual report to the Board of Selectmen on the status of affordable housing in Boxborough, and the receipt and expenditure of funds. The report shall include a statement of the doings of the Boxborough Housing Board during the year, together with such recommendations or suggestions as it may deem advisable on matters pertaining to affordable housing. Said Board shall also provide to the Board of Selectmen an annual affordable housing certification report adhering to reporting requirements for such purposes as set forth by the Massachusetts Department of Housing and Community Development.

SECTION 2. The Boxborough Housing Board shall have the following powers, provided however, that no such power shall be exercised either in a manner inconsistent with this bylaw, or with any general or special law or bylaw or to carry on any activity which is not in furtherance of the purposes set forth in this bylaw:

- (a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the conduct of its meetings;
- (b) to elect a chairman and vice-chairman, each of whom shall be members of said Board, and a secretary who need not be a member of said Board. The chairman and, in their absence, the vice-chairman shall chair meetings of said Board. The secretary shall be the custodian of all books, documents and papers filed with said Board and of the minute book or journal of said Board;
- (c) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to the approval of the town counsel of the Town of Boxborough as to form;
- (d) in compliance with Massachusetts General Laws or applicable statutes relating to the acquisition and disposal of municipal property, and the town bylaw on Acceptance of Land and Roads, to acquire or lease, by gift, purchase or exchange, on behalf of the Town, and to hold such property under the Board's care, custody, management and control, and use such property on such terms and conditions and in such a manner as it may deem proper and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or revenues of the Boxborough Housing Board, as may be necessary or appropriate to carry out its purpose;
- (e) with the approval of the Board of Selectmen, to enter into agreements or other transactions with the Commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;
- (f) to enter into contracts or agreements with, and to engage from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents as may be necessary in its judgment and to fix their compensation;
- (g) to appear on behalf of the Town before boards, commissions, departments or other agencies of municipal, state, or federal government;
- (h) to formulate and to carry out or monitor plans for projects involving the acquisition or operation of affordable housing facilities of any kind or nature, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;
- (i) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sales prices for or in connection with the use, occupancy or other disposition of any affordable housing facility or other property or portion thereof under its control;
- (j) to establish, impose, grant or amend, by deed, lease or any other means or method and on behalf of the Town to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of affordable housing facilities or other property under its control, or other facilities or property designated by the Board of Selectmen, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release, or discharge any such options, rights or restrictions;
- (k) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers, or other real estate professionals or any other person relating to the provisions of affordable housing for persons of low and moderate income in the Town;
- (l) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act; provided, however, that said Board may delegate to any committee or member of said Board any action which said Board is empowered to do or make or which said Board shall have power to conduct by itself;

(m) no binding contract of agreement to purchase or accept as a gift, any right, interest, or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in Chapter twenty-one E (Ch 21E) of the General Laws on or at the property. This requirement may be waived by the Board in acquiring a unit or units in a residential condominium.

And further, to hear the report of the Affordable Housing Study Committee; or take any other action relative thereto.

The Board of Selectmen Recommends.

In June 1999 the Board of Selectmen appointed the Affordable Housing Study Committee to investigate affordable housing issues and deliver recommendations to the town. They were charged to:

- Research and articulate Boxborough's affordable housing needs.
- Develop an affordable housing strategic long-range plan.
- Serve as a focal point for citizen input on affordable housing needs and direction.
- Make recommendations for implementation and management of affordable housing.

After 16 months of hard work the committee is delivering their final report and recommendations at this October 30, 2000 Special Town Meeting. The Board of Selectmen strongly endorses the bylaw proposed by the AHSC to establish a Boxborough Housing Board as an essential and significant next step in addressing the town's affordable housing needs. The report of the AHSC provides the rationale for the Housing Board, and presents specific recommendations for action for its consideration and implementation.

The Board of Selectmen applauds the diligence of the Affordable Housing Study Committee and recommends the adoption of this bylaw to continue the good work they began.

The Finance Committee Defers Recommendation.

The Finance Committee strongly supports the AHSC in their effort to foster development of a healthy and state-compliant diversity in Boxborough's housing stock. We further support the creation of a Boxborough Housing Board (BHB) to execute a long-range strategy for achieving this diversity in type and affordability of housing. A careful review of the proposed Bylaw has identified, however, several areas in which issues must be clarified before a definitive recommendation can be given. These areas include: membership criteria for the board, Town Meeting approval of the Long Range Plan and future modifications of the plan, limits of financial authority for the BHB, and administrative checks and balances for responsibilities vested within the BHB. We anticipate that these issues can be illuminated and resolved by debate at the AHSC public hearing and other venues prior to Town Meeting.

The Planning Board Defers Recommendation.

The Affordable Housing Study Committee Recommends.

After evaluating a number of alternatives, the AHSC concluded that Boxborough should establish a permanent Housing Board as the best way for the town to develop, acquire and manage affordable housing in the years to come. On October 12, 2000 the AHSC held a public hearing on the proposed bylaw which was prepared with the assistance and review of town counsel.

A new board is necessary because of the significant amount of work and expertise required, and the associated mechanisms that must be put in place in order to serve effectively the town's affordable housing needs. The BHB would function under the authority and supervision of the Board of Selectmen, but have sufficient independence to act efficiently on affordable housing matters. The mission of the Boxborough Housing Board will be to assure that Boxborough's affordable housing needs are met in the years to come. The Housing Board would be responsible for ongoing development and management of Boxborough's affordable housing stock and serve as a focal point among town committees and residents for affordable housing. As Boxborough develops and acquires affordable housing units, the Board will be responsible for conducting the housing lottery for sales to income-qualified buyers.

Under the bylaw, the Board of Selectmen will appoint members of the BHB. The AHSC would be dissolved during a transition period. A first order of business for the BHB would be to develop and present to the town detailed plans to acquire or develop affordable housing units, and the estimated capital

and expense budgets. No funding is being requested in this warrant article. Any funding required for affordable housing development or acquisition would be requested at a future Town Meeting by the BHB.

The Affordable Housing Study Committee has prepared its report and recommendations according to the vision presented at the November 1999 STM:

"To maintain and broaden its diversity and sense of community, Boxborough will make available a range of housing that is affordable to low and middle-income families of all generations. This housing will be in harmony with open space, conservation and recreation lands."

The AHSC vision statement reflects the committee's belief that Boxborough affordable housing should above all serve and strengthen the community while honoring the cherished and long-held traditions of our rural heritage. We are enthusiastic about the ideas and recommendations we are bringing to the town in our report, and through this proposed by-law. Our report centers on a few key recommendations:

- Establishment of a permanent Boxborough Housing Board to provide the proper structure and mechanisms to develop affordable housing and carry out the associated ongoing work and duties in future years.
- Recommendations for a balanced plan for affordable housing production under the authority of the town through a combination of existing unit conversions complemented with low-density open space affordable housing development.
- Options and suggestions for funding affordable housing development.
- A set of recommendations for conducting the housing lottery.

ACTION ON ARTICLE 8, October 30, 2000. On Mr. Fox's motion, the Town did vote, unanimously, to accept the bylaw, as printed in the left-hand column (indicated by "text of proposed bylaw") of the Handout entitled **"Article 8 Bylaw to Establish Boxborough Housing Board,"** to establish The Boxborough Housing Board; and further, to hear the report of the Affordable Housing Study Committee. Donald Wheeler thanked the members of the Affordable Housing Committee for the time that they had given to bring this bylaw to us.

The full text of the Boxborough Housing Board Bylaw reads as follows:

SECTION 1.0 Establishment

- 1.1 There is hereby established a permanent Board that shall be known as the Boxborough Housing Board. The members of said Board shall consist of not less than five voting members who shall be registered voters of the Town of Boxborough appointed by the Board of Selectmen for staggered three-year terms, such appointments to be made annually on or before June thirtieth. Current voting members of other statutory town boards, whether elected or appointed, shall not be eligible to serve as voting members of said Housing Board. The Board of Selectmen shall invite other boards to designate ex-officio representatives to serve in an advisory capacity as non-voting members.
- 1.2 A voting member of said Board may be removed for cause by the Board of Selectmen.
- 1.3 Members shall serve until their successors are appointed. Any vacancy in said Board, however occurring, may be filled by the Board of Selectmen for the unexpired portion of the term.
- 1.4 A majority of the voting members of said Board shall constitute a quorum.
- 1.5 The Boxborough Housing Board shall be responsible for developing, implementing and executing the Boxborough Affordable Housing Long-Range Plan (the Plan) to provide for affordable housing in the Town of Boxborough. The Boxborough Housing Board shall exercise its powers and perform its duties for the purpose of investigating, implementing, managing, and providing a diverse stock of affordable housing in accordance with said Plan and the requirements and guidelines of MGL Ch 40B, and regulations issued thereunder as amended.
- 1.6 Within the broader context of the Boxborough Master Plan, the Affordable Housing Long-Range Plan shall provide sufficient details and rationale to guide the formulation of specific proposals for the production of affordable housing units.

- 1.7 The Housing Board shall be responsible for periodic updates and amendments to the Affordable Housing Long-Range Plan.
- 1.8 Said Plan or any substantive amendment or revision thereto shall become effective upon approval by majority vote at Town Meeting. Said Board shall hold a public hearing on the Affordable Housing Long-Range Plan or amendments thereto prior to placement on the warrant for Town Meeting.
- 1.9 The Housing Board shall conduct a substantive review, including public hearings, of the Affordable Housing Long-Range Plan at intervals not greater than five years from the previous amendment or revision.
- 1.10 Minor revisions to said Plan for accuracy and convenience in execution may be made without requiring Town Meeting approval, provided that the Board of Selectmen agrees to the revision and shall so signify by formal acceptance of a revised plan document. No revision to said Plan shall be submitted for consideration and approval by the Board of Selectmen until the Boxborough Housing Board has held a public hearing on the proposed changes.
- 1.11 Excepting funds provided by the Town for clerical and consulting support, the Housing Board shall only expend funds pursuant to and/or consistent with an approved Plan, as it may be amended from time to time.
- 1.12 The Boxborough Housing Board shall, following a public hearing on the matter, adopt and publish a set of operational and policy guidelines to be employed by the Town in the development of affordable housing.
- 1.13 The liability of said Board and its members shall be limited to the same extent as the liability of a public employer and public employees as are limited by law.
- 1.14 The Boxborough Housing Board may, at its discretion, delegate specific operational or oversight responsibilities to the Town Administrator.
- 1.15 The Boxborough Housing Board shall submit a written annual report to the Town on the status of affordable housing in Boxborough, and the receipt and expenditure of funds. The report shall include a statement of the activities of the Boxborough Housing Board during the year, together with such recommendations as it may deem advisable on matters pertaining to affordable housing. Said Board shall also provide to the Board of Selectmen an annual affordable housing certification report adhering to reporting requirements for such purposes as set forth by the Massachusetts Department of Housing and Community Development.

SECTION 2.0 Powers

- 2.1 The Boxborough Housing Board shall have the following powers, provided however, that no such power shall be exercised either in a manner inconsistent with this bylaw, or with any general or special law or bylaw or to carry on any activity which is not in furtherance of the purposes set forth in this bylaw:
 - (a) to adopt, amend and repeal rules for the regulation and conduct of its business including, but not limited to, the conduct of its meetings;
 - (b) to elect a chairman and vice-chairman, each of whom shall be voting members of said Board, and a secretary who need not be a member of said Board. In the absence of the chairman, the vice-chairman shall chair meetings of said Board. The secretary shall be the custodian of all records of said Board;
 - (c) to make and execute all contracts and all other instruments necessary or convenient for the exercise of its powers and functions, subject to the approval of the town counsel of the Town of Boxborough as to form;
 - (d) in compliance with Massachusetts General Laws or applicable statutes relating to the acquisition and disposal of municipal property, and the Town Bylaw on Acceptance of Land and Roads, to acquire or lease, by gift, purchase or exchange, on behalf of the Town, and to hold such property under the Board's care, custody, management and control, and use such property on such terms and conditions and in such a manner as it may deem proper and to exchange, grant options on, sell, transfer, convey, assign, lease, pledge, mortgage, encumber, grant liens on and security

interests in or to otherwise dispose of, on such terms and conditions as it may deem proper, real, personal or mixed real and personal property or any interest, easement or rights therein and any assets or revenues of the Boxborough Housing Board, as may be necessary or appropriate to carry out its purposes;

- (e) with the approval of the Board of Selectmen, to enter into agreements or other transactions with the Commonwealth or any political subdivision or public instrumentality thereof, the United States government or any federal, state or other governmental agency;
- (f) to enter into contracts or agreements with, and to engage from time to time, contractors, architects, engineers, consultants, attorneys, accountants, construction, financial and other experts, superintendents, managers and such other agents as may be necessary in its judgment;
- (g) to appear on behalf of the Town before boards, commissions, departments or other agencies of municipal, state, or federal government;
- (h) to formulate and to carry out or monitor plans for projects involving the acquisition or operation of affordable housing consistent with the objectives and provisions of the Boxborough Affordable Housing Long-Range Plan, as amended, and to construct, reconstruct, renovate, expand, extend, improve, repair, remodel, equip, furnish, maintain, manage and operate such facilities;
- (i) to fix and revise from time to time and to charge and collect rates, fees, rentals and other charges and sale prices for or in connection with the use, occupancy or other disposition of any affordable housing facility or other property or portion thereof under its control;
- (j) to establish, impose, grant or amend, by deed, lease or any other means or method, and on behalf of the Town to hold the benefit of, monitor, exercise and enforce lawful restrictions on the rental, sale, resale, use or occupancy of affordable housing facilities or other property under its control, or other facilities or property designated by the Board of Selectmen, or restrictions with respect to the income of owners, tenants or occupants of such housing facilities or other property, or options and rights of first refusal with respect to such facilities or property and to waive, release, or discharge any such options, rights or restrictions;
- (k) to enter into, perform or monitor agreements or other transactions with contractors, developers, brokers, or other real estate professionals or any other person relating to the provisions of affordable housing;
- (l) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this bylaw; provided, however, that said Board may delegate to any subcommittee or member of said Board any action which said Board is empowered to do or make or which said Board shall have power to conduct by itself.

2.2 No binding contract of agreement to purchase or accept as a gift, any right, interest, or title to real property, shall be entered into until a site inspection has been made and a report received from a qualified person regarding the presence of hazardous materials or substances, as defined in MGL Ch 21E on or at the property. This requirement may be waived by the Board in acquiring a unit or units in a residential condominium.

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 October 13, 2000.

BOXBOROUGH BOARD OF SELECTMEN:

Donald R. Wheeler, Chairman

Timmi W. Rudolph, Clerk

David L Birt

Leslie Fox

POSTED: October 11th, 2000

BY: David L. Birt, Constable