

**TOWN OF BOXBOROUGH  
SPECIAL TOWN MEETING  
FEBRUARY 26, 2018**

**LIST OF ARTICLES**

- 1. ACQUISITION OF 873 MASSACHUSETTS AVENUE FOR DEPARTMENT OF PUBLIC WORKS FACILITY  
CONSENT AGENDA**
- 2. BORROWING COSTS – ARTICLE 1 AND MAY 2017 BORROWING AUTHORIZATIONS\*\***
- 3. PAYMENT OF PRIOR FISCAL YEAR BILL\*\***

**LEGEND**

**\*\* CONSENT AGENDA**

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, 493 Massachusetts Avenue, Boxborough, MA on Monday, February 26, 2018 at 7:00 p.m. to act on Articles 1 through 3 of this Special Town Meeting Warrant.

**CONSENT AGENDA**

In an effort to streamline Town Meeting and make it more inviting to voters, the Board of Selectmen will again use the Consent Agenda. This will speed the passage of articles which the Selectmen feel, after consulting 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 Selectmen have voted unanimously (4-0) to recommend all those articles on the Consent Agenda.

All of the articles to be taken up on the Consent Agenda are indicated by a double asterisk (\*\*).

**THE CONSENT AGENDA WILL BE TAKEN UP AFTER CONSIDERATION OF ARTICLE 1.**

At the call of the Consent Agenda, the Moderator will announce the number of each Article. If one or more voters object to including any particular Article 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 from the Consent Agenda and restored to its original place in the Warrant. We will then debate and vote on it in the usual manner. After calling 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. Summaries are included under all of the articles printed in this warrant.

John Fallon, Town Moderator, called the Special Town Meeting to order at 7:05pm. There were 155 registered voters in attendance. He introduced town officials and made some remarks about how the meeting would be run.

## **ARTICLE 1      ACQUISITION OF 873 MASSACHUSETTS AVENUE FOR DEPARTMENT OF PUBLIC WORKS FACILITY**

(Two-thirds vote required)

Les Fox, member of the Board of Selectmen, moved to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land with the buildings and improvements thereon, located at 873 Massachusetts Avenue, shown on Assessor's Map 14, Lot 21, and further described in the deed recorded at the Southern Middlesex District Registry of Deeds on page 84 of Book 58998 on April 30, 2012, said property to be held for general municipal purposes and for a new facility to house the Department of Public Works, as well as to acquire tools and equipment therein and to provide for upgrades to comply with handicapped accessibility requirements, including the payment of all other costs incidental or related thereto; and further that the sum of One Million Three Hundred Five Thousand Dollars (\$1,305,000) be and hereby is appropriated for said purpose, and that to meet this appropriation, the sum of Ninety-Five Thousand Dollars (\$95,000) shall be transferred from the Receipts Reserved for Appropriation for Capital Projects Account, and the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of One Million Two-Hundred and Ten Thousand Dollars (\$1,210,000) under the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, or any other enabling authority; and to issue bonds and notes of the Town therefor; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion was seconded.

### **Summary**

This article seeks approval for funds to purchase the building and land located at 873 Massachusetts Avenue to be used for DPW facilities and equipment. The building, on a 2.08 acre parcel, is the current location of Kaizen Tuning. It is estimated that the purchase price will be approximately \$1,090,000 (actual is \$1,250,000) for the building, plus an estimated \$21,000 for work required to bring the building into ADA code compliance and \$34,000 for miscellaneous closing costs. The town is working to conclude a purchase and sale agreement that will be contingent on approval of this article.

### **The Board of Selectmen recommends unanimously (4-0).**

Mr. Fox made the presentation on behalf of the Board of Selectmen. He showed a short video depicting the existing DPW facility and the crowded conditions. The video also showed the proposed new site and how much more space would be available. Mr. Fox said that, even though the Town had prioritized the Fire Station over the DPW as needing a new building, the unexpected availability of the Kaizen property, its attractive price, and its suitability as a DPW facility made it worth pursuing. Purchasing the Kaizen property with existing building would be cheaper than buying land and building new. The Kaizen property was not suitable for conversion to a Fire Department.

In mid-December, the Building Committee first became aware that Kaizen Tuning was planning to move and approached the owner about purchasing the property for use by our DPW. It was immediately recognized this unexpected opportunity should be pursued in the best interest of the town. Acquisition would address the DPW's pressing facility needs.

The building has been evaluated several times by the DPW Director and Inspector of Buildings. It is well-suited for use by the DPW and affords a very good value to the town. The garage space is twice that of our current DPW barn and there are adequate grounds for parking and outside work areas. On the north side, the property abuts town-owned municipal land known as the Picnic Street Trust, which could be used for future expansion, if needed.

After acquiring the new building, the DPW would continue to maintain the fuel depot and salt shed at the current site. The Director would have the option of garaging the large plow/salt trucks at the current site for winter operations.

The requested appropriation includes funds to correct two minor code compliance issues for occupancy that have been identified by the Boxborough Inspector of Buildings:

- Installation of ADA-compliant front door and ramp
- Upgrade one bathroom with grab-bars and high toilet for ADA compliance

The request also includes funds for purchase of selected shop tools and furnishings at significant savings. The Kaizen building is provisioned with many amenities and has been well-maintained by the current owners. It is in excellent condition. Notable features include:

- 8,000 square feet of interior heated space: this is twice the area of the current DPW barn
- Adjoining 2,000 square feet of exterior covered space for equipment
- Ample space for work areas and storage
- Overhead air handling and vehicle exhaust system
- Offices for DPW Director, Assistant and Foreman
- Adequate break room space for DPW crews
- Rest space for plowing crews
- Existing well and septic system
- Emergency generator
- Two bathrooms
- Public reception area for visitors and vendors
- Security system and network wiring

The current DPW barn has many deficiencies for both personnel and equipment. These include:

- The aging building is severely overcrowded. There is no work area for vehicle maintenance without moving some trucks outside. It is not even possible to walk between trucks when the garage is full.
- Inadequate office space for the director and DPW personnel
- No rest space for plowing crews
- Inadequate storage space for tools and supplies
- Insufficient covered, protected space for valuable equipment
- Many building code compliance issues that should be corrected for continued personnel occupancy

Purchase of this property would provide immediate relief for a severe and ongoing space crunch at the DPW. It would allow the town to provide a proper working environment for employees and increase efficiency and safety of operations. We should seize the unexpected opportunity to purchase the Kaizen property.

The Selectmen enthusiastically and wholeheartedly support this article and urge you to vote YES.

**The Boxborough Building Committee recommends unanimously (6-0).**

At a meeting held on December 19, 2017, the Boxborough Building Committee discussed and evaluated this opportunity and voted unanimously to place an article on the STM warrant to purchase the property for DPW use.

**The Finance Committee recommends unanimously (5-0).**

The Finance Committee reviewed the proposal at multiple meetings. The replacement of the DPW facility was originally planned to be second in line to be replaced due to the plan to reuse the fire station to store the DPW trucks while the DPW site was moved. The option to purchase a site with an existing building that meets the current and future needs of the DPW came at an opportune time. This article will allow the Boxborough Building Committee (BBC) to continue to work on the plans for the fire station and resolve the DPW issues in parallel rather than serially. It would also allow the Town to continue to have the DPW site on route 111 with the added intangible benefit of eliminating the time and resources needed for development and construction of a DPW facility from scratch.

The total appropriation request of \$1,305,000, with \$1,210,000 bonded over 20 years, would add \$53.41 in the first year to the average tax bill, and decrease every year thereafter.

**Discussion:**

Frank Powers, Stonehedge Place, spoke in favor of the motion, as a former Selectman and current member of the Boxborough Building Committee. He said he was very familiar with the DPW facilities, and that the video made the current condition of the DPW facility look better than it actually is.

Francie Nolde, Sargent Rd., was in favor of the motion. She had concerns about the steepness of the driveway. She also wondered where the sand is going to be kept. Mr. Fox said that the sand is only for use by residents and is going to stay at the old location. She's concerned about a heavy truck coming down the incline and going into the traffic. Mr. Fox asked DPW Director Ed Kukkula to speak to the question. Ed said that going down the hill is no problem—the weight helps the truck slow down. He doesn't foresee a problem and plans to keep the driveway clear and passable at all times. He said that if there were issues with site lines onto Mass. Ave., Mass DOT would have addressed it with Kaizen.

Bill Stephenson, 567 Flagg Hill Rd., asked what would happen to the existing facility. Mr. Fox said that winter operations would continue there for the foreseeable future. May keep the fuel depot there long-term, but will be looking at that. Having the new space would allow town to look at many options for the old site.

John Markiewicz, Patch Hill Rd., spoke as a member of the Planning Board and former member of the Boxborough Building Committee and pointed out that trying to find properties suitable for town facilities was very difficult. He said that when Kaizen went in, they had to come before the Planning Board for approval. The grade of the roadway was signed off on by the Planning Board.

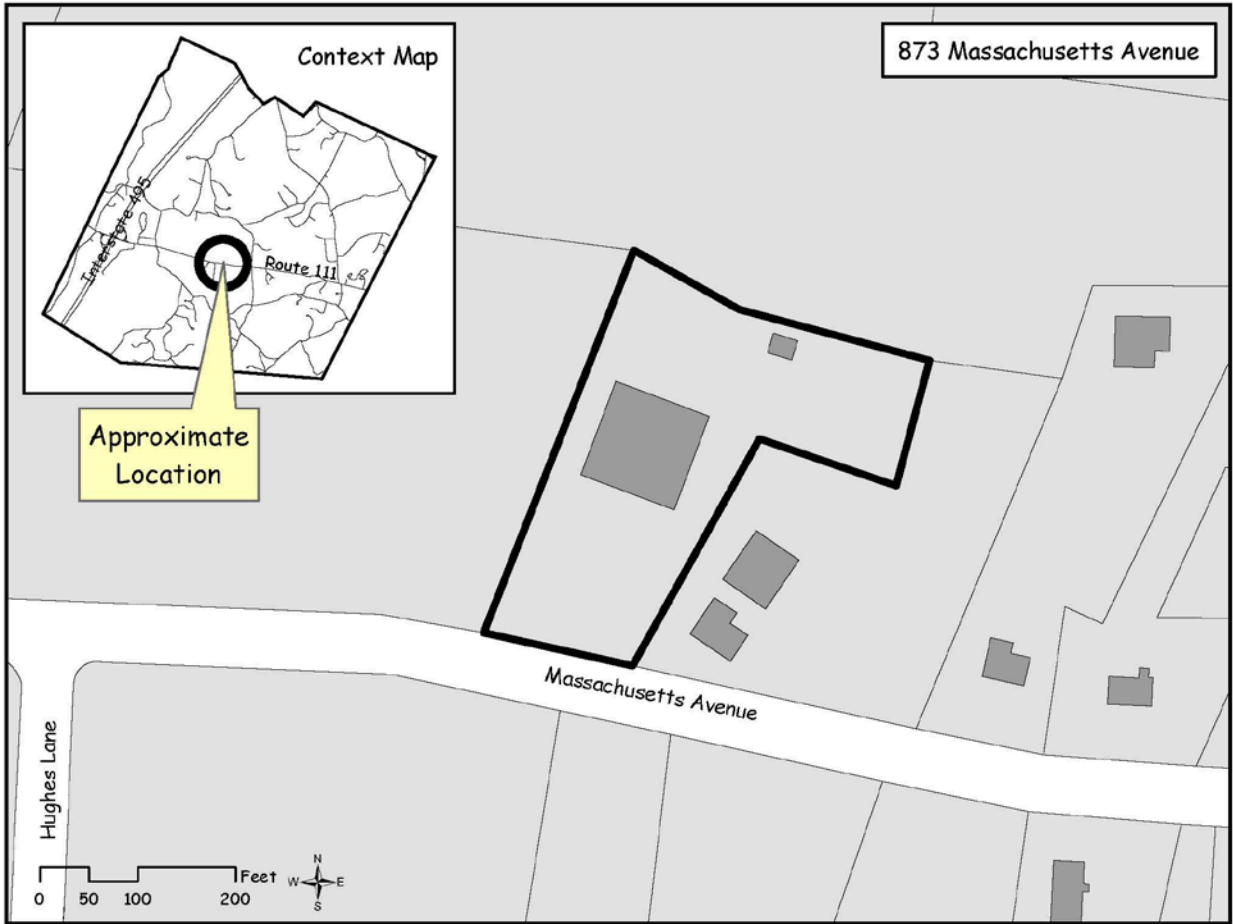
Fred Waugh, Hill Rd., wondered if it's the right facility. Does it have the right amount of space? Is the foundation strong enough? He asked if there was going to be a bidding war with the other potential buyer? Mr. Fox said that there would be no bidding war—the Town had a P&S with Kaizen contingent upon this vote of Town Meeting. He said the square footage was good, the foundation strong enough, with enough space for trucks, supplies, office areas.

Jim Moss, Bicentennial Way, asked about electrical—was it sufficient. Mr. Fox said that the electrical was adequate. What about the well—can it handle washing of the trucks in winter with all the salt? Mr. Fox said winter operations would continue at old location. Mr. Moss was also concerned about the steepness of the driveway.

Mr. Powers moved the question.

Motion to vote now carried unanimously.

**Action on Article 1: Motion carried unanimously.**



Susan Bak, chair of the Board of Selectmen, moved to approve the Consent Agenda, Articles 2 and 3, as printed in the February 26, 2018 Special Town Meeting warrant under Articles 2 through 3 inclusive, to be appropriated as printed in the "Town of Boxborough Special Town Meeting February 26, 2018 Motions" handout.

**Action on Consent Agenda Articles 2 and 3: Consent Agenda motion carried unanimously.**

## **ARTICLE 2                   BORROWING COSTS\*\***

(Majority vote required)

As part of the Consent Agenda, Ms. Bak moved to transfer the sum of Fifty Thousand Dollars (\$50,000) from Free Cash for the purpose of paying the cost of issuance for borrowing authorized by vote of Town Meeting in 2017 as well as for borrowing authorized in Article 1 of the February 26, 2018 Special Town Meeting.

### **Summary**

In May 2017, Town Meeting authorized borrowing in the amount of One Million Ten Thousand Dollars (\$1,010,000). This, coupled with the borrowing proposed to be authorized for the acquisition of the Kaizen facility to house our Department of Public Works, will provide a critical mass to seek a long-term bond issuance at favorable interest rates. Two interest payments on the bond issuance will be due in FY 19, and will be presented at May's annual town meeting in the operating budget for the year commencing July 1, 2018; however, the bonding must be finalized, and the issuance costs appropriated in order to complete the purchase.

**The Board of Selectmen recommends unanimously (4-0).**

The appropriation requested under this article provides for monies necessary to pay the cost of issuance for borrowing authorized at the 2017 annual town meeting and at this special town meeting.

**The Finance Committee recommends unanimously (5-0).**

These are costs associated with bonding that must be approved by the Town as a separate article.

## **ARTICLE 3                   PAYMENT OF PRIOR FISCAL YEAR BILL\*\***

(Nine-tenths vote required)

As part of the Consent Agenda, Ms. Bak moved to transfer the sum of One Thousand Three Hundred Sixty-One Dollars and Forty-Eight Cents (1,361.48) from Free Cash, for the purpose of paying a fiscal 2017 bill related to Hager well maintenance.

### **Summary**

The invoice, payable to Whitewater, Inc. and dated April 17, 2017, was not received until after the close of the fiscal year ended June 30, 2017. The invoice was for routine testing at the Hager well, which services the Blanchard School, Sargent Memorial Library, and Police and Fire Departments. Had the bill been timely submitted, there were sufficient funds on hand in the departmental budget to pay the invoice. This situation only came to the attention of the DPW Director and Town Accountant in late October 2017, when notified by the vendor of the outstanding amount. The warrant for the December special town meeting had already closed. Had this February special town meeting not been called, this matter would be taken up in May.

**The Board of Selectmen recommends unanimously (4-0).**

The vendor in question failed to provide a timely invoice for an expense incurred in FY 2017. This article will allow for the payment of that invoice.

**The Finance Committee recommends unanimously (5-0).**

The Finance Committee recommends paying the bill. The Town is required to pay the bills when they are received. In this case, the bill came in after the close of the December 2017 Special Town Meeting warrant.

**Rita Grossman, Depot Road, moved to dissolve the meeting. Motion carried unanimously.**

**The Special Town Meeting was dissolved at 7:53pm.**

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

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before February 9, 2016.

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Susan M. Bak, Chair  
Board of Selectmen

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Robert T. Stemple, Clerk  
Board of Selectmen

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Leslie R. Fox  
Board of Selectmen

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Maria E. Neyland  
Board of Selectmen