



**TOWN OF BOXBOROUGH
SPECIAL TOWN MEETING
DECEMBER 12, 2016
LIST OF ARTICLES**

- 1. LAND PURCHASE FOR CONSERVATION PURPOSES**
- 2. GENERAL BYLAW AMENDMENT – AMEND DOG LICENSING BYLAW**
- 3. PAYMENT OF PRIOR FISCAL YEAR BILLS**
- 4. REPAIRS TO FLERRA FIELD PLAYGROUND**
- 5. AMEND FY2017 BUDGET – POLICE AND EMPLOYEE BENEFITS**
- 6. PILOT AGREEMENT FOR SOLAR PHOTOVOLTAIC FACILITY**
- 7. ACCEPT PROVISIONS OF SECTION 60 OF THE ACTS OF 2016 TO ESTABLISH AN INJURED ON DUTY (IOD) FUND FOR POLICE AND FIRE**
- 8. MUNICIPAL FACILITIES SPACE NEEDS CONSULTANT**

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, December 12, 2016 at 7:00 p.m. to act on Articles 1 through 8 of this Special Town Meeting Warrant.

ARTICLE 1 LAND PURCHASE FOR CONSERVATION PURPOSES

(Two-thirds vote required)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum for the total cost of the purchase not to exceed \$575,000 to be expended by the Conservation Commission of Boxborough, in accordance with the authority granted to it under Massachusetts General Laws, Chapter 40, Section 8C, by and on behalf of the Town, for the acquisition of that certain tract of land totaling 15.67 acres, more or less, located at 311 Whitcomb Road in Boxborough, identified as 08-001-000 on the Boxborough Assessor's Maps, being a portion of that land described in a deed recorded with the Middlesex South Registry of Deeds in Book 11391 at Page 514, including costs incidental and related thereto, for conservation and passive recreation purposes, said land to be held in the care, custody, management and control of the Conservation Commission of Boxborough thereafter, and to authorize the Treasurer with the approval of the Selectmen to borrow said sum under the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8C, and/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; and further to authorize the Conservation Commission or its designees to apply for, accept and expend on behalf of the Town of Boxborough such other funds as may be provided to pay for all or a portion of the costs of acquiring these properties, including but not limited to grants and/or reimbursement from the Commonwealth of Massachusetts under the Local Acquisitions for Natural Diversity (LAND) grant program (Massachusetts General Laws Chapter 132A, Section 11), which grants and/or funds shall be used to repay all or a portion of the borrowed funds, provided, however, that said acquisition is conditional upon the Town of Boxborough receiving a LAND grant for said acquisition in the amount of not less than 50% of the total cost of the purchase; and to authorize the Conservation Commission and Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Boxborough to effect said acquisition; or take any other action relative thereto.

Summary

The Conservation Commission proposes to purchase 15.67 acres of land (Elizabeth Brook Knoll) on the western side of Boxborough bordering Harvard on West Whitcomb Rd., next to the Cisco property. This is a collaborative effort with the Boxborough Conservation Trust (BCTrust), the Town of Harvard and the Harvard Conservation Trust. The Town of Harvard and the Harvard Conservation Trust are similarly pursuing an abutting 50 acre parcel in Harvard known as Horse Meadows Knoll on Sherry Road. Together, these two acquisitions will net approximately 64 acres of prime upland habitat, aquifer recharge area and public hiking trails. Boxborough and Harvard have each submitted LAND grant applications for their respective parcels. The LAND grant is expected to cover more than half of the total cost of the proposed purchase for Boxborough.

Purchasing Elizabeth Brook Knoll as Conservation Land directly aligns a number of the goals and objectives identified in Boxborough 2030 and Boxborough's Open Space and Recreation Plan (OSRP) 2015-2022 as follows:

Boxborough 2030 Goal 1.3 and OSRP Goal No. 1: To protect and/or acquire additional lands for conservation, water resource protection, wildlife habitat, agricultural land preservation, recreation, trails, and wildlife corridors.

OSRP Goal No. 2: To protect the town's heritage and character through the preservation of scenic areas, roadways, and landscape features, both natural and historical.

OSRP Goal No.7: To coordinate open space planning efforts with neighboring communities to create a regional open space and trail network.

The added value of this purchase includes:

DISCOUNTED PRICE: The Seller's interest in conservation has resulted in an agreed price that is below the appraised value. This addition to the attractive price, more than half of the total purchase cost is expected to be covered by the LAND grant and a contribution by the BCT.

Appraised Value	\$625,000
Estimated Total Cost (includes purchase price, survey, title, and contingency)	\$575,000
LAND Grant Award (minimum 50% match of total cost)	- \$287,500
Contribution from BCT(paid deposit)	-\$27,000
Net Cost to Town(maximum not to exceed)	\$260,500

PROTECTION OF WATER RESOURCES: The property's mixed deciduous-coniferous upland forest captures, conserves, and filters rainwater runoff prior to recharging a major surficial aquifer, thereby reducing the threat of pollution not only to the aquifer itself, but also to area wetlands and nearby Elizabeth Brook and Beaver Brook in the SuAsCo and Merrimack River watersheds. About 25% of the northern portion of the property is in a Zone 2 well-head protection area, and about 30% of the southern border of the property is an interim well head protection zone.

PROTECTION OF PRIORITY HABITAT: The entire Boxborough parcel, and abutting Harvard parcel, is identified by NHESP as a "Priority Habitat" for rare and endangered species, and connect with other Priority Habitat parcels under conservation restrictions (abutting CISCO properties).

PASSIVE RECREATION: Provides opportunity for prime hiking trails in an invasive-free mature forest setting with nearly 200 feet of vertical rise.

LINKAGE: Provides trail and hiking opportunity in Boxborough into Harvard.

EQUITY: Creates prime hiking trails in walking distance to multi-family housing on Boxborough's west side.

REMOVAL OF DEVELOPMENT THREATS: Preserves natural habitat and water resources.

The Conservation Commission recommends (6-0).

Purchasing Elizabeth Brook Knoll as Conservation Land will contribute toward the Town's goals and objectives for protecting and/or acquiring additional lands for conservation, water resource protection, wildlife habitat, recreation, trails, and wildlife corridors. The combination of the negotiated purchase price, available LAND Grant funding, and BCT contribution, also provides the Town with the immediate opportunity to purchase valuable conservation land at a relatively low price.

The Board of Selectmen recommends...

The Finance Committee does not recommend (5-0).

The Finance Committee recognizes and appreciates the efforts of the Boxborough Conservation Trust, the Conservation Commission and others in bringing this opportunity to the Town in such an expeditious manner. This is a joint venture with the Town of Harvard, who are planning to purchase an adjoining lot, so providing a greater contiguous area of conserved land across the town border. The land will provide access to conservation land hiking trails to the west of Interstate 495 which are lacking at this time. However, the Finance Committee considers several other factors to be of importance in support of their recommendation.

In addition to the costs associated with the purchase of the property, the Town will lose the tax income from a lot that is currently assessed at \$709,800. This, along with the actual cost of purchase, will add to the property tax rate by an amount that will depend on the funding mechanism, but which will be at least \$0.04.

In 2014, the Town adopted the Community Preservation Act, with a surcharge of 1% on property tax that is supplemented by a variable state match, which was 29% of the FY15 tax surcharge. One of the main purposes of these funds is for open space and recreation, including the purchase of land for conservation. The Finance Committee is both surprised and concerned that this proposed purchase has not been reviewed or considered by the Town's Community Preservation Committee for potential funding with CPA monies, since the state match effectively represents a further discount on the purchase price.

There are currently several large capital projects being considered within the Town, some of which are likely to require the purchase of land in the immediate or near future. These include improvements for the Fire Department, the DPW facilities and the Police Department. The Recreation Commission is considering how best to provide new recreational facilities for the Town, identified as a priority in their plan, and which may also require purchase of land. The Regional School District is well advanced in the development of a comprehensive capital plan, which will require the Town to make a significant financial commitment. These should all be priorities for the Town. For conservation and open space, the priorities are listed in Table 29 of the Open Space and Recreation Plan – 2015-2022, which identifies land that is currently privately owned but which would be a priority for the Town to purchase, were it to become available. This table lists 26 parcels comprising a total of 61 lots identified by an Assessor ID number. These parcels were identified as the priorities by the Conservation Commission, Planning Board, Board of Health and Agriculture Commission amongst others. The parcel at 311 Whitcomb Road is not one of those priority parcels. As such, the Finance Committee believes that at this time, with significant capital expenditure ahead, the Town should focus its resources on its obligatory needs (the "must-haves") rather than discretionary items (the "nice-to-haves") and so does not recommend this article.

ARTICLE 2 GENERAL BYLAW AMENDMENT – AMEND DOG LICENSING BYLAW

(Majority vote required)

To see if the Town will vote to amend the Dog Licensing Bylaw by adding the ***bold, italicized*** language and deleting the strikethrough language as follows:

Section 1. All dogs six months or older in the Town of Boxborough shall be licensed by the Town Clerk annually beginning January 1st and not later than ~~March 10~~ ***April 1*** of each calendar year. Upon receipt of payment of the licensing fee, the Town Clerk shall issue a license and a tag. The tag, along with current rabies tag, shall be worn by the dog on a collar or harness when the dog is off its owners or keeper's property. The License Period shall be January 1 to December 31 of each calendar year.

Section 2. Fees for dog licenses are:

Spayed/Neutered	\$10.00
Intact	\$15.00
Up to 4 dogs	\$25.00
Kennel 5 - 10 dogs	\$50.00
Kennel 11+ dogs	\$75.00

Section 3. Any person who is the owner or keeper of a dog in the Town of Boxborough and who fails to license said dog by ~~the March 10 deadline~~ ***April 1*** in any year, shall be subject to a penalty of ~~fifty dollars (\$50.00)~~ ***twenty-five dollars (\$25.00)*** per dog to be payable to the Town Clerk upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~

Section 4. Any person who by ~~March 20~~ ***May 1*** fails to license a dog which is owned or kept in the Town of Boxborough shall be subject to a penalty of ~~seventy-five dollars (\$75.00)~~ ***fifty dollars (\$50.00)*** per dog to be payable to the Town upon demand by the Animal Control Officer – Dogs and Cats, in addition to the license fee. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~

Section 5. Any person who by ~~March 30~~ ***June 1*** fails to license a dog which is owned or kept in the Town of Boxborough shall receive a demand from the Animal Control Officer – Dogs and Cats by certified and regular mail for immediate payment of the license fee, one hundred dollars (\$100.00) fine per dog and the cost of the postage. Any penalties collected pursuant to this section shall be deposited into the Dog License Fees Revolving Fund ~~and may be paid to the Animal Control Officer – Dogs and Cats as compensation.~~ Those who continue to fail to comply with the provisions of this bylaw will have their names turned over to the Boxborough Police for enforcement and possible court action.

Summary

The proposed amendment provides for a more reasonable schedule of deadlines; the April 1 licensing deadline would enable dog owners to participate in annual rabies clinics offered in area communities by the Nashoba Associated Boards of Health. It is proposed to extend the late fee deadlines in order to provide for more sufficient time between the dates. The late fee structure would be reduced to provide for a less onerous incentive for owners to license their dogs. The final proposed change would eliminate payment of late fees to the Dog Officer – Dogs and Cats. When the bylaw was initially adopted, penalties were paid to the Dog Officer to help compensate the position for being underpaid. The position is now fairly compensated; additionally, it is the Town Clerk's office that collects the fines and responds to citizens' concerns.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes the recommended changes to the fine structure in the dog licensing bylaw are reasonable and appropriate, as recommended by the Board of Selectmen, and for the reasons the Board has stated. There should be no significant financial impact on the Town should the amendment pass.

ARTICLE 3 PAYMENT OF PRIOR FISCAL YEAR BILLS

(Nine-tenths vote required)

To see if the Town will vote to transfer from Free Cash the sum of Five Hundred Forty-eight Dollars (\$548) more or less, for the purpose of paying prior fiscal year bills: 1) \$148 to United Site Services and 2) \$400 to Meenmore Condominium Trust c/o Evergreen Management, Inc., or take any other action relative thereto.

Summary

This is a housekeeping article. Funding of a prior year's bill must be approved by Town Meeting.

United Site Services provided portapotties at Flerra Fields and Steele Farm for activities sponsored by the Recreation Commission and had not previously submitted two bills, totaling \$148, for payment. The bills, for FY 2014 and 2015 respectively, were finally submitted to the Town in August 2016.

In May 2016, Meenmore Condominium Trust paid in advance for the use of Town Hall meeting rooms. In September, the Town was notified that the rooms would not be needed for various dates during the period October 2016 – May 2017. The payment of \$400 provides a refund of the payment in advance for those unused dates.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

This article is a result of one vendor reconciling its books after year end close. A second expense is a reimbursement for an advance deposit by a group using town facilities.

ARTICLE 4 REPAIRS TO FLERRA FIELD PLAYGROUND

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Ten Thousand Dollars (\$10,000) more or less, for the purpose of replacing two slides, installing wood chips and placing a sign at Flerra Field playground, or take any other action relative thereto.

Summary

The play ground equipment at the Flerra Field playground has been in the state of disrepair. On October 12, the playground was inspected by the Town's insurer in accordance with U.S. Consumer Product Safety Commission and American Society for Testing and Materials. The inspector noted several areas of concern and among the actions recommended were: 1) the replacement of two cracked sliding boards that could quickly splinter causing more serious safety hazards, 2) the installation of an additional six inches of wood chips (engineered wood fiber) to ensure appropriate impact attenuation and 3) the posting of a sign listing rules and age appropriateness of the playground (2 yrs to 12 yrs).

This article would provide the funding necessary to remedy the existing hazards and bring the playground into compliance.

The Recreation Commission recommends...

The Board of Selectmen recommends...

The Finance Committee recommends (5-0).

The play structures at the Flerra Field playground are in desperate need of repair, imposing safety hazards for the users of the structure. This warrant article will not only fix the damaged parts of the play structure; it will also bring the playground into accordance with standard safety regulations as established by the U.S. Consumer Product Safety Commission.

ARTICLE 5 AMEND FY2017 BUDGET – POLICE AND EMPLOYEE BENEFITS

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Nine Thousand Dollars (\$9,000), more or less, for the purpose of funding the expenses and employee benefits associated with the hiring of a full-time police officer; or take any other action relative thereto.

Line Item	Account Name	Appropriated at ATM 5/9/16	Proposed Increase/Decrease	Total FY 17 Allocation
210	Total Salaries – Police	\$1,063,333	<\$4,517>	\$1,058,816
210	Total Other – Police	\$144,740	\$4,517	\$149,257
210	Total Police	1,208,073	0	1,208,073
915	Total Other – Employee Benefits	\$677,800	\$9,000	\$686,800
Net amount required to transfer from free cash			\$9,000	

Or take any other action relative thereto.

The Board of Selectmen recommends...

The Finance Committee recommends (5-0).

The Finance Committee believes this article will significantly reduce the police overtime budget, alleviate staff fatigue, and decrease the likelihood of future Reserve Fund Transfers (RFT's) pertaining to overtime. Over the past three years, the overtime budget has been on average 42% over budget. This is due to staff shortages and major investigations, which resulted in forced overtime. In order to more effectively manage the overtime budget and staffing, the Finance Committee recommends you vote in favor of this article.

ARTICLE 6 PILOT AGREEMENT FOR SOLAR PHOTOVOLTAIC FACILITY

(Majority vote required)

To see if the Town will vote to authorize the Board of Selectmen: (i) to enter into an agreement for “payments in lieu of taxes” pursuant to M.G.L. c. 59, s. 38H(b), or any other enabling authority, for personal property taxes attributable to a solar photovoltaic energy facility to be installed on certain property located in the Town of Boxborough and shown on Assessor’s Map 13 as Lot 021, for a term of years and on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and (ii) to take all actions necessary or appropriate to administer and implement such agreement; or take any other action relative thereto.

Summary

This article will enable the Board of Selectmen to enter into a payment in lieu of taxes (PILOT) agreement with the developer of a solar photovoltaic facility – a carport – at 1300 Massachusetts Avenue. The agreement will provide both the company and the Town with tax stability over the term of the agreement.

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes this article is a great opportunity to generate revenue for the Town. By authorizing the Board of Selectmen to enter into a PILOT (payment in lieu of taxes) agreement with the developer of the solar facility at 1300 Mass Ave, the Town will be creating an additional stream of revenue that was not previously available. In addition, approval of this article will also set a precedent for future like developments, further giving the Town an opportunity to expand revenue streams. As a result, FinCom supports this agreement.

**ARTICLE 7 ACCEPT PROVISIONS OF SECTION 60 OF THE ACTS OF 2016 TO ESTABLISH
AN INJURED ON DUTY (IOD) FUND FOR POLICE AND FIRE**

(Majority vote required)

To see if the Town will vote to accept Section 60 of the Acts of 2016, An Act Modernizing Municipal Finance and Government, or take any other action relative thereto.

Summary

Acceptance of this section, which amends Section 111F of Chapter 41 of Massachusetts General Laws would allow the Town to establish, appropriate money to and expend from a special injury leave indemnity fund for payment of police officer and firefighter injury leave compensation or medical bills, as well as provide for replacement staff for those injured employees. Previously, insurance proceeds were not available to be expended; therefore, if the departmental budget was insufficient to meet the additional costs attributable to injured on duty leave, a transfer from the reserve fund was required

The Board of Selectmen recommends...

The Finance Committee unanimously recommends (7-0).

The Finance Committee believes that the change to MGL is a benefit to Boxborough though we believe it doesn't go far enough. This article allows the Town to create a fund that will cover the police and fire departments when personnel are out for extended periods of time. In the past the departments' budgets were hit for double charges to cover the injured personnel and for temporary replacements. The Town is now able to create a fund that rolls over from year to year. This fund will allow the Town to cover unforeseen expenses due to injury to firefighters or police personnel. Monies can be appropriated to and insurance proceeds can be deposited into the fund; over time unused funds no longer deemed to meet the purpose of the fund or required for expenses in the foreseeable future may be released to the general fund.

ARTICLE 8 MUNICIPAL FACILITIES SPACE NEEDS CONSULTANT

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000), more or less, for the purpose of procuring the services of a consultant to assist in reviewing the previous HKT analysis and to advise the Boxborough Building Committee (BBC) on space needs and site/building options, or take any other action relative thereto.