



SELECT BOARD  
Meeting Minute  
January 4, 2021

**APPROVED: March 15, 2021**

**PRESENT:** Wes Fowlks, Chair; John Markiewicz, Clerk; Les Fox, Member; Maria Neyland, Member and Bob Stemple, Member

**ALSO PRESENT:** Ryan Ferrara, Town Administrator, Rajon Hudson, Assistant Town Administrator; Jennifer Barrett, Town Accountant/Finance Director; John Fallon, Moderator; Cheryl Mahoney, Administrative Assistant; and Kirby Dolak, BXB-TV Supervisor

Along with: Becky Neville, Diana Lipari, Gary Kushner, Rich Guzzardi, Joan Meyers, Cindy Markowitz, Robin Larazow, Hilary Greven, Megan Connor, Stacey O'Connell, Claudine Lesk, Francie Nolde, Susan Schmitt and "wjoco"

At 7:01 PM Chair Fowlks called the meeting to order noting that this meeting is being conducted via Remote Participation, pursuant to the Current Executive Order.

*The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date, and are hereby incorporated by reference.*

**ANNOUNCEMENTS**

Chair Fowlks read the announcements

**APPROVAL OF PAYROLL AND PAYABLE WARRANTS**

The Board had approved any pending of payroll and payable warrants as a quorum; duly signing electronically.

**MINUTES**

Member Fox moved to accept the November 2, 2020 - Open Session minutes, November 9, 2020 - Boxborough2030 Master Plan - Joint with Planning Board, and December 18, 2020 - Open Session TA Negotiations Subcommittee, as written, and the November 16, 2020 - Open Session minutes, as revised. Seconded by Member Stemple. **Approved: 5-0** by Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

**CITIZENS CONCERNS** – There were no Citizens Concerns

**GENERAL BUSINESS**

*MICROENTERPRISE/TOWN OF ACTION - INTERMUNICIPAL AGREEMENT*

TA Ferrara provided an overview of his memorandum and the IMA provided. There are many moving parts, so it has taken a while to get this organized. We qualified for this program because we were able to combine resources with Acton. Acton has agreed to take the lead; assigning a Program Manager who will administer this program on behalf of the member communities. These benefits are not proportional, Boxborough and Acton are receiving equal funding. The intention for Boxborough is to make ten Child Care subsidies available to residents, donate to the Food Pantry, and provide up to 20 forgivable Micro Loans for small businesses. The Economic Development Comm. will be reaching out to businesses on these opportunities. The Micro Enterprise application and vetting process is being developed. Member Stemple moved to approve the Intermunicipal Agreement for Microenterprise and Public Services Assistance Program with the Town of Acton. Seconded by Member Markiewicz. **Approved: 5-0** by Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

*LEGAL COUNSEL, SCOPE OF SERVICES- INITIAL DISCUSSION*

The purpose of this item is to initiate discussion as to the legal services needs of the Town and to see if the Select Board would support TA Ferrara exploring retaining additional, specialized legal representation; specifically, retaining counsel, that specialize in Land Use matters. This representation would be in addition to general municipal law representation being received from K|P Law. The intent is to simply to make more service available, providing flexibility. There has been discussion over the last few months regarding this and TA Ferrara would like to know if the Board would like to go forward with this exploring this option. The Planning Board has been a proponent of this proposal; however, it was suggested that input should also be sought from the other land use boards. It was suggested that specialized counsel would put the Town on equal footing with the attorney's representing land

use/development applicants. In the past, the Town has retained specialized counsel for specific matters [e.g. HR, Cable licensing]. It was clarified that the Town has a policy in place governing the process to interact with our legal counsel. It was further clarified, that there is a legal services budget that is used to cover all of the Town's legal fees. The Select Board manages this budget. Legal service expenses are tracked by the Town for certain matters. Planning Board Chair Markowitz spoke to this proposal. The Planning Board is requesting their own legal budget and managing this expense. They should not have to go through channels to engage with counsel. This is being discussed with FinCom. A discussion as to meeting needs should be occurring; rather than the decentralizing of the Town's legal resources. The intent of these discussions is to begin to generate a structure and scope of work to develop terms to retain a Land Use firm. TA Ferrara has been discussing these items with Planning Bd. Chair Markowitz. It was suggested that a broader discussion as to seeking proposals from other general, municipal law firms, at some point. TA Ferrara noted that he will negotiate terms with a Land Use firm that the Planning Board has indicated a preference for. His intention would be to bring a legal services agreement before the Select Board and seek an appointment of that firm as Special Counsel.

## SELECT BOARD GOALS AND OBJECTIVES IN THE YEAR AHEAD

### ACTION ITEMS - REVIEW

#### COMMUNICATION AND MARKETING PLAN UPDATE - Neyland

A paper version will be included in the Annual Town Census mailing. ATA Hudson will activate it on the Town's website and push it out to our Social Media accounts. Anticipate reporting the findings in March.

#### INCLUSIVITY AND EQUITY UPDATE - Fowlks

*December 17, 2020 - Hate speech incident at the Acton-Boxborough School Committee meeting* – There was a summation of the incident. Chair Fowlks proposed that the Boxborough Select Board issue a statement condemning this incident. Member Markiewicz moved to approve the statement of the Boxborough Select Board, associated with the hate speech that occurred at the ABRSC meeting of Dec 17, 2020. Seconded by Member Neyland. **Approved: 5-0 by** Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

#### *Community Activities - i.e. Haitian Independence Day (January 1<sup>st</sup>)*

Chair Fowlks, ATA Hudson, State Senator Eldridge and Representative Sena were among the attendees. This event was a significant learning experience for him. Some of the facts shared were that Massachusetts was one of the first U.S. States to recognize Haitian independence in the 19<sup>th</sup> Century, Haiti was one of the first nations led by African descendants, this revolution led to the Louisiana Purchase and why pumpkin soup is so symbolic for this event and those Haitians who obtained their freedom.

## FISCAL YEAR 2021 BUDGET AND ANNUAL TOWN MEETING PREPARATIONS

### FY 2022 OPERATING AND CAPITAL BUDGET PREVIEW - Ferrara/Barrett

Barrett reviewed several reports she had prepared. Starting with a general review of the Capital Cycle pulled forward from prior years for FY 22. These will be discussed more fully at February's Capital Budget Saturday.

There was a review of the proposed Articles; their related operating budgets/expenditures; the notable changes to these budgets and the Town's fixed costs, [e.g. insurance, retirement]. In preparation for their FY 22 Operating Budget Workshop on Saturday. Practice has been to replace one police cruiser annually and fund this within the Police Operating Budget. For reference purposes, this vehicle replacement is noted in the capital schedule. For FY 22, the Personnel Board is recommending a 2.4% CPIU increase but no step increase for non-union; non-contracted personnel. The present numbers do not factor in upcoming contract negotiations. There will be a presentation on Saturday concerning the Town Hall staffing.

### ANNUAL TOWN MEETING - MAY 10, 2021

Moderator Fallon was present for this discussion and provided an update; or lack thereof for legislation that would allow for making in-person Town Meetings, like ours, remote. There was discussion as to determining possible logistics, scenarios and potential dates. The consensus was to plan for the May 10<sup>th</sup> date; and adjust, if necessary, going forward. This vote allows us to initiate the warrant process. Member Neyland moved to open the warrant for the Annual Town Meeting scheduled to begin on May 10, 2021. Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

### DISCUSSION OF PROPOSED LIBERTY FIELD CAPITAL RENOVATION PROJECT - CPA ARTICLE – RecCom Greven

Recreation Commission member Hilary Greven was present to discuss this proposal and to receive the Select Board's input. Total projected cost is \$1.55 million. The presumption is that the \$300,000 CPA funds would come off the top needing only the remaining \$1.25 million to be bonded. Their intention is to use the CPA funding to address the necessary infrastructure. She shared their initial Power Point presentation; providing background and related discussions with the Town Engineer, CPC and the Finance Committee. Greven reviewed the five different layout options that are under consideration. FinCom Chair Kushner advised that the FinCom is recommending that this project be undertaken as a whole and not in phases. FinCom sees this as being presented in two articles. Member Markiewicz provided a statement. The RecCom believes that these improvements could generate income. Any field use fees are used for field maintenance and typically max out at not more than \$5,000 annually Town wide. It was clarified that the

Town waives these fees for many of the youth organizations that are the primary field users. The Board provided their input, areas to stress, work on or downplay. For the most part, the Board provided a positive consensus as to this project.

*REVIEW OF CITIZENS' PETITION - AMEND ZONING BYLAW - LIFE SCIENCES & FOOTNOTE*

Moderator Fallon spoke to this Article. The Petitioner has submitted this final form and the Town Clerk has confirmed that the requisite ten signatures have been certified. The Petitioner has slightly modified last year's original language to clear up language. The next step is a Planning Bd public hearing and input can be provided at that time. The Petitioner's article must appear as written on her petition, however, it can be amended on the floor of Town Meeting.

**UPDATE ON TOWN BOARDS/COMMITTEES/COMMISSIONS**

*INITIAL DISCUSSION - FORMATION OF A COMMITTEE CONSISTING OF LAND USE AND OTHER BOARDS TO FACILITATE NEW BUSINESS INTERESTS IN BOXBOROUGH*

The purpose of this item is to initiate a discussion to hear if there is any interest developing a land use advisory group to facilitate out-reach for businesses that are considering establishing a presence in Boxborough. This type of function has been a discussion point as to how to make the due diligence process easier for these businesses. Currently, we do not have a mechanism to hear developers' concerns nor to provide cooperative interactions among Land Use Boards during the development process. Member Markiewicz spoke to the memorandum he provided for this discussion. Prompting these interests would have to be undertaken; while protecting the interest of our residents. A suggested model was to hold a business meeting with the developers' stakeholders with Town officials and representatives of each land use board. Conducting such business meetings with an advisory/working group would allow businesses/developers to maintain any needed confidentiality. This process would be offered to a developer but would not be a requirement. This could provide a "roadmap" for a developer. Member Markiewicz would like to take the lead on this proposal. The Board provided their input – as to complying with OML; there was concern as to some of the language/phrasing in the outline of the proposal; board representative's making commitments without a vote of that board; need to update our current bylaws/regulations; and the need to assign a Town official, to take point with this working group. How would the Town gauge the level of interest in this proposal; and it would need to be clearly communicated that the objective of this working group would assist businesses in coming to Town. Sustainability Comm. Chair Nolde asked that the Board consider the importance of including the sustainability objectives as part of this effort. Member Markiewicz will continue to work on this.

*FOLLOW UP DISCUSSION - EDC/UMASS LARP PROGRAM - Markiewicz*

The Economic Development Committee has received the final report from UMass/LARP.

*UPDATE ON 5G ZONING MATTERS - Markiewicz*

Member Markiewicz advised that this work continues. The Town will need to develop the mechanism for accepting and reviewing these applications. It is his understanding that separate applications will be required for each installation, even if on the same pole. This process will be very labor/time intensive for Town boards and staff. He spoke to what some other communities are implementing to address these new FCC regulations. These right-of-way deployments would fall under the purview of the Select Board. It was noted that the Planning Board is developing a Zoning Bylaw to address installations that are not identified as on a "right-of-way." Planning Bd. Chair Markiewicz is working with Member Markiewicz on this, and provided her input – updating as to the pending zoning bylaw; concerns that have been raised in Littleton; the need to develop a formal process and fee structure before any applications are submitted; the possible necessity of retaining a consultant to process these applications. BXB-TV Sup. Dolak, who is also working this provided his input also.

**SELECT BOARD & TOWN ADMINISTRATOR'S REPORTS/UPDATES**

*COVID-19 STATUS - Ferrara*

The Town had six new cases over the weekend. This puts the Town at 4% in the last 14 days; designating us a "yellow" community. These cases bring us to a total of 101 cases since March 2020. The percentages reported are similar in the surrounding communities.

Local health officials are organizing the vaccination events for First Responders.

*FY 22 BUDGET/TOWN MEETING PLANNING CALENDAR - Ferrara*

There were no comments on the updated calendar provided in the packet.

*FOLLOW UP - PAVEMENT MANAGEMENT PROGRAM - Ferrara*

TA Ferrara reported back to the Board in regards to DPW Dir. Kukkula's presentation of Green International Affiliates [GIA] pavement analysis report at the last Select Board meeting as to questions of the Board or items that they wanted clarified. This study/analysis is an allowed Ch. 90 expense. Dir. Kukkula believes the recommended payment management program can be undertaken every three years rather than GIA's proposed annual cycling. There was discussion as to approval for how these types of studies have, historically, been processed in Town [e.g. Proposed to Select Board, Scheduled on Capital Plan, and/or Town Meeting approval]. There was discussion as to how outside funding has been used for other acquisitions/programs.

*WEBSITE STATUS UPDATE - Hudson*

ATA Hudson reported that he is now a website Administrator and CivicsPlus will be providing additional training which will allow him to address/modify some of the display concerns noted by the Board. He will also be working to identify broken links and working with the appropriate party to address/restore them. He is working to bring the previously archived/posted Town Meeting Warrants and Minutes forward to the current website. The Board was asked to forward information on any other concerns to him. He is working with the CoA to improve their "listserv" contact platform for constituents. It will generate directly from our website. He is also coordinating with CivicsPlus on a training session for new staff members in training sessions in March. The Board provided input.

On a related note, the Board's Communication Survey is good to go.

*MASSACHUSETTS MUNICIPAL ASSOCIATION (MMA) AND MIIA ANNUAL MEETINGS -*

Member Neyland moved to authorize Select Board Chair/Member Fowlks, as a designee to act as the Town's voting delegate at the MMA and MIIA Annual Meetings to be held on January 22, 2021. Seconded by Seconded by Member Stemple. **Approved: 5-0 by** Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

*2020 ANNUAL TOWN REPORT - FERRARA*

An email went out today to the departments and boards/committees requesting submissions and providing criteria.

*REPORTS*

TA Ferrara reported that –

- Assessor Greeno will be out for the rest of the week.
- There is nothing new to report on the 200 Beaver Brook development proposal, so there is no need to discuss this is an Executive Session.

Member Neyland reported that the School Building project has gone out to bid. They are currently underbudget and on track, but there is still concern about ledge and that might have a financial impact.

Member Fox reported that –

- The Boxborough Bldg. Comm. [BBC] reviewed and approved a revised scope of work in December. The contract has been executed. They should be starting this week. Neighbors and abutters will be notified. DPW will be assisting. At this point, the BBC intends on having a development proposal this fall. Looking at a possible Special Town Meeting.
- There has been a lot of discussion regarding the 1414 Mass. Ave. proposed use at recent Water Resources Comm. [WRC] meeting(s). BOH member, Bryan Lynch has been providing valuable input.
- They also continue to work on appraisals efforts for possible water resource sites.

**EXECUTIVE SESSION**

At 10:09 PM, Chair Fowlks moved to adjourn to conduct an Executive Session via a separate ZOOM event, and not to reconvene in Open Session after completion of the Executive Session, to conduct strategy sessions concerning negotiations with nonunion personnel (Town Administrator), per C30A §21 (a) subsection 3, further noting that to discuss in open session may have a detrimental effect on the negotiating position of the Board. Seconded by Member Neyland. **Approved: 5-0 by** Roll Call Stemple "aye," Neyland "aye," Markiewicz "aye," Fox "aye," and Fowlks "aye."

Item#	Exhibits
	Agenda
4	a. Open Session Minutes of 11/2/20– Draft
	b. Boxborough2030 Master Plan – Joint with Planning Bd. of 11/9/20
	c. Open Session Minutes of 11/16/20– Draft
	d. Open Session Minutes of 11/18/20 [TA Subcommittee]– Draft
6	a. CARES Funding/MicroEnterprise/IMA materials
8	a. Proposed ATM Articles /
	Proposed FY 22 Operating Budget Diagram
	c. RE: Recreation Commission's CPC Application Packet
	d. RE: Citizens' Petition for ATM Article
9	a. "The need to create a land use advisory committee"
10	e. MMA 2021 Annual Business Meeting Notification
	Internal Communication & Outgoing Communications
	Minutes, Notices and Updates
	Announcements



# TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

**SELECT BOARD**  
**Meeting Agenda**  
**Monday, January 4, 2021**  
**7:00 PM**  
**Conducted via a ZOOM Event**

Item #	Estimated Start Time		Action Vote/ Accept & POF
<hr/> <i>This meeting is being conducted via Remote Participation, pursuant to the Current Executive Order. See the end of this Agenda for remote participation instructions for the Regular Session portion of this meeting</i>			
1.	7:00 PM	<b>Call to Order via ZOOM pursuant to the procedures noted above.</b>	
<i>Select Board meetings have a number of topics and issues that must be discussed and deliberated by the Board. We ask that residents hold their comments until the Board has had the opportunity to get their questions answered. Due to time constraints, the Board may not be able to accommodate comments from all residents on all topics. Please wait to be recognized by the Chair before addressing the Board. We ask that participants be respectful and civil. We thank you for your understanding.</i>			
<i>[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]</i>			
2.	7:01 PM	<b>Announcements</b>	
3.	7:10 PM	<b>Approval of payroll and payable warrants</b>	
4.	7:15 PM	<b>Minutes</b>	
	a.	November 2, 2020 - Open Session	ACCEPT & POF
	b.	November 9, 2020 - Boxborough2030 Master Plan - Joint with Planning Board	ACCEPT & POF
	c.	November 16, 2020 - Open Session	ACCEPT & POF
	d.	December 18, 2020 - Open Session TA Negotiations Subcommittee	ACCEPT & POF
5.	7:20 PM	<b>Citizens Concerns</b>	
6.	7:30 PM	<b>General Business</b>	
	a.	Microenterprise/Town of Acton - Intermunicipal Agreement <i>Vote to approve of Intermunicipal Agreement for Microenterprise and Public Services Assistance Program with the Town of Acton</i>	VOTE:
	b.	Legal Counsel, Scope of Services- Initial Discussion	
7.	8:00 PM	<b>Select Board Goals and Objectives in the year ahead</b>	
		<b>Action Items - Review</b>	
	i.	Communication and Marketing Plan Update - Neyland	
	ii.	Inclusivity and equity update - Fowlks December 17, 2020 - Hate speech incident at the Acton-Boxborough School Committee meeting Community Activities - i.e. Haitian Independence Day	
8.	8:15 PM	<b>Fiscal Year 2021 Budget and Annual Town Meeting Preparations</b>	
	a.	FY 2022 Operating and Capital Budget Preview Note: Budget Saturday Scheduled for January 9th	
	b.	Annual Town Meeting - May 10, 2021  <i>Vote to open the warrant for the Annual Town Meeting scheduled to begin on May 10, 2021</i>	VOTE:

- c. Discussion of proposed Liberty Field Capital Renovation Project - CPA Article
- d. Review of Citizens' Petition - Amend Zoning Bylaw - Life Sciences & Footnote

**9. 8:45 PM Update on Town Boards/Committees/Commissions**

- a. Initial discussion - formation of a committee consisting of Land Use and other boards to facilitate new business interests in Boxborough.
- b. Follow up discussion - EDC/UMass LARP program - Markiewicz
- c. Update on 5G zoning matters - Markiewicz

**10. 9:15 PM Select Board & Town Administrator's reports/updates**

- a. COVID-19 Status - Ferrara
- b. FY 22 Budget/Town Meeting Planning Calendar - Ferrara
- c. Follow up - Pavement management program - Ferrara
- d. Website Status Update - Hudson
- e. Massachusetts Municipal Association (MMA) and MIIA Annual Meetings, January 22, 2021  
*Vote to authorize Select Board Member \_\_\_\_\_ [TBD], as a designee to act as the Town's voting delegate at the MMA and MIIA Annual Meetings to be held on January 22, 2021*  
*Note: Annual Business Meeting (1p-2p); and MIIA Business Meeting (2p-3p)*
- f. 2020 Annual Town Report
- g. Reports

**VOTE:**

**Executive Session - Vote to adjourn to conduct an Executive Session via a separate**

**11. 9:45 PM ZOOM event, the Select Board will not be reconvening in Open Session after completion of the Executive Session:**

**VOTE:**

*Vote to adjourn to conduct an Executive Session via a separate ZOOM event, and not to reconvene in Open Session after completion of the Executive Session:*

- a. *To consider the possible settlement, purchase, exchange, lease or value of real property (200 Beaver Brook Rd.), pursuant to C30A §21 (a), subsection 6*
- b. *To conduct strategy sessions concerning negotiations with nonunion personnel (Town Administrator), per C30A §21 (a) subsection 3.*

**12. 9:45 PM Adjourn**

**VOTE:**

**2021:** 1/25; 2/8; 2/22; 3/1; 3/15; 3/29; 4/12; 4/26; [5/17-TBD]; 5/24; 6/7; 6/21; 7/12; 7/26  
**FY 22 Operating Budget Saturday:** 1/9/2021  
**FY 22 Capital Budget Saturday:** 2/6/2021  
**Boxborough Leadership Forum (BLF):** 1/19/21

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89760680245?pwd=NFFLM0xhM1Fjd1lUdU9Za3dKY2JUz09>

Meeting ID: 897 6068 0245

Passcode: 041111

One tap mobile

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**Find your local number:** <https://us02web.zoom.us/u/kiCw553vC>