



SELECT BOARD MEETING
Meeting Minutes
January 9, 2023
REGULAR SESSION 7:00 P.M.

APPROVED: 2/13/23

PRESENT: Diana Lipari, Chair; Wesley Fowlks, Member; Les Fox, Clerk; and John Markiewicz, Member [7:06pm]

ALSO PRESENT: Town Administrator Mike Johns; Rajon Hudson, Assistant Town Administrator; Kelley Price, Administrative Assistant; Police Chief Szewczyk; and Kirby Dolak, BXBTV

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.

1. Call the Meeting to Order Noting the Time & Presence of the Quorum

At 7:00 PM, Chair Lipari called Select Board meeting to order, via ZOOM pursuant to the procedures noted.

ANNOUNCEMENTS

Chair Lipari read through the announcements.

APPROVAL OF MINUTES

- a. Regular Session Minutes: 11/28/22, 12/12/22, 12/21/22

Member Fowlks moved to approve the meeting minutes of November 28, 2022; December 12, 2022; and December 21, 2022. Seconded by Member Fox.

Approved: 3-0-0 by Roll Call Fox “aye,” Fowlks “aye,” Lipari “aye.”

COMMUNITY CONCERNS

None at this time.

NEW BUSINESS

d. Action: FY23 State 911 Department Support and Incentive Grant – *The Board took up this item at this time.*
Member Markiewicz joined the meeting.

Police Chief Szewczyk explained that the grant for \$28,985 was awarded on December 22, 2022. These funds must be spent by June 30, 2023.

Member Fowlks moved to accept the fiscal year 2023 State 911 Department Support and Incentive Grant in the amount of \$28,985, for the purposes stated therein. Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Fox “aye,” Fowlks “aye,” Markiewicz “aye,” Lipari “aye.”

- b. Discussion: Select Board Warrant Article(s) – *The Board took up this item at this time.*

Member Fowlks stated that the Board had been discussing a potential IMA warrant article with the school for technical support. This would either be passed over, if it does not come to fruition, or voted on and brought forward. A second potential warrant article is for a transition to cloud-based security and management needs. He would also like to propose a third potential warrant article, for cable services. Currently, some members of the community wish for the Town to record more, which could impact the contract with BXBTV. Additionally, revenues are based on the number of cable subscribers and those continue to diminish. He stated that the Board could review the current year’s expected cable funds, to see if they will cover the expected expenses. If this item is not addressed this year, it likely should be in a following year. He noted that the State legislature is looking at an unfunded mandate to record all public meetings and make them available to the public. This would be difficult for the Town to handle based on the storage needed. He suggested using a page of the booklet for the warrant to alert people that assessments for properties will be completed over the next 2-3 years to stay in compliance with the State regulation.

Town Administrator Johns stated that all three of those warrant articles are on the list.

Member Markiewicz stated that there was originally an article for a police cruiser. He believes this article should be presented to the public as part of a consent agenda. This will allow for more transparency to the public. Town Administrator Johns stated that he added this item to the list today.

Maria Neyland reminded the Select Board that there is a policy regarding budgeting for ongoing, yearly expenses, such as the cruiser. The Finance Committee will discuss this at its next meeting but will likely suggest it be kept in the budget.

a. Presentation: Water Line Extension Project

Member Fox stated that there will be a public outreach webinar on January 19, 2023, for the condominium owners along Codman and Swanson Hill Roads, along with the commercial properties in that area. He explained that this project deals with approximately 1,100 residents that live in condominiums on the western edge of Boxborough, representing about 20% of the Town by population. This area is a designated Environmental Justice Community due to minority populations. Additionally, the median household income in this area is well below the Town-wide average. There is a rather long history of water quality problems in this part of Town. Most recently, PFAS levels have been found to exceed the State standards. Sodium and chloride levels also exceed drinking water standards and guidelines. There are not only health consequences, but also serious issues related to plumbing and infrastructure. All units are served by small water systems that are operated by either homeowners' associations or property owners. Boxborough does not have a public water supply. One option to address this issue is that each homeowner's association or business could install and maintain water treatment systems. The condominiums and businesses have a rather unique opportunity to connect to the Town of Littleton's public water system. Littleton recently acquired a piece of land on Taylor Road, which contains a well that was found to be capable of supplying a lot of water to both towns. Littleton would source water from a new well which is currently planned to be developed on Taylor Street in Littleton. The intention would be to pipe water to Littleton's new treatment plant on Whitcomb Avenue. That clean water would then travel 4.5 miles through new water mains and be delivered to end users in Boxborough. The homeowner's associations could tie into this system and avoid some significant costs and risks of developing and operating separate small systems. Boxborough and Littleton will, at some point, need to enter into an intermunicipal agreement to determine a number of things for this proposal, such as ongoing management of the system. There are currently very favorable loan terms, and up to 20% loan forgiveness available through the Drinking Water State Revolving Fund (SRF), with preference given to systems that are trying to address PFAS issues. The Littleton Water Department has taken the initiative to apply to this Revolving Fund. The proposal for the SRF includes approximately \$19M for this project, not all of which would be spent in the first year, with likely \$15M earmarked for expenditure in 2023. Absent this option, Mass DEP will be forced to take action on some of the lingering and long-standing problems in this area and require owners to take corrective action. If this SRF request transpires, the taxpayers of Boxborough would not ultimately be paying for a substantial part of this project, but the majority of the cost would be borne by the property owners, who would pay for the loan through betterments.

Member Fowlks stated that, as part of this project, he would like to see the consideration of the first fire hydrants in Boxborough, especially in a high-density area such as this. Member Fox stated that he believes the system is being designed to supply high pressure water for fire suppression.

Mary Jude Pigsley, Regional Director of Mass DEP, stated that there are 77 cities and towns in the middle part of Massachusetts, many of which are dealing with PFAS contamination. The contamination in this area of Town is caused specifically by chemicals known as PFAS, or per- and polyfluoroalkyl substances. These are man-made chemicals, found in a huge number of consumer products. They have been around since the 1940s and they do not break down in the environment. These chemicals are highly toxic. They are especially toxic to sensitive subgroups, such as pregnant women, nursing mothers, infants, and immune compromised people. There are private wells located near the center of Town which have been found to be contaminated with PFAS. DEP does not regulate private wells; it regulates public water systems, which serve more than 25 people. The condominiums in question are privately owned but serve more than 25 people, so the wells are regulated by Mass DEP. In October 2020, DEP adopted a new standard for six PFAS chemicals that are among the most toxic. Public water systems are required to sample for PFAS, and to meet the standard for PFAS, which for the six chemicals combined is 20 parts per trillion (ppt). The area of Swanson Road and Codman Hill Road includes eleven public water supplies, ten of which are currently supplying water to people which is over 20 ppt. The systems that have received notices of noncompliance have started providing bottled water or reimbursing residents who are buying bottled water. Bottled water is not a permanent solution. Treatment for these systems is expensive. In the case of the condominiums, the homeowner associations are responsible for treating the water to get below 20 ppt. Unlike Mass DOT, Mass DEP does not have remediation funds available. Mass DEP administers millions of dollars in federal money awarded every year for water infrastructure projects. The SRF includes loans at very low interest rates. For PFAS projects in particular, recent legislation allows for these to be funded at 0% interest. Littleton has qualified for that funding as part of the water line proposed project. This project would be pretty straightforward to bring the water line four miles down and hit every one of the eleven public water systems in Boxborough. Homeowners and business owners in this area could become customers of Littleton and pay bills to Littleton. Mass DEP is not pushing this water issue to be fixed in one way or another. It does not matter to the Commonwealth how the water is fixed; it just has to be fixed.

Laurene Poland, Supervisor - Salt Remediation Program for Mass DOT, stated that there are several properties on the western part of Route 495, many along Swanson Road and one on Massachusetts Avenue, which have been impacted by salt from winter road maintenance and parking lot treatments. There are several tools used to mitigate the impacts of salt and one of them is to drill replacement wells. Due to the density of these developments and their wastewater issues due to PFAS, there is no way to drill for replacement wells. The most preferred alternative option and the most cost effective one for long term clean drinking water, is to connect to town water. Another alternative, and the program's least favorite, is a reverse osmosis system used to filter out everything in the water. The cost to install this, and the cost of it in perpetuity, is likely cost prohibitive. Elevated sodium is a health concern for those people with hypertension. Extremely high concentrations of chloride can cause leaching of lead and copper. High chloride can also lead to a decreased life expectancy of infrastructure and appliances. Mass DOT supports the proposed project, as the best long-term solution for these residents.

Corey Godfrey, Superintendent of the Sewer & Water Departments at Littleton Electric, Light, and Water, explained that Littleton has already submitted an application for this project for an SRF loan. This essentially means that the Town is preapproved for a \$19M loan to develop a new well in Littleton, run a transmission line from it to the new treatment plant, and then extend this distribution system into Boxborough to provide treated water to these businesses and residents. This loan comes with a 0% interest rate and the potential for 20% loan forgiveness. Mass DOT is also willing to commit some funding to this project. Littleton is moving forward with the development of the new well and running the transmission line to connect it to the new treatment plant, regardless of whether or not the distribution system is extended into Boxborough. There is a very strict schedule of deadlines that must be met in order to actually receive the loan. The first one is that funding for the entire project is appropriated by June 30, 2023. For Littleton, this means going to Annual Town Meeting in May, and convincing Littleton voters to borrow \$19M for this project, \$13M of which is really for Boxborough. He stated that, in order to do this, he will need to be able to demonstrate that the town of Boxborough supports the project. The best way to do so is with a signed intermunicipal agreement between Littleton and Boxborough, which would allow Littleton to provide water services to these select properties in Boxborough and do everything associated as a public water supplier, including designing, constructing, and maintaining water infrastructure in Boxborough and to issue betterment fees to recover those costs to the Boxborough property owners that connect to the Littleton system. This would be completed through the Boxborough Tax Collector. This intermunicipal agreement will likely need to be mostly finalized by the end of April.

Member Fowlks stated that he wants to make sure all potential expenses are taken into account, such as for fire suppression. Mr. Godfrey stated that Littleton does not charge for fire suppression water usage. This would be part of the service provided as a public water system.

In response to a question from Member Markiewicz, Mr. Godfrey stated that the water supply should potentially be able to address the residents on both Codman Hill and Swanson Roads. The plan would be to connect all eleven systems. Regarding the loan forgiveness, Mr. Godfrey explained that the 20% forgiveness would come off the top and allow everyone's betterment fees to be 20% less.

Mr. Godfrey explained that the IMA will need to be developed to determine the mechanism for how additional fees, such as administrative costs, are assessed. Hookups to additional properties in this area of Boxborough would also need to be defined in the IMA.

Member Fowlks thanked all associated for their work on this project.

Don Provencher stated that he is currently under contract with Codman Hill condos and Brook Village to review onsite PFAS treatment. He asked what level of effort is recommended to proceed with, while this project is considered further. He also asked what incentive the condominium complexes have to hook up to this potential system. Ms. Pigsley explained that the June 30th deadline is immovable. After that date, the funding goes away. She stated that she believes it is important to get homeowner's away from the headache of being water suppliers for themselves. The goal for Mass DEP is compliance. There is no incentivizing from DEP, however the proposed water line project is a long-term, cost-effective solution.

Ms. Poland explained that the funding available is taxpayer money and thus, DOT is being very prudent and responsible with it. The policy is always to find the most cost-effective, long-term solution.

Aisling O'Shea, Codman Hill Road, asked about the betterment costs and the process for engaging the residents of Codman Hill and Swanson Roads. Member Fox stated that the informational meeting on the 19th may be the most appropriate time to get more detail on the betterment costs. He stated that the group hopes to hear more from the owners and operators of the current systems at the meeting on the 19th.

b. Action: Cost of Living Allowance for Non-Union & Non-Contract Employees FY24

Assistant Town Administrator Hudson stated that the Personnel Board, Finance Committee, and Select Board met last month to determine the COLA for non-union and non-contract employees of 2.9%. This was determined using a three-year rolling average

based on the Consumer Price Index (CPI). This keeps the COLA in step with the market and economy. He noted that, based on the last three years, 2.9% was decided on.

Chair Lipari explained that the CPI for every single month of the last 36 months is averaged for this process. This amount was agreed on by the Personnel Board and the Finance Committee will vote on this next week.

Chair Lipari moved to approve the Cost of Living Allowance for the non-union and non-contract employees for fiscal year 2024 to 2.9%. Seconded by Member Fox.

Discussion:

Member Fowlks stated that last year's COLA was 1.9%. He stated that the 2.9% is a punt down the road to future years. He stated that the COLA increase for future years will likely be much higher. He wants to make sure the Town is taking care of its employees.

Chair Lipari stated that Town Administrator Johns was planning to analyze this in comparison to other towns. Town Administrator Johns stated that, across the State, 2.9% is not out of line and potentially a bit higher than most communities. It is also higher based on other comparable communities. Assistant Town Administrator Hudson stated that the average COLA increase for comparable communities was approximately 3.5%

Maria Neyland stated that the Finance Committee has not yet voted on this item directly, but she does not anticipate an issue with the proposal. This is an item the Personnel Board put forward.

Member Markiewicz asked how many employees are impacted by this and the cost of the proposed increase. Assistant Town Administrator Hudson stated that this mainly impacts Town Hall and Library employees. Town Administrator Johns stated that the approximate cost is \$23,000.

Member Fowlks stated that moving forward he would like to see an MOU with the Personnel Board and Finance Committee stating that, for the next three years, the new mechanism used or the rolling three-year average, will have a percentage with no less than the highest number seen. He wants to make sure the Town employees are taken care of properly.

Approved: 4-0-0 by Roll Call Fox "aye," Fowlks "aye," Markiewicz "aye," Lipari "aye."

Member Fowlks stated that, if the Town decides to change the way to calculate this item, it should not be less than the calculation currently used for the next three years.

c. Discussion: Form 250 Committee RE: 250th Anniversary of Nation's Founding

Chair Lipari stated that the 250th Anniversary of the Nation's Founding is coming up in 2025. The federal government signed legislation to form the 250th Committee. Massachusetts also adopted legislation regarding participation in this celebration. Both Concord and Acton have formed groups to address this celebration in those communities. Boxborough was an active participant in the American Revolution.

Member Fowlks noted that Boxborough itself did not exist during the American Revolution. Chair Lipari clarified

Chair Lipari suggested that the Town form an ad hoc 250th Committee. A first step would be to decide the potential membership and charge of this Committee.

Chair Lipari moved that the Board form a 250th Anniversary Committee and to come back at a later meeting to present a charge to the Board. Seconded by Member Fox.

Discussion:

Member Fox stated that he has a concern that this could end up being a lot of work.

Member Markiewicz stated that the charge needs to be reviewed. Chair Lipari stated that the charge for Concord and Acton can be reviewed but does not need to be as detailed for Boxborough. This would be an opportunity to educate the public on the Town's history.

Chair Lipari AMENDED her motion that John Markiewicz and the Town Administrator discuss and review the charters of the 250th committees and come back to the Board at a later meeting to discuss. I do any further discussion. Seconded by Member Fox.

Approved: 4-0-0 by Roll Call Fox "aye," Fowlks "aye," Markiewicz "aye," Lipari "aye."

d. Discussion: Role of Liaison to Committees & Boards

Chair Lipari stated that she would like to flesh out roles more completely.

Member Markiewicz stated that he would like to provide clarification for committees with liaisons to know what to expect from those roles.

The Board agreed to table discussion on this topic to a future meeting, with further input from Town Administrator Johns.

e. Action: Close Annual Town Meeting Warrant

Town Administrator Johns and the Board reviewed the proposed warrant articles.

Chair Lipari moved to close the Annual 2023 Town Meeting Warrant Seconded by Member Fowlks.

Approved: 4-0-0 by Roll Call Fox “aye,” Fowlks “aye,” Markiewicz “aye,” Lipari “aye.”

BOARD & ADMINISTRATOR COMMENTS & REPORTS

Town Administrator Johns thanked all involved in putting together Budget Saturday. The Board discussed if it would like to hold Budget Saturday in-person or via Zoom. Maria Neyland stated that the Finance Committee would likely rather meet in-person/hybrid. The Board agreed to hold this meeting in-person.

Member Fox stated that the Building Committee will meet tomorrow evening to discuss the Space Needs Analysis.

ADJOURN

Member Markiewicz moved to adjourn the meeting at 9:31 p.m. Seconded by Member Fox.

Approved: 4-0-0 by Roll Call Markiewicz, “aye,” Fox “aye,” Fowlks “aye,” Lipari “aye.”

Item#	Exhibits
	Agenda
	Draft Meeting Minutes 11/28/22, 12/12/22, and 12/21/22
	Partnership to Solve Drinking Water Contamination in an Environmental Justice Community presentation
	Memo from the Executive Director of the State 911 Department, RE: Support and Incentive Grant and associated documents
	America 250 document and associated documents

