



BOARD OF SELECTMEN
Meeting Minutes
March 10, 2008

Approved: April 7, 2008

PRESENT: Jim Gorman, Chair Pro Tem; Les Fox, Member, Rebecca Neville, Member and Frank Powers, Member

ABSENT: Kristin Hilberg, Chair

ALSO PRESENT: Selina Shaw, Town Administrator, John Lyons and Beverly & Robert Ludovico.

Chair pro tem Gorman called the Board of Selectmen's meeting to order at 7:04 p.m. in the Town Administrator's office, Town Hall.

Member Powers moved to adjourn to executive session to consider the purchase of real property and to reconvene in open session to continue the regular business on the agenda. Seconded by Member Fox. **Approved 4 – 0** by roll call vote: Neville "aye," Fox "aye," Powers "aye," Gorman "aye."

Chair Pro Tem Gorman reconvened the meeting to order at 7:40 p.m. in the Grange Meeting Room, Town Hall

ALSO PRESENT: Cheryl Mahoney, Department Assistant

APPOINTMENTS

- Christine Wallace of the Metropolitan Area Planning Council (MAPC) was present to discuss Boxborough's Natural Hazard Mitigation Plan, to seek the Selectmen's input on the preliminary draft of the plan, and to introduce the Selectmen to the approval process. This plan has to be in place to obtain certain grant funding. This preliminary draft addresses what Town is doing now, and what can be improved. She clarified that this plan only assesses natural hazards. She further clarified that this is not an emergency response plan; it identifies natural hazards so the Town can mitigate potential risks. She has met with key emergency and infrastructure authorities in Boxborough and has held regional meetings with neighboring communities. Identified areas of concern were discussed. Beaver dams are the primary source of flooding in Town. The Selectmen suggested that the mapping of known private wells and septic systems be added to plan. The Selectmen also asked that mosquitoes be considered as a natural hazard for inclusion in the plan. The plan commended the Town for the significant amount of protected open space, which allows for good water storage, the public education programs already in place and the interdepartmental review of proposed developments. One of the potential mitigation measures that has been identified as high priority, is the installation of generators at the Hager Well and the Blanchard School. The Board asked that Ms. Wallace investigate the cooperative purchasing of generators through MAPC's purchasing division. The other priorities identified dealt with fire protection. Ms. Wallace suggested that the Town should look into acquiring a ladder truck, improving access roads in open space areas, and possibly acquiring an ATV to access remote areas in the event of brush fires. The other lower priority items identified was the Town's continuing in its efforts to replace outdated drainage/cistern systems, continuation of open space protection & land acquisition, revisions of subdivision and site plan regulations, further emergency preparedness education on the Town website and an assessment of the dams in Town. The draft plan also suggests an assessment and possible upgrades to the Fire Station, controlling beaver activity and other regional considerations. She advised that when ready the Selectmen would vote to adopt the final plan, and then notify FEMA of the adoption. The plan would then be submitted to the State Hazard Mitigation Officer for review, and the SHMO would then forward the adopted plan to FEMA for final review & approval.

The Board took agenda item 4(d) out of order.

- Citizens' concerns

Member Fox recused himself from this discussion.

Scott Robinson, Mike Matchette, and others were present to discuss their continuing concerns on the Gutierrez Comprehensive Permit. Those present questioned the Selectmen about this project being allowed to exceed the saturation cap of 150, that they had previously brought to the Selectmen's attention, and if there is a need for Boxborough to allow the proposed number of units, exceeding the state mandated 10% Affordable Housing threshold. The Board noted that the number of proposed units would allow the Town to avoid further 40B development well into the future. Scott noted that approval of the number of proposed units in this development would set a precedent. Scott also noted that he has brought this matter to the ZBA's attention, and that many involved in this process seemed unaware of this cap until he brought it to their attention. The Board reiterated that the Selectmen have no more legal standing before the ZBA than a regular citizen, and noted that exercising options under the discussed 150 cap, at this late date in the permitting process, might cause legal repercussions. The Board further noted that this process has occurred in open public hearing sessions over several months, and the ZBA minutes have been reviewed by the Selectmen. It was determined that a Selectman will be in attendance at the next session of the Gutierrez hearing. *Member Fox returned to the Board.*

- Fire Chief Geoff Neagle was present to discuss the Fire Department budget. Chief Neagle noted that he had just met with FinCom. The first item to be discussed was Ambulance expenses. He believes that FinCom now understands that this is a user expense and should be treated as an "equal offset." The next item discussed was contract medical services. FinCom has determined that the Chief can pay for this from other expenses, eliminating this line item. The Board disagreed noting that this is an essential item that needs to be accounted for in bottom line. Chief is comfortable with leaving it "0" funded but asked that the account line be left in so he can re-allocate, if necessary. It was noted that the real issue is the disconnect between Selectmen and FinCom on manning of the department. The Board noted that FinCom's analysis is based on history; it does not factor the newest firefighter's earned time in FY 09. The Chief noted that there is a risk of running without a command structure that the proposed lieutenants positions would provide, but the greater risk is if the department does not have adequate coverage. Both the DPW and Police departments have two sub-supervisors in their command structures. The proposed salary compensation for the lieutenant positions is similar to these other departments. The Chief confirmed that he would be submitting additional material to FinCom. It was further noted that a revolving account needs to be created on the warrant for fire alarm maintenance. It was confirmed that this is already authorized in the Fire Alarm and Protection Bylaw. There would be no charge to municipal facilities and it was suggested that the fee also be waived for non-profit facilities.
- Owen Neville, Arden Veley & Bryon Clemence, were present to discuss the placing of an ATM warrant article to establish an Agricultural Commission in Boxborough. Owen advised the Board that Agricultural Commissions have a history in the state, and that their numbers have recently been increasing. Littleton, Harvard & Stow all have Agricultural Commissions. This commission would give agricultural interests an official voice in government. The State supports, and U.S. Department of Agriculture encourages, the establishment of this type of commission. Boxborough was established as a farming community and they would like to see the agricultural interests in Town preserved. Owen noted that they would be looking at being more of an advisory group. Selectmen were encouraged by this effort. The Board offered some suggestion on the language of the proposed article.

SELECTMEN REPORTS

- Member Neville reported that she had attended the ConsComm meeting where the condition of Steele Farm test well site was discussed. Mike Willis of WRC and members of the Steele Farm Advisory Committee were also present. The ground was not frozen at the time of the test well drilling so the area is a mess. It was clarified that that the area affected was outside of the buffer zone. Member Neville noted that the SFAC's perspective is that damage is repairable. The Selectmen discussed who would be primarily responsible for restoration of the affected area and the disassembled section of the stonewall, and it was suggested that in the future a project manager be assigned/retained for this type of project. It was also suggested that rather than rebuild the wall a pass through/bar way be created so there would be agricultural vehicle access to the Picnic Trust property.

Member Neville also reported that at the recent Regional School Committee meeting, they were informed that the Acton FinCom has instructed them to further reduce the Acton/Boxborough Regional School District budget. She noted this might result in a reduction to the Boxborough's FY 09 A/B assessment.

She also reported that she had attended the ABCC grant reception on Friday night at the Library. A wide spectrum of interests was covered by the 22 grants that the ABCC awarded.

- Member Fox reported on the recent the Bitcom meeting. The WAN infrastructure has been set up and Bitcom is working on a demonstration of the capabilities of the WAN, possibly in time for ATM.
- Member Powers reported on LEPC meeting. At the meeting the Committee was to vote on their bylaw. He requested that the Selectmen be given a chance to review this bylaw as certain language would obligate them. The Committee approved their bylaw conditional upon the Selectmen's approval.

Member Powers also reported that he has worked with the current & former CoA coordinators to compile the CoA statistics and back up data requested by FinCom. He has provided hardcopy of this to FinCom, and offered to meet with them if there were questions.

Member Powers also reported on a recent meeting of the Senior Center Task Force. They have elected a new co-chair. The Task Force hopes to be able to have a presentation ready for ATM.

He also reported that the Boxborough Minutemen have voiced an interest in attending the flag presentation ceremony at the State House on March 26th.

MINUTES

- Member Neville moved to accept the minutes for the All Boards Meeting of January 24, 2008, as revised. Seconded by Member Fox. **Approved 4-0**
- Approval of the Regular session minutes of January 28, 2008, was passed over.

NEW BUSINESS

- Member Neville moved to approve and forward to the Finance Committee the transfer request of \$6,022.72 from the Reserve Fund to Public Works Fuel Expense (001-429-5400-5482). Seconded by Member Fox. **Approved 4-0**

OLD BUSINESS

- Discussion was re-opened on the FY 09 Transfer Station sticker fees and a proposed revision to the fee structure submitted by Tax Collector Maripatt Shemowat. The Tax Collector has suggested that a fee be assessed to residents who do not get their sticker by the deadline. The Board reiterated that everyone must follow the rules and thanked Maripatt for her work on this. Member Fox moved to approve the revised Transfer Station sticker fee structure as submitted by the Tax Collector. Seconded by Member Neville. **Approved 4-0**
- Discussion was reopened on Annual Town Meeting. It was discussed that TA Shaw and the Treasurer have determined the necessary appropriation for the GASB 45 article; it was noted that this is statutory obligation and a necessary expense. Also discussed was the replacement of the cooling system for the Police department's server room, and the establishment of the revolving fund for fire alarm maintenance, brought up earlier in the evening. It was also noted that a funding article is to be added to fund a design study for the Stow Road property. Member Neville moved to open the Annual Town Meeting warrant to include articles requesting, the replacement of the air conditioning unit in the Police Station server room; adoption of MGL. Ch. 71 § 37M; establishment of a fire alarm maintenance revolving fund; and funding for a design study for the 72 Stow Road property. Seconded by Member Fox. **Approved 4-0**. Member Neville moved to again close the Annual Town Meeting warrant. Seconded by Member Fox. **Approved 4-0**
- Discussion briefly reopened on the FY 2009 Budget. It was determined that FinCom will be invited back in to meet with the Board on March 24th.to discuss the budget.

CONCERNS OF THE BOARD

- Town Planner Hughes was commended for all her hard work on outstanding road acceptance issues and the status report she has compiled.

ADJOURN

- At 10:28 p.m., Member Powers moved to adjourn. Seconded by Member Neville. **Approved 4-0**

