

**Minutes of the BOXFORD BOARD OF SELECTMEN
TOWN HALL, MEETING ROOM #1
November 14, 2011 7:30PM**

Present: Chairman Perkins, Preston Galarneau, Chuck Costello, Stephen Davis, Mary Anne Nay

Absent: None

Others Present: Alan Benson, Town Administrator; Kathryn O'Brien, Tri-Town Transcript; Mark Reich, Kay Doyle, Town Counsel; Bill Cargill, Jr.; Robert Conroy, George Fischer, Phyllis Fischer, Heidi Ellard, Nanci Milone Hill, Library Director; Susan E. Daley, Carol Davis, Jane Moody, Arthur W. Sibbach, Angela Hyatt, Schwartz & Silver Architects; Louise B. Kress, Richard Corsetti, Peter Delaney, Frank Quackenbush, Diane Annunziato, Marc Mercier, Alison Chase, Carl Peterson, Susan T. Peterson, Nancy Rohlf, Anna Plucinska, Matt Lazarewicz, Denise DiBella, Ellen Nesterrich, Charles & Marilyn Provenzano, Kathy O'Brien, Tri-Town Transcript; Karen Collari Trake, Jim Ellard, Pete Jenkins, Andrea Green, Steve Merriam, Ross Povenmire, Susan Howell, Judy Gore, Bob Gore, Holly Langer, Barbara Jessel, Beverly Perkins, Ivy Shahin, Judy Capron, Charlene Mead, Patrick Canonica, Peter Cross, Al Nierenberg, Eric Getchell, Christine Getchell, Angela Steadman, Mark Malatesta, Lisa Aronson, Chuck Adam, Neil Olansky, Alden Clark, Lori Gardner, Elizabeth Buswick, Elizabeth Savinelli, David Conti, Paula Meagher, Heidi Parisi, William McCullom, Tamara Nicewicz, Stan Dunbar, Dorothy Anderson, Wallace Anderson, Ann P. Davies, Kimberly Elbrecht-Nugent, Wendy Walsh, Paula Fitzsimmons, Alicia Caren, Andrea Kovelis, Charles Killam, Suzanne Malach, and others

Meeting Called to Order:

Selectmen Chairman Perkins called the meeting to order at 7:35PM.

Announcements:

- **Boxford Border to Boston Informational Meeting:** MassDOT, the Engineering Firm of Faye Spofford, representatives from Boxford, Georgetown, Newbury & Salisbury will be holding a public informational meeting regarding the trail design study on November 15th, 4PM-8PM, at Lincoln Hall.
- **Veteran's Day Ceremonies:** Mary Anne Nay commented on her experience at the Veteran's Day ceremony, held at the Melvin Green on November 11. She was escorted by 82-year-old veteran John Fitch in the parade and thanked all military veterans for their service to our country.

46 **ZBA Library Decision Discussion:** Selectman Chairman Perkins opened the
discussion, letting the audience know that the Board would discuss the Zoning Board of
48 Appeals decision until 9PM, at which time the Board will go into Executive Session to
discuss strategy and come to a final decision on whether to appeal the ZBA decision.
50 The following people approached the Board to speak:

- 52 • Charles Killam, 357 Ipswich Road, recommended that the Board of Selectmen
take a cooling off period, before taking any formal action.
- 54 • Wayne Taylor, 29 Highland Road, expressed his desire that the Selectmen
support a new library.
- 56 • Chuck Provenzano, 33 Townsend Farm Road, urged the Board of Selectmen to
make the right decision, so the town is not divided.
- 58 • Ivy Shahin, 71 Townsend Farm Road, spoke in favor of building a new library
and suggested that abutters might be offered a tax break for their troubles.
- 60 • Alison Chase, 41 High Ridge Road, spoke in favor of building a new library,
pointing out that the size is not because of state mandates, it is because of need,
when figuring ADA compliance among other needs.
- 62 • Anna Plucinska, 35 Lawrence Road, supports the ZBA's decision, as it was
based on appropriateness of the building in a Historic District. The decision was
64 not about denying a new library, but that the library plans submitted were not in
keeping with the Historic District.
- 66 • Heidi Parisi, 273 Middleton Road, spoke in favor of building the new library,
noting that the sanctuary of the First Church is roughly the same size as the
68 proposed new library.
- 70 • Richard Corsetti, 7 Plummer Road, strongly suggested that the Zoning Board of
Appeals become a five-member board, with two alternates, as allowed in Chapter
72 40-A, and that votes be changed from unanimous to 4-1 majority. As a former
member of the ZBA, present for all hearings on the library, he strongly disagreed
74 with a sentence at the end of paragraph 5, in the ZBA's decision, about how
some of the dimensions were missing from the plans.
- 76 • Chuck Adam, 14 Glendale Road, asked that comments be germane to the issue
of whether the Board of Selectmen should file an appeal to the ZBA decision,
noting that size, location and other details of the library building are not relevant
78 to the discussion.
- 80 • Susan Howell, 15 Mt. Vernon Street, expressed her concern about how one
person could derail a vote of the townspeople.
- 82 • Nancy Rohlf, 21 Cross Road, supports the ZBA's decision and urged the Board
not to appeal it.

- 84 • Peter Cross, 16 Depot Road, urged the Board of Selectmen to avoid going
86 through the legal system to appeal the ZBA decision and seek alternate
88 solutions. He also had a question for Town Counsel on what constitutes a conflict
90 of interest.
- Carl Peterson, 14 Elm Street, spoke in support of the ZBA decision, stating that
92 the plans, as submitted, would ruin the town.
- Frank Quackenbush, 13 Cross Road, spoke in favor of appealing the ZBA
94 decision.
- Barbara Jessel, 23 Lily Pond Road, spoke in favor of not pursuing litigation to
96 appeal the ZBA decision, but, rather, start work immediately on a compromise.
- Louise Kress, 20C Stiles Pond Road, urged the Board to evacuate the ZBA
98 decision and, if that's not possible, appeal it, as it will cost less than returning
100 over \$800,000 to the State.
- Susan Peterson, 14 Elm Street, supports the ZBA decision and feels that the
102 Town should not spend money for a Board vs. Board legal suit.
- Marc Mercier, 94B Lawrence Road, asked Town Counsel to explain the legal
issues involved in appealing the ZBA decision. He handed the Board additional
signatures collected in favor of not appealing the decision.
- Suzanne Malach, 17 Sunrise Road, spoke in favor of building the new library and
presented over 400 signatures collected in favor of the library, as planned.

104 Mark Reich, of Kopelman and Paige, Counsel for the Town of Boxford, addressed the
106 conflict of interest questions, referring to Massachusetts General Laws, Chapter 268A.

Chairman Perkins asked if there were any town board members who wished to speak.
108 The following stepped forward:

- 110 • Robert Conroy, 40 Herrick Road, member of the Zoning Board of Appeals,
112 addressed the issue of appropriateness of the comments in the ZBA decision. In
his opinion, they were appropriate.
- Paula Fitzsimmons, 209 Main Street, member of the Zoning Board of Appeals,
114 urged the Board to seek an alternate solution to litigating the ZBA decision.
- Bill Cargill, 6 Main Street, chairman of the Zoning Board of Appeals, stands by
116 his decision to deny the permit, but suggested to the Board of Selectmen to seek
an alternate solution to litigation.
- Bob Gore, 186 Main Street, chairman of the Planning Board, reminded the Board
118 that the Planning Board voted unanimously (6-0 -- Joe Hill was not present at
120 that meeting) to recommend that the Zoning Board of Appeals deny the permit
for the library, as presented.

- 122 • Heidi Ellard, 15 Forest Lane, chairman of the Library Board of Trustees, reported
124 to the Board that the Library Trustees voted to recommend that the Board of
126 Selectmen appeal the decision of the Zoning Board of Appeals.
• Bob Gore, 186 Main Street, chairman of the Planning Board, addressed the issue
of "subjective decision" by clarifying that regulatory boards are faced with making
subjective decisions all the time.

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130 Upon a **MOTION** duly made by **Perkins** and seconded by **Costello**, the Board
132 unanimously **VOTED** by roll call vote, to go into Executive Session for the purpose of
discussing strategy on litigation, appeal of Zoning Board decision on expansion and
134 restoration of Boxford Village Library, 10 Elm Street, and declare that an Executive
Session is necessary since an open public discussion may have a detrimental effect
136 on negotiating, bargaining or litigating position of the Board of Selectmen, and upon
completion of the Executive Session to return to open session and continue with
business before the Board.

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The Board went into Executive Session in Meeting Room #1.

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142 Some time later, upon a **MOTION** duly made by **Perkins** and seconded by **Davis**,
the Board unanimously **VOTED** by roll call vote, to come out of Executive Session
and reopen the meeting.

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146 Town Administrator Alan Benson explained that the Town has two options. One is to
appeal the ZBA decision. The other is to let it stand. The decision was filed with the
Town Clerk on November 10, 2011. The Town has 20 days from that date to appeal
148 the decision.

150 **MOTION** by **Galarneau**, seconded by **Costello**, to support an appeal of the ZBA
152 decision. Lengthy discussion ensued and each Selectman expressed their thoughts
on whether to appeal the ZBA decision. A "yes" vote is a vote to appeal the ZBA
decision. A "no" vote lets the decision stand. Votes, as recorded by roll call:

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- Galarneau: Yes
- Davis: Yes
- 156 • Costello: Yes
- Nay: Nay
- 158 • Perkins: Nay

160 The **MOTION** passed, 3-2, to appeal the Zoning Board's decision.

162 **Report of the Town Administrator:**

- **Town of Boxford Website:** Town Administrator Alan Benson gave a brief
164 update on the progress of the Town's new website at www.town.boxford.ma.us.

166 **Correspondence:**

- **Historic District Commission Decision on the Library:** Alan Benson
168 requested permission from the Board of Selectmen to request a quote from the
library architect for a set of plans showing drawings of the exterior of the building,
170 so the Historic District Commission can render a decision to close the regulatory
process.
 - **MOTION** by **Costello**, seconded by **Davis**, to allow the Administrator to
172 engage in discussions with the architect to provide necessary
174 documentation to the Historic District Commission. The motion passed
unanimously. The motion passed unanimously.
- **Attorneys for the Zoning Board of Appeals:** Alan Benson requested
178 permission from the Board of Selectmen to engage Kopelman and Paige to
provide a list of suggested attorneys from which the Zoning Board of Appeals can
180 choose to represent them in the appeal.
 - **MOTION** by **Costello**, seconded by **Galarneau**, to allow the Administrator
182 to engage Kopelman and Paige to provide a list of attorneys for the Zoning
Board of Appeals. The motion passed unanimously.
- **Police Chief Search:** Alan Benson reported that the search committee will be
186 wrapping up their meetings to narrow down the candidates. He suggested that
the Board of Selectmen schedule two nights to meet with the final five
188 candidates. The Board chose Thursday, December 15 and Monday, December
19, at 7PM, to interview the candidates.
- **State Surplus:** Alan Benson advised the Board that the Town will be receiving a
192 one-time payment from the State of \$29,000, as per a notification from Senator
Bruce Tarr.

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- **Architectural Access Board:** Alan Benson made the Board aware of a letter from the Architectural Access Board thanking our Building Inspector, Bob Camacho, for his work on the accessibility issues at Camp Rotary.

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- **Political Signs Complaint:** Alan Benson notified the Board of a letter of complaint received about excessive political signs and assured the Board that he is investigating the signs in question to ensure they are in compliance with town by-laws and First Amendment rights of the People. He will report back to the Board at a future meeting.
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206 **Outstanding Appointments:** Selectman Chairman Peter Perkins reviewed the list of openings on the Zoning Board of Appeals and urged residents to contact Mr. Benson's office, if they are interested in serving on the Board. There are three openings for alternates.

210 Perkins announced there are two candidates interested in the opening on the Boxford Agricultural Commission and asked Mr. Benson to schedule them to come in to a future meeting.

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216 **Approval of Minutes:**

- **MOTION** by **Costello**, seconded by **Davis**, to approve the Minutes of October 17, 2011, as printed. The motion passed unanimously.
 - **MOTION** by **Costello**, seconded by **Davis**, to approve the Minutes of the Executive Session of October 17, 2011, as printed. The motion passed unanimously.
 - **MOTION** by **Davis**, seconded by **Galarneau**, to approve the Minutes of November 7, 2011, as printed. The motion passed 4-1, with **Nay** abstaining.
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226 **Treasury Warrants:**

- **MOTION** by **Nay**, seconded by **Costello**, for approval of payment of Accounts Payable Warrant #12-20, in the amount of \$137,444,66. The motion passed unanimously.
 - **MOTION** by **Nay**, seconded by **Costello**, for approval of payment of Accounts Payable Payroll Warrant #PY1219, for non-school payroll, in the amount of \$96,121.56. The motion passed unanimously.
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- **Costello** removed himself from the meeting and a **MOTION** was made by **Nay**,
seconded by **Galarneau**, for approval of payment of Accounts Payable Payroll
Warrant for school payroll, in the amount of \$291,881.88. The motion passed 4-
236 1, with **Costello** abstaining.

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Other Business:

240 **Council on Aging Facility Steering Committee:** Selectman Galarneau reminded the
Board that the Council on Aging had asked the Board to appoint a steering committee to
242 work on a facility for the Council on Aging and suggested that the Board take some
action to fulfill the request.

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- **MOTION** by **Davis**, seconded by **Nay**, to provide a committee of five people with
a charge to be determined for the Council on Aging. The motion passed
246 unanimously.

248 **New Administrative Assistant:** Selectman Chairman Peter Perkins made the Board
aware that he met the new Administrative Assistant, Susan Inman, and commented that
250 Alan Benson made a great choice.

252 **Meeting Adjourned:**

Upon a **MOTION** made by **Galarneau**, and seconded by **Nay**, the Board of Selectmen
254 **VOTED** unanimously to adjourn.

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Respectfully Submitted,

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262 *Judith A. Stickney*
Minutes Secretary

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