

1 **Minutes of the BOXFORD BOARD OF SELECTMEN**
2 **TOWN HALL, MEETING ROOM #1**
3 **January 9, 2012 7:30PM**
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6 *Present: Chairman Perkins, Stephen Davis, Mary Anne Nay, Minutes Secretary*
7 *Stickney*

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9 *Absent: Preston Galarneau, Chuck Costello*

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11 *Others Present: Town Administrator Alan Benson, Kathryn O'Brien, Tri-Town Transcript;*
12 *Nancy Merrill, Jack Pearl, Ben Messenger, and others*
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15 **Meeting Called to Order at 7:32PM**

16 Chairman Perkins called the meeting to order at 7:32PM
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20 **ANNOUNCEMENTS**

- 21 • **Boxford Police RAD Program:** Nay announced that the Boxford Police is
22 holding a RAD program again this year, with Officer Matthew Dupont leading
23 the program. It is a rape aggression defense system, a program for women,
24 to learn realistic self-defense tactics and techniques. It is a comprehensive
25 course that begins with awareness, risk reduction and risk avoidance. The
26 class will start Monday, January 30. It's a 2-hour class and there are five
27 classes scheduled. Selectwoman Nay announced that she has signed up for
28 the course. The class is limited to 15 students. If interested, call Officer
29 Dupont at 978-887-8135.
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- 31 • **Zengevity Mind and Body Workout:** Selectman Davis announced that the
32 Boxford Library is sponsoring a program on Saturday, January 14 at 10AM.
33 It's entitled Zengevity Mind and Body Workout. It's a fun, safe, gentle
34 movement program incorporating dance, yoga, and brain fitness. All
35 interested are welcome.
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- 37 • **Boxford to Boxford Trip:** Selectman Davis announced that some Boxford
38 residents will be visiting Boxford, Suffolk, England on June 1, 2012 for four
39 days of activity-packed celebrations, including the Queen's Diamond Jubilee,
40 a champagne breakfast, a garden tour and a day-long celebration street
41 party, among other activities. Contact Barbara Was at 978-887-5660, or
42 BarbWas@aol.com, if interested in joining the group.
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45 • **Dog License Applications:** Selectman Chairman Perkins announced that
46 dog license applications are available online at www.town.boxford.ma.us.
47 Residents are advised to get a dog license no later than January 31, 2012.
48 Application fee is \$20 and a late fee of \$25 after January 31. Applications are
49 available online and at the Town Clerk's office.

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51 • **Housebreaks in Neighboring Towns:** Selectwoman Nay notified town
52 residents that there have been several daytime housebreaks in neighboring
53 towns and advised residents to call the police if they see anything unusual in
54 their neighborhoods and to also call the police when on vacation so they can
55 check your property while you're away. Call 978-887-8135 for more
56 information.
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59 **MEETING WITH SUPERINTENDENT OF PUBLIC WORKS**

60 Selectman Chairman Perkins notified the Board that John Dold was unable to make
61 tonight's meeting. Town Administrator Alan Benson provided a summary to the Board.
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63 • **New Assistant:** Rosario Barbosa has been hired as the new DPW part-time
64 assistant, as approved at the Special Town Meeting in October. Rosario
65 started last week and is working out very well. She works Mondays-
66 Thursdays from 9AM-1PM.
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68 • **Endorsement for CMMS Grant Application:** Benson advised the Board that
69 John Dold has been working with the Merrimack Valley Regional Planning
70 Commission, which has been highly focused on maximizing regional
71 opportunities to save money. They have been working with DPW
72 Superintendents in various communities to see what's working well and
73 what's needed to improve productivity. As a result of the meetings, they have
74 proposed better tools for the area DPW Directors to use. One of the tools
75 proposed is sophisticated software to track DPW calls from road issues to
76 potholes to building maintenance and everything in between. The software is
77 very expensive. The mayors group has decided to support an application for a
78 grant to provide the software packages to the communities that have signed
79 on. The grant will fund the purchase of the software, installation of the
80 software and training. The regional towns would be responsible for paying the
81 annual upkeep fee and software licensing fees of approximately \$1,000, for
82 an integrated system for Boxford. He is requesting that the Board of
83 Selectman support and endorse the grant application.

84 ▪ Upon a **MOTION** made by **Davis** and seconded by **Nay**, the Board of
85 Selectmen **VOTED** unanimously to endorse the grant application for
86 the CMMS software for all the towns to mutually use.
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- **EPA Case Settlement:** Due to not filing the annual reports on Stormwater Management, as required, the Town was fined \$3,000 by the EPA. The original fine was for \$3,000. We thought it was excessive and, through Selectwoman Nay's diligence and negotiations with the EPA, they agreed to reduce the fine to \$1,000.
 - Upon a **MOTION** made by **Davis** and seconded by **Nay**, the Board of Selectmen **VOTED** unanimously to pay the \$1,000 fine to the EPA.
 - **Ongoing Tree Work:** The Superintendent has met with the Planning Board in light of the storm of October 29, in an effort to clear trees, as needed. The planning board reminded the Superintendent that most trees in town are covered by the Shade Tree Act. They've tried to make things as direct as possible. He can come to them with a large number of trees to review, but, he will still need to do the marking of the trees and advertising, and come to the Planning Board with requests to review the trees he wants to cut. He's hoping to get a cutting program in place for the spring, following the Planning Board's guidelines.
 - **Landfill Closure:** Selectman Davis asked if there were any updates on the landfill closure. Benson advised that the Board of Health is going to be working with Weston and Sampson to get the slew of documentation needed for the DEP in order to close the landfill.
 - **Town Hall Fire Pump Vault:** Selectwoman Nay advised the Board that the Town Hall fire pump vault was damaged during the heavy flooding last year. The Town did not have the funding to replace it and DPW Superintendent took the initiative to file a claim with the insurance company to have it replaced. She was happy to report that they received a check for \$42,000 to have the town hall fire pump vault replaced and the dehumidifier was also replaced at the same time. She publicly thanked John Dold for following through with the claim to get the fire pump vault and the dehumidifier replaced. It saved the town a lot of money.

123 **UPDATE ON POLICE CHIEF APPOINTMENT**

124 Selectman Chairman Perkins asked the Town Administrator for an update on the Police
125 Chief appointment. Benson advised the Board that the final tests and evaluations have
126 been scheduled and should be completed shortly. He related that Chief Russell brought
127 along the new Chief to a recent area Chiefs Meeting, so he could introduce him to all
128 the area Chiefs in attendance. Benson is hoping to have an appointment ceremony at
129 the January 23 Selectmen's meeting.

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FIRE DEPARTMENT ANNIVERSARY CEREMONY

Selectman Chairman Perkins advised the Board that the Fire Department held an awards ceremony at the fire station tonight and presented Firefighter Warren Gould a Department of Fire Services certificate and a 30-year pin, commemorating his 30 years of service to the Boxford Fire Department. Perkins publicly congratulated him and thanked him for his continuing service to the Town.

COLBY PROPERTY

Nancy Merrill appeared before the Board to discuss the Colby property. She feels the Colby house is an historic property and should be saved, if possible, rather than tear it down. She is suggesting that an ad hoc committee be formed to study the property to recommend what should happen to the house. She has identified four options:

- **Solution 1:** Advertise the 1840 historic cape to sell the house and have it moved.
- **Solution 2:** If there is no sale after a reasonable amount of time, perhaps the reusable parts of the house, such as the lumber, windows, doors, piping, etc. could be recycled and used by Habitat for Humanity or a similar group.
- **Solution 3:** Have Charlie Killam demolish the house, with the rental of a dumpster, which would be the only cost to the town.
- **Solution 4:** Separate out the house, with .5 acres staying with the house, keeping it in an RA district, and designate the rest of the property as O district. This option needs to be studied for its viability by the suggested ad hoc committee.

Discussion ensued, with no Selectman in attendance supporting saving the house. Selectman Chairman Perkins advised Ms. Merrill to discuss the options with the Chairman of the Housing Partnership Committee and return to the Board of Selectman with an update at a later meeting.

REPORT OF THE TOWN ADMINISTRATOR

- **Conditional Offer of Employment for Captain Murphy:** Town Administrator Alan Benson presented the Board with a letter he sent to Captain Michael Murphy with a conditional offer of employment, subject to successful completion of evaluations.
- **Thank You Letter from Dep. Chief Fowler:** Benson presented a letter to the Board, from Deputy Chief Fowler, thanking the Board for the opportunity to interview for the Police Chief position, in which he commented on the professionalism of the process.

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- **Letters to the Police Chief Applicants:** Benson presented letters he prepared to be sent to Deputy Chief Fowler and Captain Stankiewicz, thanking them for applying for the position and for willingly completing all the reports, evaluations, tests, etc. involved in the process.

- **Licenses for Approval and Signatures:** Benson presented the Board with four Victualler's (Vittler's) Licenses and one Junk License for their approval and signatures.
 - **Victualler's Licenses:**
 - Far Corner Farm Golf Course
 - Boxford House of Pizza
 - West Village Provisions
 - Stone House Farm
 - **Junk License:**
 - David Noyes

 - On a **MOTION** made by **Davis** and seconded by **Nay**, the Board **VOTED** unanimously to issue all of the licenses.

- **Update on Library Building:** Benson advised the Board that the Historic District Commission has prepared their reasons for denial and the decision will be filed with the Town Clerk in the next few days. The Board has 20 days from the date of filing to act -- either accepting the decision or appealing the decision.

ROUTINES:

- **Correspondence:**
 - **Northern Essex Regional Emergency Planning Committee:** Benson notified the Board that the Northern Essex Regional Planning Committee, of which Boxford is a member, has been awarded Full Certification from the Massachusetts Emergency Management Agency.

 - **Teamsters Union Business Agent:** Benson advised the Board that the Teamsters Union has a new Business Agent.

- **Outstanding Appointments:** Selectman Davis read the list of outstanding appointments:
 - Agricultural Commission: 1 opening for a commercial farmer
 - Border to Boston Trail Committee: 1 opening
 - Cable Television Advisory Committee: 3 openings
 - Computer Management Committee: 2 openings

- 223 ○ Friends of the Ackerman Playground: 3 openings
- 224 ○ Haynes Land Committee: 1 opening
- 225 ○ Historic Districts/Historic Committee: 1 opening
- 226 ○ Historic Districts/Historic Committee: 1 opening for an alternate
- 227 ○ Lakes Ponds & Streams Committee: 1 opening
- 228 ○ Recreation Committee: 2 openings
- 229 ○ Recycling Committee: 2 openings
- 230 ○ Zoning Board of Appeals: 3 openings for alternates

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233 Interested residents can apply by calling the Town Administrator or by

234 completing an application online on the Town's new web site.

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- 236 • **Appointments:** Selectman Davis reminded the Board that they have a
- 237 nomination for an opening on the Historic Districts/Historic Committee, to be
- 238 filled by a current alternate, for a term ending 6/30/13.

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- 240 ○ **MOTION** by **Davis**, seconded by **Nay**, to appoint Andrew Gori
- 241 to the Historic Districts/Historic Committee for a term ending
- 242 6/30/13. Approved unanimously by roll call vote.

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- 245 • **Minutes Approval:**

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- 247 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Executive Session
- 248 Minutes of December 12, 2011. Passed unanimously.

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- 250 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Minutes of
- 251 December 15, 2011. Passed unanimously.

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- 253 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Minutes of
- 254 December 19, 2011. Passed unanimously.

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- 256 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Executive Session
- 257 Minutes of December 19, 2011. Passed unanimously.

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- 259 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Executive Session
- 260 Minutes of December 29, 2011. Passed unanimously.

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- 262 ■ **MOTION** by **Davis**, seconded by **Nay**, to accept the Minutes of
- 263 December 29, 2011. Passed unanimously.

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Treasury Bills:

- **MOTION** by **Nay**, seconded by **Davis**, to approve accounts payable warrant #12-28, in the amount of \$359,311.97. Approved unanimously.
- **MOTION** by **Nay**, seconded by **Davis**, to approve accounts payable school vender's warrant #12-28S, in the amount of \$32,457.88. Approved unanimously.
- **MOTION** by **Nay**, seconded by **Davis**, to approve non-school payroll warrant #PY12-27, for non-school payroll, in the amount of \$101,263.67.

Because there were only three members of the Board of Selectman in attendance, and Selectman Chairman Perkins would have recused himself from the meeting and voting on this motion, Selectman Chairman Perkins invoked the **Rule of Necessity** and the motion passed unanimously.

- **MOTION** by **Nay**, seconded by **Davis**, to approve accounts payable school payroll warrant #12-27, in the amount of \$306,018.14. Approved unanimously.

APPEARANCE OF CONFLICT OF INTEREST

Selectman Davis notified the Board that there was a question of a conflict of interest, with regards to the library building, with him being on the Board of Selectman and his wife being a Library Trustee. The question was asked while Town Counsel was at an open meeting with the Board of Selectmen and the answer was there was no conflict of interest, as there was no financial gain to either party. However, the questions continued to arrive and it was formally submitted to Town Counsel for a formal opinion. Again, Town Counsel reported that there is no conflict of interest and they have submitted the question to the State Ethics Commission for their review, as required. The State Ethics Commission has 30 days to respond with their commentary.

EXECUTIVE SESSION

- Upon a **MOTION** duly made by **Perkins** and seconded by **Nay**, the Board of Selectmen **VOTED** unanimously by roll call vote to go into Executive Session for the purpose of discussing strategy on contract negotiations for the Town of Boxford and declared that an Executive Session is necessary since an open public discussion may have a detrimental effect on the negotiating bargaining or litigating position of the Board of Selectmen, and upon completion of the Executive Session to return to open session and immediately adjourn without conducting any further business.

313 The Board went into Executive Session at 8:50PM.

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316 **Meeting Adjourned at 9:16PM**

317 Upon a **MOTION** made by **Davis**, and seconded by **Nay**, the Board of Selectmen

318 **VOTED** unanimously to adjourn at 9:16PM.

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321 Respectfully Submitted,

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324 *Judith A. Stickney*

325 Minutes Secretary

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