

1 **Minutes of the BOXFORD BOARD OF SELECTMEN**
2 **TOWN HALL, MEETING ROOM #1**
3 **January 23, 2012 7:30PM**
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6 *Present: Chairman Perkins, Stephen Davis, Mary Anne Nay, Preston Galarneau, Chuck*
7 *Costello*

8
9 *Absent: None*

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11 *Others Present: Town Administrator Alan Benson, Minutes Secretary Stickney, Kathryn*
12 *O'Brien, Tri-Town Transcript; Susan Inman, Fire Chief Kerry Stickney, Police Lt. Robert*
13 *Hazelwood, Joyce Hazelwood, Fire Lt. Tammy Aghoian, Police Lt. James Riter, Police*
14 *Officer David Barker, Police Officer Kara Fitzpatrick, Town Clerk Robin Phelan, Newly*
15 *Appointed Police Chief Michael Murphy, Laura Grabsky, Frank DiLuna, Chuck Kornely,*
16 *Nancy Merrill, Lou Athanas, Carole Davis, Randy Johnson, Carol Johnson, Nancy*
17 *Rohlf, Peter Delaney, Town Treasurer/Tax Collector Ellen Guerin, Judy Anderson,*
18 *Gertrude Freedman, and many members of the Michael Murphy family.*
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21 **Meeting Called to Order at 7:33PM**

22 Chairman Perkins called the meeting to order at 7:33PM
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25 **ANNOUNCEMENTS**
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- 28 • **2012 Town Census and Dog Licenses:** Selectwoman Nay announced that
29 the town census forms, with dog license applications attached, have been
30 mailed out to all residents. Residents should return the census forms by
31 January 31, 2012. Notify the Town Clerk if you didn't get one, at 978-887-
32 6000, extension 501. Also, dog licenses are due by January 31. The fee is
33 \$20. There is a \$25 late fee if the license is not issued before January 31,
34 2012.
 - 35 • **A New Year: A New You!** Nay announced that the library will be hosting a
36 workshop with fashion coach Susan Kanoff on Saturday, January 28 at
37 10AM. She'll be teaching women how to dress for success. She'll be talking to
38 all age groups about what items to keep and what to discard and how to
39 master the art of accessorizing your wardrobe.
40
 - 41 • **Boxford Police RAD Program:** Nay announced that the Boxford Police is
42 holding a free course, the RAD program, again this year, with Officer Matthew
43 Dupont leading the program. It is a rape aggression defense system, a
44 program for women, to learn realistic self-defense tactics and techniques. It is

45 a comprehensive course that begins with awareness, risk reduction and risk
46 avoidance. The classes will start Monday, January 30. It's a 2-hour class and
47 there are five classes scheduled. Selectwoman Nay announced that she has
48 signed up for the course. The class is limited to 15 students. If interested, call
49 Officer Dupont at 978-887-8135.
50

- 51 • **Burning Permits Available Online:** Selectman Galarneau announced that
52 he purchased his burning permit online and encourages others to do the
53 same. The process is fast and simple and available on the Town's website.
54

55 56 57 **POLICE CHIEF CANDIDATE MICHAEL MURPHY**

58 Selectman Chairman Perkins announced that on December 19, the Board of Selectman
59 voted unanimously to authorize the Town Administrator to extend an offer of
60 employment to Michael Murphy as the Town's new police chief. Perkins introduced
61 Chief Michael Murphy to all in attendance and invited him to speak. Chief Murphy
62 introduced his family members and friends and acquaintances that were present.
63

- 64 • **7:45PM** On a **MOTION** duly made by **Perkins**, seconded by **Costello**, the
65 Board of Selectmen **VOTED** unanimously via roll call vote to appoint Michael
66 J. Murphy as Chief of Police for the Town of Boxford, commencing February
67 6, 2012, with a term ending December 31, 2014.
68

69 The Chief was sworn in by Town Clerk Robin Phelan and signed the official
70 appointment book.
71

- 72 • **7:47PM** On a **MOTION** duly made by **Perkins**, seconded by **Nay**, the Board
73 of Selectman **VOTED** unanimously, pursuant to Massachusetts General
74 Laws, Chapter 41, §108O to offer Michael J. Murphy a personal service
75 contract, detailing compensation and benefits for his services as the duly
76 appointed Chief of Police of the Town of Boxford, said contract as negotiated
77 by Chief Murphy and Town Administrator and presented at this meeting.
78

79 The contract was signed by the Board of Selectman and Chief Murphy and Selectman
80 Chairman Perkins presented two badges to Chief Murphy for his use.
81

82 Chief Murphy addressed those present, thanking them for coming and for their support
83 throughout the hiring process. He also thanked the Board of Selectmen and the Town
84 Administrator for his diligence in negotiating the contract.
85
86
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89 **MEETING WITH COUNCIL ON AGING:** Richard Taylor, Chairman of the Council on
90 Aging, appeared before the Board to request that the Board consider creating a Council
91 on Aging Study Committee, consisting of five members appointed at large, by the Board
92 of Selectmen, for one-year terms of office. One member would be appointed from the
93 Council on Aging and the Council on Aging Director would be assisting, but would not
94 be a voting member. Taylor explained that an impartial committee is needed to present
95 an independent view of the needs of the seniors in the town and how the Council on
96 Aging can meet those needs, perhaps, conduct a town-wide survey. Taylor provided a
97 charge to the Board before the meeting. Selectwoman Nay went over the proposed
98 charge and proposed changes, as follows:
99

100 "The committee shall consist of five members appointed by the Board of Selectmen with
101 preference for residents with building construction experience, professional experience
102 in elder affairs, and/or architectural experience. One member shall be from the Council
103 on Aging, one member from the Board of Selectmen, and three, at large, from residents
104 of the town. The Director of the Council on Aging shall assist as a non-voting member.
105

- 106 • "The committee shall study the services and programs to be provided by the
107 Boxford Council on Aging to the projected 2022 population of seniors in
108 Boxford.
- 109 • The committee will consider both the current services provided by the current
110 Boxford COA and study services provided by other municipalities of similar
111 size. The committee shall also compile statistics on senior services from
112 various sources including the Executive Office of Elder Affairs. The committee
113 will further determine the necessary space needs for the Council on Aging to
114 provide said services. The committee shall analyze and compare various
115 options including but not limited to the use of existing municipal facilities,
116 expansion of existing municipal facilities, rental of facilities and/or
117 construction."
118

119 Much discussion ensued about proposed changes to the charge and who will serve on
120 the committee from the Board of Selectmen. Costello requested that the committee be
121 required to conduct a town-wide survey as part of the charge. Selectman Galarneau
122 suggested that the survey requirement be included in bullet #4. Changes were made to
123 the charge, as proposed and discussed.
124

- 125 • **8:12PM** Upon a **MOTION** made by **Costello** and seconded by **Nay**, the
126 Board of Selectmen **VOTED** unanimously to create a Senior Center Study
127 Committee, as amended and as proposed by the Council on Aging.
128
- 129 • **8:13PM** Upon a **MOTION** made by **Galarneau**, seconded by **Costello**, the
130 Board of Selectmen **VOTED** unanimously via roll call vote, to appoint Mary
131 Anne Nay as the first member of the Senior Center Study Committee for a
132 one-year term ending 6/30/2012.
133

- 134 • **8:14PM** Upon a **MOTION** made by **Costello**, seconded by **Nay**, the Board
135 of Selectman **VOTED** unanimously via roll call vote, to appoint Elizabeth
136 Murphy to the Senior Center Study Committee.
137

138 Chairman Perkins called Miika Ebbrell to the front to interview for an opening on the
139 Council on Aging Study Committee. Miika is an architect who has lived in Boxford for a
140 few years with her family. She developed an interest in senior facilities after working on
141 a senior living facility for the City of Cambridge. Ms. Ebbrell answered several questions
142 from the Board. Her firm has bid on several public and municipal projects, so she has
143 experience in working with cities and towns on building issues.
144

- 145 • **8:21PM** Upon a **MOTION** made by **Davis**, seconded by **Costello**, the Board
146 of Selectmen **VOTED** unanimously via roll call vote, to appoint Miika Ebbrell
147 to the Senior Center Study Committee.
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151 **INTERVIEW CANDIDATES FOR VARIOUS VOLUNTEER COMMITTEES**

152 Chairman Perkins advised the Board that there were several residents present who
153 have expressed an interest in serving on various committees. He notified all in
154 attendance that the Board would not be making these appointments tonight, but will be
155 prepared to appoint next week. Candidates called upon to interview:
156

- 157 • **Kathryn Borylo, Candidate for Agricultural Commission:** Kathryn Borylo
158 expressed her interest in being on the Agricultural Commission. She owns and
159 operates a large horse farm on Main Street, Spring Tide Farm. She grew up on a
160 hog farm. Nay questioned the applicability of raising horses as being qualified for
161 the commission. Randy Johnson, Chairman of the Commission, clarified that a
162 horse farm qualifies.
163

- 164 • **Chuck Kornely, Candidate for Agricultural Commission:** Chuck Kornely
165 explained his interest in being on the Agricultural Commission. He's been a
166 resident for four years and has been involved in agriculture his entire life. While
167 he has extensive plantings of flowers and fruits that he cares for currently, he is
168 not a commercial farmer at this time. He has an extensive background in
169 horticulture, particularly in fruit, working on various farms out of the area before
170 moving to Boxford. He was on the University of Wisconsin Horticultural Board for
171 many years. His mission is to further advance the agricultural feeling in town.
172

- 173 • **Nancy Rohlfs, Candidate for Zoning Board of Appeals, Alternate:** Nancy
174 Rohlfs has lived in town for six years. She has a recent history of volunteering on
175 boards and committees in town and has attended Zoning Board meetings in the
176 past. Selectwoman Nay expressed her opinion that there is a conflict with Nancy
177 Rohlfs being on the Zoning Board of Appeals, as she is an abutter to the library
178 property. Rohlfs said that she did look into that issue and it was determined that

179 she would recuse herself if any conflicts arose while she was serving on the
180 Board. She has experience as a French teacher, finances, and as a plastic
181 components manufacturer. Selectman Costello asked Ms. Rohlf to submit a
182 resume to the Board before their next meeting.
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186 MEETING WITH TOWN TREASURER

187 Ellen Guerin, Town Treasurer and Collector of Taxes for the town, met with the Board to
188 discuss the debt issuance for the capital projects that were approved at the October
189 Special Town Meeting. She presented to the Board a Bond Anticipation Note for their
190 signatures. She explained that Century Bank was the low bidder at 0.65%, on the short-
191 term note, on a principal balance of \$1,065,000. The due date will be September 19,
192 2012.
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194 Guerin also discussed the town's refunding options on its long term debt and much
195 discussion ensued about options on when would be the best time to do it and the risks
196 vs. the savings involved.
197

198 A straw poll was taken and the consensus of the Board was to go for the low rate now
199 and accepting what the Town Treasurer has proposed. Guerin asked what the threshold
200 of the Board was for savings. The Board agreed that \$300,000 is the threshold to work
201 with, with a net savings of approximately \$30,000 per year. Selectman Galarneau
202 suggested that the Town Treasurer discuss the options with the Finance Committee
203 before finalizing financing. Guerin agrees and will contact the Finance Director. Guerin
204 can return at a later meeting with more information. 1:51:12
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206
207

208 REPORT OF THE TOWN ADMINISTRATOR

- 209 • **Adoption of the Emergency Mutual Aid Law:** Benson explained the benefits of
210 adopting the Statewide Public Safety Mutual Aid Law and the Statewide Public
211 Works Municipal Mutual Aid Law, as proposed by the Massachusetts Emergency
212 Management Agency.
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 - 215 ○ **9:26PM MOTION** by **Costello**, seconded by **Davis**, to adopt MGL c. 40,
216 §4J -- Statewide Public Safety Mutual Aid Agreement and MGL c. 40, §4K
217 -- Statewide Public Works Municipal Mutual Aid Agreement. The motion
218 passed 4-1, with **Galarneau** abstaining.
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- **Two Year Property & Casualty MIIA Proposal:** Benson explained that MIIA has offered a 0% increase in rates for 2013 and no more than 2.4% in 2014. This has been offered to only 40-45 communities and only six have not answered yet, and Boxford is one that has not yet accepted the offer.
 - **9:30PM MOTION** by **Davis**, seconded by **Costello**, to accept MIIA's offer for Property & Casualty insurance. The motion passed unanimously.
 - **Historic Districts Commission Response to Selectman's Request for Certificate of Hardship:** Benson explained to the Board that the HDC does not believe they violated the statutory time limit, as they did not have a complete application for the library until December 8, 2011 and made their decision within 60 days from that date. The Board of Selectmen decided they will go into Executive Session next week to discuss this issue further. The Town Administrator will contact Town Counsel for advice.
 - **Conflict of Interest Question with Carol Davis, Library Trustee, and Steve Davis, Board of Selectman:** Benson made the Board aware of letters the Board has received regarding a question of a conflict of interest between Selectman Davis and Library Trustee Carol Davis, with regards to the library building issue. Selectman Davis explained that Town Counsel advised that there was no conflict of interest and rendered a written decision to the Town and the State Ethics Board. The State Ethics Board ruled that there is no conflict of interest. Benson prepared letters of response for the Chair to sign, explaining that all documentation has been placed on file with the Town Clerk.
 - **Letter from Historical Society Regarding Andy Gori's Appointment to the HDC:** Benson explained that the Chair of the Historical Society questioned the appointment of Andy Gori to the Historic Districts Commission as an alternate, rather than as a full position. Benson explained that there were no full slots open at the time, but that Gori has since been appointed as a full member, due to a resignation, rendering the issue moot. He has prepared a response to the Historical Society for the Chair to sign.
 - **MassDOT Regarding Route 133 Reconstruction:** Benson explained that MassDOT has given initial approval to the Route 133 project. There were three deficiencies in the application and MassDOT asked that those three deficiencies be addressed before the next application is filed. Bayside will follow-up on the deficiencies. The initial 25% design phase will be funded by unused Ch. 90 funds.
 - **FEMA's Flood Zone Maps:** The flood zone maps are the same maps we got previously from FEMA. The town notified FEMA of errors, but FEMA determined they were not errors and kept the maps the same. FEMA is proposing the town adopt a new zoning bylaw to adopt all the standards of Paragraph 60.3(d) into

268 one new, comprehensive set of regulations, prior to July 3, 2012. Failure to do so
269 would make Boxford residents ineligible for flood insurance from FEMA. Benson
270 is trying to determine where those residents would have to buy their insurance, if
271 the bylaw is not adopted.

272

273 • **Veterans' Services Agent:** Benson explained that Boxford applied for our North
274 Andover-Boxford district to be reapproved by the Department of Veterans
275 Services and we got a one-year conditional approval. Department of Veterans
276 Services noted that the District Director should have a part-time veteran's agent
277 and a full-time clerical staff member. Benson will discuss this with the North
278 Andover town manager and report back to the Board at a future meeting.

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280 • **Update on October 29 Storm:** Benson has had more conversations with
281 National Grid, which were run by the State Rep's office. Boxford was
282 disproportionately affected by the storm. Essex County did not have enough
283 damage to qualify for federal assistance. The Governor asked the President to
284 declare six towns in Essex County as disaster areas. The Obama Administration
285 denied the request. MEMA and the Governor have 30 days to appeal FEMA's
286 decision. Benson is not sure if that will happen but advises that our State Reps
287 should be made aware of the situation. Bob Hazelwood, Boxford's Emergency
288 Management Director, has prepared a report and it will be submitted with a
289 request for appeal. Boxford's costs were \$125,000-\$150,000. If there is no
290 reimbursement, it may need to go to Town Meeting. It was suggested that
291 Congressman Tierney's office be contacted, as well.

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293

294 OTHER BUSINESS

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296 • **MMA Conference:** Selectwoman Nay and Selectman Costello commented on
297 their experiences at the MMA Conference on Friday and Saturday. Nay reported
298 that no cuts are anticipated in local aid or Chapter 70, related to schools.
299 Speakers included Colonel McGovern, head of the State Police, Senator Scott
300 Brown, Congressman Ed Markey, Lt. Governor Tim Murray and Boston Mayor
301 Menino. A major point of the conference was the need to keep belts tightened.
302 Massachusetts is in a good state due to having the lowest unemployment rate at
303 6.8% vs. the national average of 8.7%. \$65,000,000 in additional aid will be
304 distributed to cities and towns.

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313 **ROUTINES**

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315 • **FY 12 Appointment Schedule:**

- 316 • **Request of Gertrude Freedman for Council on Aging:** After a brief
317 discussion, the Board decided to table this appointment to a future
318 meeting.
319

320 • **Minutes Approval:**

- 321 • **10:07PM MOTION** by Davis, seconded by Nay, to approve the Minutes
322 of January 9, 2012, as submitted. The motion passed 3-2, with Costello
323 and Galarneau abstaining.
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326 • **Treasury Bills:**

- 327 • **10:07PM MOTION** by Nay, seconded by Davis, to approve accounts
328 payable warrant #PY1229 for non-school payroll, in the amount of
329 \$72,337.20. Approved unanimously.
330
- 331 • **10:08PM** After Selectman Costello removed himself from the meeting,
332 Nay made a **MOTION**, seconded by Davis, to approve accounts payable
333 school payroll warrant #PY12-29, in the amount of \$291,284.41. Approved
334 4-1, with Costello abstaining.
335
- 336 • **10:08PM MOTION** by Nay, seconded by Davis, to approve accounts
337 payable school vendor warrant #12-30S, in the amount of \$74,626.13.
338 Approved unanimously.
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- 340 • **10:09PM MOTION** by Nay, seconded by Davis, to approve accounts
341 payable warrant #12-30, in the amount of \$110,722.47. Approved
342 unanimously.
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346 **10:10PM EXECUTIVE SESSION**

- 347 • Upon a **MOTION** duly made by Perkins and seconded by Costello, the Board of
348 Selectmen **VOTED** unanimously by roll call vote to go into Executive Session for the
349 purpose of discussing strategy overall strategy on employment contract negotiations
350 with represented an non-represented employees and for discussing strategy on land
351 acquisition: Spofford Road Land, and declared that an Executive Session is
352 necessary since an open public discussion may have a detrimental effect on the
353 negotiating bargaining or litigating position of the Board of Selectmen, and upon
354 completion of the Executive Session to return to open session and immediately
355 adjourn without conducting any further business.
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357 The Board went into Executive Session at 10:10PM.

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359 **Meeting Adjourned at 10:34PM**
360 Upon a **MOTION** made by **Costello**, and seconded by **Nay**, the Board of Selectmen
361 **VOTED** unanimously to adjourn at 10:34PM.
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364 Respectfully Submitted,
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367 *Judith A. Stickney*
368 Minutes Secretary
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370
371 Per the New Open Meeting Law, the list of the documents that were either distributed to
372 the Board of Selectmen before the meeting in a packet, or at the meeting:

- 373 1. Agenda
- 374 2. Town Census Announcement
- 375 3. Recommendation of Town Administrator Regarding Appointment of Police Chief
- 376 4. Proposed Employment Contract for Police Chief and Job Description
- 377 5. Proposed Charge for the Senior Center Study Committee
- 378 6. Letters of Interest Regarding Various Town Committee Vacancies

- 379 • Agricultural Commission (2)
- 380 • Senior Center Study Committee
- 381 • Zoning Board of Appeals Alternate

- 382 7. First Southwest Company - \$1,065,000 General Obligation Bond Anticipation Notes
- 383 8. First Southwest Company - Municipal Purpose Loan
- 384 9. First Southwest Company - Boxford Refunding Analysis
- 385 10. Massachusetts Emergency Management Agency Recommendation for Adoption of
- 386 Statewide Public Safety Mutual Aid Law and Opt-In Form
- 387 11. Massachusetts Emergency Management Agency Recommendation for Adoption of
- 388 Statewide Public Works Municipal Mutual Aid Law and Opt-In Form
- 389 12. MIIA - 2 Year Guarantee Proposal Offer
- 390 13. Boxford Historic Districts Commission/Boxford Historical Commission - Regarding
- 391 Issuance of Hardship Certificate
- 392 14. Conflict of Interest Charges - 2 E-Mails
- 393 15. Historic Districts Commission Regarding Vacancy and Appointment
- 394 16. Letter from Cynthia Sullivan Regarding the Library Project and Related Matters
- 395 17. MassDOT Regarding Route 133 Reconstruction
- 396 18. Federal Emergency Management Agency Regarding FIS and FIRM
- 397 19. Department of Veterans Services Regarding the Establishment of the North
- 398 Andover-Boxford Veterans Services District
- 399 20. List of Outstanding Appointments for Town Committees
- 400 21. Request for Reappointment of Gertrude Freedman to the Council on Agency