

**Minutes of the BOXFORD BOARD OF SELECTMEN
TOWN HALL MEETING ROOM #1**

June 5, 2012 7:00PM

Present: Chairman Perkins, Mary Anne Nay, Steve Davis, Charlie Killam, Chuck Costello

Absent:

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Barbara Jessel, George Fischer, Peter Bernardin, Nanci Milone Hill, Heidi Ellard, Kathryn O'Brien, Jan Silva, Police Chief Michael Murphy, Pauline Jenkins

7:03PM Meeting Called to Order

Chairman Perkins called the meeting to order at 7:03PM.

7:03PM ANNOUNCEMENTS:

- **Relay for Life:** Selectwoman Nay announced that the American Cancer Society's Relay for Life will be held at Masconomet on June 15 and June 16.
- **Annual COA Barbecue:** Selectwoman Nay announced the COA's kickoff barbecue will be held Wednesday, June 20, and weekly thereafter, for the summer.
- **Memorial Day Parade:** Selectwoman Nay proclaimed the town's annual Memorial Day parade was a success. It was a tribute to those who gave all for our country and she thanked them all. She met Chick Holmes who served in the Pacific in WWII. Selectman Perkins added that it was a fantastic turnout. Selectman Costello added that it was very well done.
- **Tri-Town Council Reception:** Selectman Killam announced that he attended the annual reception last night and urged everyone to support the Tri-Town Council.
- **BTA BOLT Annual Dog Show:** Selectman Davis announced the BTA BOLT annual dog show will be held June 16 behind the East Boxford Fire Station.

7:04PM REORGANIZATION OF BOARD: Selectman Chairman Perkins advised the Board that it is time to elect a new chair and asked if anyone would like to nominate someone to serve as Chairman for the year.

7:06PM: On a **MOTION** made by **Costello**, seconded by **Nay**, the Board **VOTED** unanimously by roll call vote to elect Peter Perkins as Chair for the upcoming year.

44 **7:07PM:** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board
46 **VOTED** unanimously by roll call vote to elect Stephen Davis as Clerk for the
upcoming year.

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49 **7:10PM DISCUSSION ON BOARD'S LEGAL APPEALS OF LIBRARY PROJECT**
50 **REGULATORY DENIALS:** The Chair advised the Board and all in attendance that the
discussion will be on how the Board wants to proceed with the legal appeals. Selectman
52 Killam began the discussion with proposing that both appeals be dropped immediately
and that a new committee be appointed to look at the library issues.

54 **7:17PM MOTION** by **Killam**, seconded by **Nay**, to instruct Town Counsel to
dismiss, with prejudice, the Town's appeal of the Boxford Zoning Board of
56 Appeals' denial of the site plan review for the renovation and expansion of the
Town Library at 10 Elm Street – case # C.A. No. ESCV2011-02222C.

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59 **Discussion:** There was lengthy discussion by the members of the Board, as well as
60 those in attendance. Costello spoke at length against the motion. He does not want to
abandon the appeal at this time. If we abandon the appeals at this time, we are starting
62 over. He proposed forming a 6-member ad hoc fact-finding committee to ask questions
of the state library commissioners in an effort to approve a library that meets the needs
64 of Boxford and will meet the requirements of the MBLC. He recommends appointing
Barbara Jessel, Heidi Ellard, Peter Bernardin, Pauline Jenkins, Holly Langer, and
66 Charlie Killam. He also proposed adding a sunset clause to the fact-finding committee,
requiring a report from the committee by the 15th of September. Davis spoke briefly in
68 opposition of the original motion, supporting continuing with the appeals already in
progress. Nay was reluctant to support continuing with the appeals, and was opposed to
70 Costello's proposal to form an ad hoc committee. She didn't see a need for another
committee and pointed out that the contract clearly states the funding is for an 18,500
72 square foot building and felt that the size of the building cannot be changed. Perkins
also spoke briefly, reiterating his original position of not wanting to appeal the decisions
74 of the HDC and ZBA. He agreed with Killam's proposal and Costello's proposal, adding
that it is a difficult decision, with time being a major issue.

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77 Killam asked if any more money would be spent on litigation between now and the 15th
78 of September. The Town Administrator advised that the ZBA case has finished its first
round of discovery and it's time to create a Motion for Summary Judgment, a document
80 that would be produced by Town Counsel. Money would be spent for the Motion for
Summary Judgment. Killam asked if it would be possible to not spend any more money
82 until the advisory committee, as proposed by Costello, submits its report. Davis pointed
out that the amount of money needed to create a Motion for Summary Judgment is
84 minor, compared to preserving the 2.7 million dollars of the building grant.

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A number of people in attendance also spoke on the issue:

- 90 • Barbara Jessel spoke briefly to get clarification on what the committee's charge
- 92 would be. She felt the committee should have a proposal for the MBLC and make
- 94 a compelling case for a new, smaller library, rather than just ask questions.
- 96 • Marc Mercier spoke briefly to point out that the contract states that modifications
- 98 are permitted. He felt that pursuing the appeal is risky.
- 96 • Library Trustee Heidi Ellard spoke briefly, reiterating the position of the Library
- 98 Trustees that they are in full agreement with Costello's proposal to form a
- 100 committee to negotiate with the MBLC for a resolution. She thanked the Board
- 102 for their support.
- 100 • Library Trustee Pauline Jenkins spoke briefly, reiterating Heidi's comments and
- 102 agreed that a committee is needed to explore alternatives. She also thanked the
- 104 Board for their support.

102 **8:27PM MOTION** by **Killam**, seconded by **Nay**, to instruct Town Counsel

104 to dismiss, with prejudice, the Town's appeal of the Boxford Zoning Board

106 of Appeals' denial of the site plan review for the renovation and expansion

108 of the Town Library at 10 Elm Street.

106 **Roll Call:**

108 **Killam:** Yes

110 **Davis:** No

112 **Costello:** No

114 **Nay:** Yes

116 **Perkins:** No

118 The motion was defeated.

114 **8:30PM MOTION** by **Costello**, seconded by **Davis**, to create a library

116 advisory committee consisting of six members appointed at large to

118 develop a short list of questions and present a proposal to the MBLC to

120 see if the grant may be retained, based upon programmatic changes in

122 the existing library plan. Said committee to report back to the Board of

124 Selectmen and report and report back to the Board of Selectmen and

126 obtain answers from the MBLC prior to September 15, 2012, to be

128 appointed by the Board of Selectmen.

122 **Roll Call:**

124 **Killam:** No

126 **Davis:** Yes

128 **Costello:** Yes

130 **Nay:** No

132 **Perkins:** Yes

134 The motion carried.

130 **8:32PM MOTION** by **Costello**, seconded by **Davis**, to appoint Holly

132 Langer, Barbara Jessel, Peter Bernardin, Heidi Ellard, Pauline Jenkins,

and Charlie Killam, to the Library Advisory Committee.

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Roll Call:
Killam: Abstain
Davis: Yes
Costello: Yes
Nay: No
Perkins: Yes

8:39PM On a **MOTION** made by **Killam**, seconded by **Nay**, the Board of Selectmen **VOTED** 3-2 to stand down on the legal action until the committee reports back to the Board of Selectmen. (Costello, Davis: No)

Library Trustee Pauline Jenkins and Library Director Nancy Milone Hill expressed concern that by voting to stand down the appeal, the MBLC could immediately withdraw funding for the project. Funding extensions were granted provided that the Town was appealing the decision. Killam suggested that the Town is not dropping the appeal, but putting it on hold.

8:45PM MEETING WITH DPW: John Dold, the DPW Superintendent, met with the Board to discuss the following items:

- **Additional Parking at Community Center:** Dold presented a plan, proposing 17 new parking spaces and removing 21 trees in the process. Killam suggested that the additional spaces may be over the septic tank or leaching field. Dold will confirm the location of the septic tank.
- **Request for Approval of a Storage Shed at the Community Center:** The COA needs space to store tables and chairs. Some of the trees being cut will be to accommodate the storage shed. HDC approved the proposed shed, with changes to the door and windows. Price is approximately \$6,300.
8:54PM MOTION by **Davis**, seconded by **Costello**, to approve the storage shed. After a brief discussion, the Board **VOTED** unanimously to approve the storage shed.
- **Repairs to Library and Community Center:** The Building Inspector and Fire Chief conducted safety inspections on the library and community center and proposed many repairs for both buildings. Cost estimate for repairs to the library is \$20,010. Cost estimate for repairs to the community center is \$19,728. Dold has written estimates for both. These will be brought to the Finance Committee for funding at the end of June.

Dold will return in two weeks with additional information requested by the Board. Dold also reported to the Selectmen that he participated in Engineering Day at Masconomet on May 22, where he and 15 other engineers spoke to the middle school students. He noted that of the ten top Masco graduates this year, six are going into engineering.

9:05PM REPORT OF THE TOWN ADMINISTRATOR: Alan Benson, Town

180 Administrator met with the Board to review the following items:

- 182 • **Request to Close Baynes Hill Road for Fundraising Event:** Benson provided
184 a copy of the request to the Board, along with supporting information from the
186 applicant and police chief. Chief Murphy spoke on behalf of the group of
188 applicants from Middleton. Much discussion ensued with concern expressed by
190 various Board members on the safety issues involved with the event. The Board
reviewed insurance issues and decided that they should encourage the group to
provide insurance, but the Town is covered whether the group provides their own
insurance or not. Approximately 100 kids have signed up. Costello requested that
the group provide the Board with a list of residents who have been contacted
before the event takes place.

192 **9:31PM** On a **MOTION** made by **Davis**, seconded by **Killam**, the Board
of Selectmen **VOTED** 4-1 to waive the supplemental liability insurance
requirement. (Perkins: No)

194 **9:32PM** On a **MOTION** made by **Davis**, seconded by **Killam**, the Board
of Selectmen **VOTED** unanimously to approve the event and location, with
196 the proviso that a list of residents be provided to the Administrative
Assistant before the event.

- 198 • **Reappointment of Reserve Officers:** While the Chief was still in attendance,
200 Davis inquired as to whether there were any current reserve officers who had not
met the required hours of work for reappointment. The Chief will look into that
and report back to the Board.

- 202 • **Police Officer Injured in the Line of Duty:** Benson advised the Board that
204 Officer Rob Corliss was injured in the line of duty, while working a detail in
Danvers, on May 31. He advised the Board that they need to determine, by a
206 vote of the Board, that the injuries were sustained in the line of duty. The vote
must occur in public session. There is more information to come in on this, but it
is work-related and needs to be acted on, regardless of how it happened.

208 **9:41PM** On a **MOTION** made by **Killam**, seconded by **Davis**, the Board
of Selectmen **VOTED** unanimously to confirm that the Board determined
210 that the injuries sustained by Officer Robert Corliss on Wednesday, May
31, 2012 at approximately 10:30 a.m. while the officer was working a
212 detail at the intersection of 128 North and High Street in Danvers, were
sustained in the line of duty.

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216 **9:44PM APPOINTMENTS:** The Board reviewed the list of reappointments and
discussed the following:

- 218 • **John Powell, Finance Committee:** Powell requested to not be reappointed to
the Finance Committee. The Board thanked him for his service.
- 220 • **Roadway Island Improvement Program:** Letter from Richard Alm to resurrect
the roadway island improvement program, which was stopped because of
222 opposition to the signage. Perkins and Costello suggested working with the

224 Planning Board to get approval for the landscaping companies to continue
225 maintaining the islands.

- 226 • **Reappointments:** The Board voted unanimously, by roll call vote, to recommend
the following reappointments:

- 227 ○ Parking Clerk: Ellen Guerin, for a 1-year term ending June 30, 2013.
- 228 ○ Council On Aging: Joan Tarleton and Elizabeth, for a 4-year term, ending
June 30, 2016.
- 230 ○ Border to Boston Trail Committee: Stephen Davis, Carole Davis, Nancy
231 Merrill, Andrzej Plucinska, Anthony Brogna, Susan Long, for a 1-year term
232 ending June 30, 2013.
- 233 ○ Boxford Cultural Arts: Michelle Delfino, Sarah Arrigo, for a 3-year term,
234 ending June 30, 2015.
- 235 ○ Boxford Housing Partnership: Guy Simmons, for a 1-year term, ending
236 June 30, 2013.
- 237 ○ Cable Television Advisory Committee: Matt Ellis, for a 1-year term, ending
238 June 30, 2013.
- 239 ○ Community Preservation Committee: Barbara Jessel, Barbara Shade, F.
240 Richard Shaw, Gerard Papin, for a 1-year term, ending June 30, 2013.
- 241 ○ Finance Committee: Robert Fanning, Jr., for a 3-year term, ending June
242 30, 2015.
- 243 ○ Haynes Land Advisory Committee: Martin Jessel, for a 1-year term,
244 ending June 30, 2013.
- 245 ○ Historic Districts Commission: Guy Simmons, for a 3-year term, ending
246 June 30, 2015.
- 247 ○ Lakes Ponds Streams Committee: Peter Morbeck, Timothy Smith, Greg,
248 Murrer, for a 2-year term, ending June 30, 2014.
- 249 ○ Masconomet Regional Scholarship Committee: Diane Gori, Jane Ferrara,
250 Barbara Jessel, Carole Davis, for a 1-year term, ending June 30, 2013.
- 251 ○ Permanent Building Committee: Guy Simmons, for a 1-year term, ending
252 June 30, 2013.
- 253 ○ Recycling Committee: Nancy Woolford, for a 3-year term, ending June 30,
254 2015.
- 255 ○ Senior Center Study Committee: Mary Anne Nay, James Russo, for a 1-
256 year term ending June 30, 2013.
- 257 ○ Veteran's Graves Officer: Javier Morales, for a 3-year term, ending June
258 30, 2015.

259 Costello wanted to know if there was a question on a reappointment, if the
260 previous motion could be amended or if the reappointment could be put on hold.

- 261 ○ On a **MOTION** made by **Nay** and seconded by **Costello**, the Board of
262 Selectman **VOTED** unanimously to amend the previous motion and put
the Permanent Building Committee appointment on hold.

- 263 • **Request for License for Davis Hayfield Postponed until Next Year:** Benson
264 advised the Board that the person who wanted to lease the Davis hayfield is
265 resubmitting her proposal for next year. She will not be using the land this

268 summer. Much discussion ensued on whether the Board should entertain the
270 request at a later date or not at all.

272 **10:08PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the
Board of Selectmen **VOTED** unanimously to keep the Davis Hayfield as a
hayfield.

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276 **7:36PM ROUTINES AND CORRESPONDENCE:** The Board reviewed the following
items of correspondence:

- 278 • **Notice of Masco Additional Expenses:** Benson advised the Board that
Masconomet ended the year with excess funds which they spent on various
items as outlined in their letter.
- 280 • **Selectman's Association Meeting:** Announcement from MMA re: MSA's
Leadership Conference scheduled for Saturday, June 9.
- 282 • **Thank You from Tri Town Council:** Thank you for support and continued
funding.
- 284 • **National Grid Transmission Line Reconductoring:** Work to be completed by
winter 2012.
- 286 • **BTA BOLT Request for Four Signs:**
 - 288 On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of
Selectmen **VOTED** unanimously to approve the signs as requested.
- 290 • **Minutes Approval:**
 - 292 ○ On a **MOTION** made by **Nay**, seconded by **Costello**, the Board **VOTED** to
accept the Minutes of May 14, 2012, as amended. **Killam** and **Davis**
abstained.
 - 294 ○ On a **MOTION** made by **Nay**, seconded by **Costello**, the Board **VOTED** to
accept the Minutes of May 14, 2012, Executive Session. **Killam** and
Davis abstained.
 - 296 ○ On a **MOTION** made by **Davis**, seconded by **Nay**, the Board **VOTED** to
accept the Minutes of May 21, 2012, as printed. **Costello** abstained.
 - 298 ○ On a **MOTION** made by **Davis**, seconded by **Nay**, the Board **VOTED** to
accept the Minutes of May 21, 2012 Executive Session, as printed.
300 **Costello** abstained.
- 302 • **Treasury Bills:**
 - 304 ○ On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of
Selectmen **VOTED** unanimously to approve accounts payable warrant
#12-49, in the amount of \$384,699.76.
 - 306 ○ On a **MOTION** made by **Nay**, seconded by **Davis**, the Board of Selectmen
VOTED unanimously to approve payroll warrant # PY1248 for non-school
payroll, in the amount of \$74,276.15.

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10:22PM EXECUTIVE SESSION

314 On a **MOTION** duly made by **Perkins** and seconded by **Nay**, the Board of Selectman
316 **VOTED** unanimously by roll call vote, to go into Executive Session for the purpose of
discussing strategy on employment contract negotiations with represented and non-
318 represented employees: Communications and Police Secretary CBA, Town
Administrator, Director of Municipal Finance, DPW Superintendent, Inspector of
320 Buildings, Director of Communications, Animal Control Officer, and declared that an
Executive Session is necessary since an open public discussion may have a
322 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.

324 The Board went into Executive Session at 10:22PM.

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328 Respectfully submitted,

330 *Judith A. Stickney*
Minutes Secretary

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Per the New Open Meeting Law, the list of the documents that were either distributed to
334 the Board of Selectmen before the meeting in a packet, or at the meeting:

- 336 1. Agenda
- 338 2. List of Board of Selectmen Chairmen 1997-Present
- 340 3. Memo from Town Administrator Re: Approval of appearance of structure in an
"O" District
- 342 4. Rendering of proposed Community Center storage shed
- 344 5. Photos of Community Center parking lot
- 346 6. Drawing of proposed parking spaces for Community Center parking lot
- 348 7. Memo from DPW Superintendent Re: Inspections of Community Center and East
Library
- 350 8. E-Mail from Robert Camacho Re: Safety inspections
- 352 9. Letter from Richard B. Alm Re: Roadway island improvement program
- 354 10. Appointment Schedule – FY2013
- 356 11. E-Mail from John Powell Re: Reappointment to Finance Committee
12. E-Mail from Lana Seguin-Spillman Re: Reappointment to Conservation
Commission
13. Letter from Laura Sapienza-Grabski Re: Reappointment to the Agricultural
Commission
14. Memo from Zoning Board of Appeals Re: Alternate Member
15. Letter from Chief Michael Murphy Re: Longboard Event
16. Letter from Mary Lord Van Dusen Re: Agricultural use of Davis Hayfield
17. E-Mail from Mary Lord Van Dusen Re: Agricultural use of Davis Hayfield
18. Letter from Masconomet Re: Excess and Deficiency Fund

- 358 19. Letter from Massachusetts Municipal Association Re: Leadership Conference for
Selectmen
- 20. Letter from Tri-Town Council Re: Thank you for support
- 360 21. Notice from National Grid Re: Transmission Line Reconductoring Update
- 22. Board of Selectmen Meeting Minutes
- 362 a. May 14, 2012
- b. May 14, 2012 Executive Session
- 364 c. May 21, 2012
- d. May 21, 2012 Executive Session
- 366 23. Motion to go into Executive Session
- 24. E-Mail from Town Administrator Re: Construction Project Extension
- 368 25. Motion to Terminate Appeals