

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

July 16, 2012 7:00PM

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

Absent: None

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Kathryn O'Brien, Barbara Jessel, Bob Eisenberg, State Senator Bruce Tarr, State Representative Brad Hill, State Representative Jim Lyons, Charles Provenzano, Richard Taylor, John Antczak, Pat Morris, Randy Johnson, Laura Grabski, Marty Jessel, Barbara L'Italien, Alex Constan, Frank DiLuna, Malcolm Kinnaird, Natasha Grigg, Rick Farnham, and others

7:04PM Meeting Called to Order

Chairman Perkins called the meeting to order at 7:04PM.

7:04PM ANNOUNCEMENTS:

- **Council on Aging Barbecues:** Selectwoman Nay announced that the Council on Aging is having their weekly barbecues on Wednesdays through the summer. Cost is \$2.00 per person.
- **Fire Department's 4th of July Activities:** Selectwoman Nay commended the Fire Department for the great job they did on the 4th of July with all the activities, snacks and drinks they provided for those who attended the parade.

7:07PM MEETING WITH SENATOR BRUCE TARR: Bruce Tarr, Senate Minority Leader, met with the Board of Selectmen to discuss the following:

- **Proposed extension of "Act to Conduct Study of Chemicals Infiltrating Aquifers and Bedrock Fissures Along the Interstate 95 Corridor":** Senator Tarr advised the Board that the MassDOT is requesting a 2-year extension on the study they are conducting. Tarr explained that the initial deadline for the study is set to expire at the end of this month and there are components of the study that need two years to complete to obtain a sustainable, lasting result. He asked the Board how much time the Town is willing to give them to complete the study. After his brief oral presentation, he asked his colleagues to add their own comments. Representative Brad Hill explained that they have a difference of opinion and he would like to know how the Town feels, as far as how much time they are willing to renegotiate.

46 A lengthy discussion ensued about the extension of time requested. Selectman
48 Davis asked for clarification on the extension of time being requested, referring to
50 an e-mail from CDM Smith, asking for a 6-month extension. Benson clarified that
52 the extension, if granted, would end in July 2014. Selectwoman Nay had
54 questions on the timeline, as presented in a document from the May 18 joint
56 meeting of the Salt Study Committee, CDM Smith and MassDOT. Barbara Jessel
of the Salt Study Committee explained that they have met with CDM Smith and
they are only at the beginning stages of collecting data. The plan calls for them to
look at all the existing data, put in monitoring wells and collect additional data
over a period of time. She felt they may need the additional two years to get all
the data they need.

58 Selectman Davis suggested that the additional time may be warranted to get a
60 reliable result. Bob Eisenberg, Boxford Watershed Association, suggested that
62 the Board adopt a benchmark schedule that MassDOT would have to meet
before they could move on. Tarr added that they wouldn't have a problem with
benchmarks as long as it doesn't add more time to the work or cost more money
to complete.

64 Richard Taylor, Board of Health, added that the Board of Health does not have a
66 problem with additional time. Selectman Killam noted that two winters are
needed to complete the study and 18 months will not provide two winters.

68 Selectman Costello read the pertinent section of the bill which outlines the
70 requirements of the contractor, suggesting that the bill defined the contents to be
included in the report.

72 Alex Constan of the Board of Health noted that while two winters may be needed
74 for the study, nowhere in the timeline provided by CDM Smith does it refer to a
second winter season. Representative Hill asked that Constan provide his
76 comments to him and the other members of the legislature present so they can
follow-up.

78 Others made similar comments on no mention of the two winter seasons.
80 Discussion ensued as to whether the two winters should be built in to the timeline
or whether it is already included in the language used, i.e. that data from a
82 second winter will be included, if it is necessary.

84 Bob Eisenberg advised the Board that the Watershed Association has met with
the Salt Study Committee and the Board of Health on data collection and
86 requested that the data collection period be extended and that affected residents
collecting their own data be able to provide that data to the study anonymously.

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90 Benson asked Eisenberg when his committee would be able to meet with CDM Smith to
92 provide their existing documentation to them. Eisenberg advised that they would meet
94 with them anytime to make their data available to them.

96 Benson also noted that there is a vacancy on the Salt Study Committee and
98 encouraged anyone interested in filling the vacancy to contact his office.

- 96 • **7:57PM** On a **MOTION** made by **Killam**, seconded by **Davis**, the Board of
98 Selectmen **VOTED** unanimously to support a two-year extension with a one-year
100 interim reporting requirement, subject to the development of language by the
102 legislative delegation and submission of that language to the Selectman and the
Board of Health and possible ratification for which the committee chairmen may
sign-off on.

104 While the legislative delegation was still present, Benson pointed out many of their
106 accomplishments over the past few months, for the benefit of Boxford.

108 **8:05PM MEETING WITH RESIDENT OF 23 DANA ROAD:** Charles Provenzano met
110 with the Board of Selectmen to discuss the removal of trees on a trail easement held by
112 the Town, located on his property. Provenzano, referring to the letters and e-mails he
had sent to the Board, requested that the Board allow the Town to remove the trees on
the easement. He recommends using the climber estimate he got for \$800, rather than
the \$2100 estimate the DPW Superintendent got from Mayer Tree.

114 Chairman Perkins explained to Provenzano that the Board is concerned with setting a
116 precedent by going in and taking down trees on a residential property. Provenzano feels
118 that the damage to the trees is being caused by the townspeople's use of the easement,
120 which is compacting the soil and killing the trees. Selectman Davis explained that when
122 the Trails Committee maintains its trails, they do not remove the trees – they will move
124 fallen trees, if necessary, to keep the trail open, but removal of the trees is the
126 landowner's responsibility. Selectman Killam countered that the Town holds the
easement and encourages use of the trails, but will not help when a resident's property
is damaged from that use. Natasha Grigg pointed out that the easement language does
not obligate the Town to maintain the trail. Trails are maintained by volunteers.
Provenzano asked, if someone injured themselves on the trail, who would be
responsible? Grigg explained that Mass. General Law provides that if there is no charge
to use the property, no one is responsible.

- 128 • **8:28PM** On a **MOTION** made by **Davis**, seconded by **Nay**, the Board of
130 Selectmen **VOTED** unanimously to maintain their existing policy of not removing
132 trees that the Town does not own and did not plant.

134 **8:29PM APPOINTMENTS**

- 136 • **Board Vacancies:** Selectman Davis read the list of committee vacancies and
encouraged anyone interested in serving to contact the Board of Selectmen's
138 office.
- 138 • **Recycling Committee:**
 - 140 ○ **8:34PM** On a **MOTION** made by **Costello**, seconded by **Davis**, the Board
of Selectman **VOTED** unanimously by roll call vote to reappoint Patty
142 Hojonowski-Diaz to a 3-year term on the Recycling Committee, with a
term ending June 30, 2015.
- 144 • **Election Officers:** After Chairman Perkins removed himself from the discussion,
the Board voted to appoint Election Officers:
 - 146 ○ On a **MOTION** made by **Davis**, seconded by **Costello**, the Board of
Selectmen **VOTED** by roll call vote to appoint the following people as
Election Officers for a term ending August 15, 2013:
 - 148 ▪ Lois E. Bell
 - 150 ▪ Mary E. Bolen
 - 152 ▪ Ruthann Budrewicz
 - 154 ▪ Thomas P. Budrewicz
 - 156 ▪ Harry Crockett
 - 158 ▪ Barbara French
 - 160 ▪ Patricia Gleason
 - 162 ▪ Judith Gore
 - 164 ▪ Leona Gormley
 - 166 ▪ Natasha Grigg
 - 168 ▪ Anne V. Gyles
 - 170 ▪ Virginia Keilty
 - 172 ▪ Stephen Knowles
 - 174 ▪ Mary (Holly) Langer
 - 176 ▪ Beverly May
 - 178 ▪ Charlene Mead
 - Nancy Merrill
 - Robyn Muetterties
 - Beverly Perkins
 - Sandra C. Pinkham
 - Janet Silva
 - Jayne E. Smallman
 - Judith A. Stickney
 - Joseph Zaryski

Roll Call:

Killam: Yes

Davis: Yes

Costello: Yes

Nay: Yes

Perkins: Abstain

180 **8:35PM REPORT OF THE TOWN ADMINISTRATOR:** Alan Benson, Town
Administrator, reviewed the following items with the Board:

- 182 • **Proposed Committee Training Activities:** Benson will be attending a meeting
of every board and committee over the next three months to update everyone on
184 the new Open Meeting Law and the new Ethics regulations. He provided the
Board with the content of the information he will be bringing to the boards.
- 186 • **Gas Permits Issued:** Benson advised the Board that he approved a permit for a
new gas service at 18 Kelsey Road. There followed a lengthy discussion on Dig
188 Safe issues with National Grid getting a Dig Safe number the day they will be
doing the work, which does not provide the DPW Superintendent enough time to
190 determine if a road cut will be needed. Costello suggested that the Town may
want to consider new permit requirements. The Board will discuss at a later date,
192 when the DPW Superintendent is in attendance.
- 194 • **State Primary Election Warrants:** Benson provided copies of the State Primary
Warrants for Precinct 1 and Precincts 2 and 3 for the Board to sign.

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9:00PM ROUTINES AND CORRESPONDENCE: The Board reviewed the following
198 items of correspondence:

- 200 • **Letter from Historical Society Request:** Bob Was of the Boxford Historical
Society sent a letter to the Board to request for approval to hold the annual Apple
Festival on Saturday, September 15.
- 202 ○ **9:00PM** On a **MOTION** made by **Costello**, seconded by **Davis**, the
Board of Selectmen **VOTED** unanimously to permit the Boxford Historical
204 Society to hold its annual Apple Festival on Saturday, September 15,
2012, from 10AM until 3:30PM, with a rain date of Sunday, September 16,
206 2012; also to permit the erection of a temporary banner as requested and
placement of flags in brackets on telephone poles along Elm Street,
208 subject to the conditions of the Historic District Commission; further that
the Selectmen approved the same traffic and parking plans as in prior
210 years, subject to the approval of the Police Chief; and instructed the
various town departments to assist the Historical Society as appropriate;
212 and further offered their support and best wishes to the Boxford Historical
Society for a successful Apple Festival.
- 214 • **Legal Expenses to Date:** Benson advised the Board that expenses were a bit
less than anticipated. He presented a report for the Board's review.
- 216 • **Update on Spofford Pond School Work Progress:** Selectman Chairman
Perkins asked Benson to invite a representative from Spofford School to an
218 upcoming meeting to provide an update on work that is being done on the
school, as approved at Town Meeting.

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- 224 • **Minutes Approval:**
- 226 ○ **9:04PM** On a **MOTION** made by **Davis**, seconded by **Killam**, the Board
VOTED to accept the Minutes of July 2, 2012, as amended. **Costello**
abstained.
- 228 ○ **9:04PM** On a **MOTION** made by **Davis**, seconded by **Nay**, the Board
VOTED to accept the Minutes of July 2, 2012, as printed, Executive
230 Session. **Costello** abstained.
- 232 • **Treasury Bills:**
- 234 ○ **9:04PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the Board
of Selectmen **VOTED** unanimously to approve accounts payable warrant
#12-55, in the amount of \$77,986.33.
- 236 ○ **9:04PM** On a **MOTION** made by **Nay**, seconded by **Davis**, the Board of
Selectmen **VOTED** unanimously to approve accounts payable warrant 13-
238 3, in the amount of \$79,334.67.
- 240 ○ **9:04PM** On a **MOTION** made by **Nay**, seconded by **Davis**, the Board of
Selectmen **VOTED** unanimously to approve payroll warrant #PY1302, for
non-school payroll in the amount of \$166,955.76.
- 242 ○ **9:05PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the Board
of Selectmen **VOTED** unanimously to approve school payroll in the
244 amount of \$44,931.10.

246 **9:07PM Meeting Adjourned**

- 248 • On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of Selectmen
VOTED unanimously to adjourn at 9:07PM.

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252 Respectfully submitted,

254 *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
258 the Board of Selectmen before the meeting in a packet, or at the meeting:

- 260 1. Agenda
- 262 2. Copy of Chapter 199 of the Acts of 2010
- 264 3. Memo from CDM Smith Re: Data Request to Town of Boxford MassDOT
Contract #71869 Boxford Salt Study, June 26, 2012
- 266 4. Memo from the Town Administrator and supporting documents Re: Trail
Easement 23 Dana Road, July 13, 2012
5. Appointment Schedule – FY2013
6. List of Election Officers for Reappointment, Term Ending August 15, 2013
7. Volunteer Committee Update Training Outline

- 268 8. Department of Public Works Permit for Street Opening/Right-of-Way Cut,
National Grid, 18 Kelsey Road, new gas service installation, July 6, 2012
- 270 9. Warrant for 2012 State Primary, Precinct 1, September 6, 2012
- 272 10. Warrant for 2012 State Primary, Precincts 2 & 3, September 6, 2012
- 274 11. Letter from Boxford Historical Society Re: Approval for Annual Apple Festival,
July 11, 2012
- 276 12. Town of Boxford FY2012 Legal Expenses for Year, Month End Report, through
June 2012
- 278 13. Board of Selectmen Meeting Minutes
- a. July 2, 2012
 - b. July 2, 2012 Executive Session
- 280 14. Memo from Andrew Miller, CDM Smith, to the Town Administrator, Re: Salt Study
Schedule, July 16, 2012
- 282 15. Suggested Meeting Agenda, Project Kickoff with Boxford, MassDOT – Boxford
Salt Study, Friday, May 18, 2012