

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

August 27, 2012 7:00PM

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

Absent:

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Kathryn O'Brien, Police Chief Michael Murphy, Lt. Jim Riter, Michael White, Bob Fanning, Marc Mercier, Peter Bernardin, Robert Hazelwood, Chuck Adam, Heidi Ellard, Carole Davis, Bob Conroy, Library Director Nanci Milone Hill, Carol Johnson, Randy Johnson, Frank DiLuna, Lou Athanas, Laura Sapienza Grabski, Chang Liu, Michael Smolak, and others

7:04PM Meeting Called to Order

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

7:04PM ANNOUNCEMENTS:

- **Apple Festival:** Selectman Killam announced the Apple Festival will take place September 15.
- **EEE Risk:** Selectman Davis announced that the Mass. Dept. of Public Health has designated Boxford as a high risk for Triple E and the Boxford Board of Health will be spraying in town.
- **State Primary:** Selectman Costello announced that there will be a State Primary held on Thursday, September 6.
- **COA Barbecue:** Selectwoman Nay announced the COA's final barbecue of the season will be held this Wednesday, August 29.
- **Vehicle ID Etching Program:** Selectwoman Nay announced the Police Department will sponsor a vehicle ID etching program on September 22.

7:09PM MEETING WITH LIBRARY ADVISORY COMMITTEE: Chairman Perkins opened the discussion by announcing that the Library Advisory Committee is requesting funding for the development of additional schematic drawings for a smaller library building for the 10 Elm Street site.

Selectman Killam, also a member of the Library Advisory Committee, explained that the Library Advisory Committee has been meeting weekly throughout the summer and they

46 have made great progress on reducing the size of the building, but they are requesting
48 an extension on the current deadline of September 15. The Library Advisory Committee
50 is meeting with the Zoning Board of Appeals and the Historic District Commission on
52 Tuesday for their input on a smaller library on the current site. They would like to have
54 drawings to present to the Massachusetts Board of Library Commissioners (MBLC), in
an effort to get their approval for funding for the smaller library. They are requesting up
to \$10,000 for the drawings. Killam explained that they are hopeful that the MBLC will
approve the grant for the smaller building on the current site, but the Library Advisory
Committee is also considering an alternative site, as well. Comments and questions:

- 56 • **Library Advisory Committee's Charge:** Heidi Ellard, Library Advisory
Committee and Board of Library Trustees, provided a brief review of the Library
58 Advisory Committee's charge and reiterated that the two options they have
agreed upon is a smaller building on the current site, as well as an alternate site
60 for the library. She also explained that they are requesting additional funding
because they have proposed significant cuts to the building and they need
62 professional assistance to ensure they will not be compromising the integrity of
the library program by reducing the size of the building by 3500 square feet. The
64 committee is also requesting an extension of the original deadline, as they would
like to have the drawings completed and conduct a citizens petition to show
support for the library, before meeting with the MBLC.
- 66 • **Alternate Site Location:** Robert Fanning, Finance Committee, asked where the
alternate site is that the committee has considered. Ellard explained that the
68 Committee has reviewed several sites, but have not chosen one alternative site
yet. Fanning also wanted to know if there have been any precedents when the
70 MBLC had approved a grant when there had been a change in the size of the
building. Ellard explained that the MBLC had recently approved a change in
72 venue for a library in Springfield, but they have not approved a proposal for a
smaller building yet. Selectman Costello suggested that the MBLC may choose
74 to reduce the amount of the grant, if requested, if they approve a smaller
building.
- 76 • **Aren't the Current Lawsuits the Alternative?** Michael White, Finance
Committee, asked how many designs had previously been proposed for the
78 library over the years. The Permanent Building Committee explained that five
designs have been looked at, but only two have come before Town Meeting.
80 White expressed his opinion that the lawsuits are the alternative and he doesn't
understand why we are spending more money for more designs when the
82 original has already been approved by Town Meeting vote, but rejected by two
regulatory boards. Killam explained that the Library Advisory Committee has put
84 in a lot of time and work in an effort to not compromise the program or the needs
of the community. Killam added that he is not in favor of going the legal route,
86 because he disagrees with the size of the library, as originally proposed. Costello
added that the legal route keeps the door open for the MBLC grant.
- 88 • **Reduction in Program Requirements:** Marc Mercier, Finance Committee,
asked if the size cuts, as proposed, meet the program requirements. Killam
90 explained that the Committee has been reviewing the plans with the Library

92 Director, who has been advising them on the program requirements. He felt the
93 MBLC would more likely approve a change in site, rather than a reduction in the
94 program requirements and that a change in site would not require any new
95 drawings.

- 96 • **Selectwoman Nay:** Nay asked if there are no drawings yet, how will the Library
97 Advisory Committee make their presentations to the Historic District Commission
98 or the Zoning Board of Appeals. Ellard explained they are meeting with those
99 boards to get their input, before they go any further with their plans. Nay also
100 asked what the Committee will do if the costs go above the \$10,000 requested.
101 Ellard explained that the advice they have received indicates that the amount will
102 not go over \$10,000 and it is expected that it will take 4-6 weeks to complete the
103 drawings and schematics.
- 104 • **Chuck Adam, Permanent Building Committee:** Adam explained that they will
105 get the work done for whatever amount is approved by the Selectmen. Adam
106 also explained that this is the Town's last chance for grant funding and feels that
107 a well thought-out presentation is worth a shot with the MBLC.
- 108 • **Bob Fanning, Finance Committee:** Fanning expressed reservations about the
109 chances of the MBLC approving the reductions, as proposed. He added that he
110 would like to see the Town build a new library, but he feels it would be a mistake,
111 if the MBLC does not approve the reduction in size, for the Library Advisory
112 Committee to come back to the Town with a proposal for a larger sized library on
113 an alternate site paid for with the taxpayer's money. He would prefer that the
114 Library Advisory Committee be prepared with a presentation that the Town will
115 have a better chance of getting approved.
- 116 • **Selectman Davis:** Davis asked if the committee might consider just going to the
117 MBLC with two options, rather than one. Ellard explained that they have
118 considered that. He also asked if the committee feels they could garner the
119 amount of support needed to make an impression on the MBLC. Ellard
120 suggested that the Board of Selectmen could provide the leadership in that
121 direction.
- 122 • **Peter Bernardin, Library Advisory Committee and Finance Committee:**
123 Bernardin explained that the square footage is not the issue. He explained that
124 the Library Advisory Committee is trying to come up with a building that will be
125 approved by the MBLC and meet the needs of the Town.
- 126 • **Marc Mercier, Finance Committee:** Mercier expressed his opinion that a
127 change in the program, as proposed, would not be approved by the MBLC and
128 he feels the Town will be throwing good money after bad.
- 129 • **Michael White, Finance Committee:** White asked if the new plans are approved
130 by the MBLC, would the Town have to vote on it again. Costello explained that it
131 is within the scope of the original approval by the Town and a second vote would
132 not be necessary.

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Chairman Perkins summarized the points of the discussion and explained that the Board of Selectmen will make their vote, first, followed by the Finance Committee vote.

8:13PM On a **MOTION** made by **Costello**, seconded by **Davis**, the Board of Selectmen **VOTED** unanimously to extend the Library Advisory Committee's deadline for 3 months, to December 15, 2012, as requested by the Library Advisory Committee.

8:20PM On a **MOTION** made by **Davis**, seconded by **Killam**, the Board of Selectmen **VOTED** 4-1 (**Nay: No**) to request that the Finance Committee allocate \$10,000 from the Finance Committee Reserve Fund to the Library Advisory Committee in order to obtain new sketches and diagrams to the extent needed to present their proposal to the Massachusetts Board of Library Commissioners.

Chuck Adam, Permanent Building Committee: Adam questioned whether the funding would go to the Library Advisory Committee or the Permanent Building Committee. Town Administrator Alan Benson explained that Town Counsel advised the funding would go to the Library Advisory Committee.

The Finance Committee members left the Selectmen's meeting to reconvene at another location, with the Library Board of Trustees, to discuss the funding issue further. They will return to the Selectmen's meeting later in the evening to announce the results of their vote.

8:22PM MEETING WITH POLICE DEPARTMENT: Chief Michael Murphy appeared before the Board to review and/or discuss the following:

- **Resident Letters:** Chief Murphy provided a copy of four letters the Department has received commending the Department for their work. Chairman Perkins made note of the following:
 - **Decrease in Speeding:** A resident commended the Department for controlling the speeding around his property on Ipswich Road.
- **Town-Issued Firearms:** Chief Murphy thanked the Finance Committee and Board of Selectmen for funding department-issued firearms. They are working out well. He also mentioned their gratitude to the Haverhill Rod and Gun Club for allowing the Department to use their facilities for firearms training. Perkins asked the Town Administrator to send a thank you letter to the Haverhill Rod and Gun Club.
- **Monthly Statistics:** MV stops are up about 200 stops from last year. All enforcement statistics are up and the officers are taking more decisive action. He expressed his approval of statistics being up where they should be and down in the areas they should be.
- **Mailbox Vandalism:** The Chief made the Board aware of a recent rash of mailbox vandalism incidents. Officer DuPont's investigation has identified three of the individuals involved.

- 182 • **School Starting Sept. 6:** The Chief does not anticipate any problems with the
184 start of school coinciding with the State Primary. He reminded viewers that
school is starting and that they should be aware of the buses and children on the
roads.
- 186 • **Elections:** The Chief reviewed plans for the upcoming elections, ensuring the
Board that he will meet with the DPW and make sure there is parking available,
as well as an efficient traffic pattern.
- 188 • **Injured Officer:** The Chief updated the Board on the injured officer, advising the
190 Board that his care is ongoing and he is working on getting back to work. He will
be undergoing further testing and the Chief will have more information on that
192 issue next week.

194 **8:35PM REPORT OF THE TOWN ADMINISTRATOR:**

- 196 • **Reviews Complete:** Benson advised that all reviews have been completed and
he provided copies of the service contracts that have been offered and agreed to.
198 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of
Selectmen **VOTED** unanimously to approve the personal service contract
for the Town Administrator, as presented.

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202 On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of
Selectman **VOTED** unanimously to approve the personal service contract
for the Chief of Police, as written.

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206 On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of
Selectman **VOTED** unanimously to approve the employment agreement
for the Director of Municipal Finance, as prepared and presented.

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210 On a **MOTION** made by **Nay**, seconded by **Killam**, the Board of
Selectman **VOTED** unanimously to approve the employment contract, as
212 presented, for the Animal Control Officer.

214 On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of
Selectman **VOTED** unanimously to approve the employment contract for
Warren Gould, the Communications Director, as presented.

- 216 • **Lakeshore Road Complaint:** Benson advised the Board that they have received
218 a letter from a resident at 31 Lakeshore Road regarding a zoning violation issue
the residents believe the Building Inspector is ignoring. Benson presented two
draft letters in response for their approval – one to the Building Inspector and one
220 to the resident. Benson also advised the Board that they have received a letter
from the Zoning Board of Appeals on this issue and they will be meeting with the
222 homeowner and abutters at their September 27 meeting.

- **Request for Line Painting for First Church Parking Lot:** Benson explained that the church is not part of the government of the Town, but explained that the Town has a contractual obligation with the church as an evacuation location for Cole School, when needed. After a brief discussion on the separation of Church and State, the Board voted on the request.

On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen **VOTED** 3-2 (**Davis: No, Killam: No**) to approve line painting in the church parking lot, as requested by the First Church.

- **Refinance of 27D Andrews Farm Road:** Benson explained that the Board has received a request to approve a refinance of 27D Andrews Farm Road, an affordable housing unit. After a brief discussion, the Board voted on the request.

On a **MOTION** made by **Davis**, second by **Costello**, the Board of Selectmen **VOTED** unanimously to approve the refinance of 27D Andrews Farm Road, as requested.

- **Chapter 90 Funding:** Benson reviewed the letter from Paul Jay, Budget Director of the Massachusetts Department of Transportation, advising the Town that Chapter 90 has been level-funded and the Town may go ahead with Chapter 90-funded road projects.

- **Host Community Request:** Benson advised the Board that John Dold expressed interest in the exchange program with Pakistan and that Boxford would be interested in being a host community. Benson notified the organization of that interest and they have not heard anything on that request yet.

- **Board of Health and Triple E:** Benson advised the Board members that the Board of Health has discussed whether there should be street spraying, in addition to the fields. All recreational fields and school fields will be sprayed every Tuesday night, if possible, until first frost.

8:58PM FINANCE COMMITTEE VOTE ON FUNDING FOR THE LIBRARY

ADVISORY COMMITTEE: Finance Committee member Michael White advised that the Finance Committee voted 3-2 to fund the \$10,000 request of the Library Advisory Committee.:

9:00PM APPOINTMENTS: The Board reviewed the list of residents interested in being appointed to various committees, as follows:

- **Chang Liu, Agricultural Commission:** Dr. Liu, an associate member of the Agricultural Commission, appeared before the Board to express his interest in being appointed as a permanent member of the Agricultural Commission. After a brief session of questions and answers, the Board will decide on his appointment at a later meeting.
 - Michael Smolak, a member of the Agricultural Commission, addressed the Board to strongly express his disappointment with the Board of Selectmen in not addressing the issues asked of the Board. Selectwoman Nay contradicted Mr. Smolak's claims and stated that members had addressed

270 the issues. Further, Selectwoman Nay stated Mr. Smolak's use of
272 profanity and loss of temper was out of line and not in accordance with the
Town's Code of Conduct for volunteer Board members. Smolak provided
the Board with his resignation from the Agricultural Commission.

274 • **Other Appointments:**

276 ○ **Natasha Grigg, Conservation Commission:** Benson explained that
there was a mistake on her original appointment. Her original term should
278 have ended June 30, 2013, not June 30, 2012. The Board needs to
confirm the reappointment for the term ending June 30, 2013.

280 On a **MOTION** made by **Davis**, seconded by **Nay**, the Board of
Selectmen **VOTED** unanimously by roll call vote, to appoint
282 Natasha Grigg to the Conservation Commission for a term ending
June 30, 2013.

284 ○ The Board voted unanimously, by roll call vote, unless otherwise noted
below, to approve the following appointments:

286 **Chuck Adam**, Permanent Building Committee, term ending June
30, 2015

288 **Richard Shaw** and **Judith Anderson**, COA Project Members of
the Permanent Building Committee, terms ending June 30, 2013

290 **Elizabeth Murphy**, COA Member of Senior Center Study
Committee, term ending June 30, 2013

292 **Louise Kress**, Housing Partnership Committee, term ending June
30, 2013:

294 **Roll Call:**

Killam: Yes

296 **Davis:** Yes

Costello: No

298 **Nay:** Yes

Perkins: Yes

300 **Judy Miller Bailey**, Cultural Arts Council, term ending June 30,
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302 **Marianne Strong** and **Sally Klose**, Election Officers, terms ending
August 15, 2013

304 **David Manzi**, Computer Management Committee, term ending
June 30, 2015

306 **9:22PM UPDATE ON SPOFFORD ROAD LAND TAKING:** Benson advised the
308 Board that all the heirs of the Perley family have signed the waivers and the land taking
will take place later this week.

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312 **9:24PM MINUTES APPROVAL:**

314 ○ On a **MOTION** made by **Costello**, seconded by **Davis**, the Board **VOTED**
to accept the Minutes of July 30, 2012, as printed.

- 316 ○ On a **MOTION** made by **Costello**, seconded by **Davis**, the Board **VOTED**
to accept the Minutes of July 30, 2012, Executive Session.

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9:25PM TREASURY BILLS:

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- On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of
Selectmen **VOTED** unanimously to approve payroll warrant #PY1308, for
322 non-school payroll, in the amount of \$70,065.09.

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- After Selectman Costello removed himself from the meeting, on a
324 **MOTION** made by **Nay**, seconded by **Davis**, the Board of Selectmen
VOTED to approve payroll warrant #PY1308 for school payroll, in the
326 amount of \$255,325.05. Costello abstained.

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- On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of
328 Selectmen **VOTED** unanimously to approve accounts payable warrant
#13-9, in the amount of \$2,146,711.92.

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- On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of
330 Selectmen **VOTED** unanimously to approve accounts payable warrant
332 #13-9S, in the amount of \$376.72.

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9:27PM OTHER BUSINESS:

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- **Rail Trail Design Study:** Selectman Davis advised that the 25% design study is
complete and in the Conservation office for viewing.

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- **Park Program:** Selectwoman Nay provided an update on the Boxford Park
Program to the Board. Selectman Killam made the Board aware that the
340 program is in jeopardy of continuing without assistance from the Town. He
suggested that the Board will need to discuss the funding of the program at a
342 later date.

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- **Archery Demonstration at the Library:** Selectman Costello reported on the
344 recent archery demonstration that was held in the pony field at the library.
Fifteen kids attended and were instructed on how to use the equipment
346 provided.

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9:36PM EXECUTIVE SESSION

On a **MOTION** duly made by **Perkins** and seconded by **Davis**, the Board of Selectmen
350 **VOTED** unanimously by roll call vote, to go into Executive Session for the purpose of
discussing strategy on contract negotiations with Communications Dispatchers, and
352 discussing the contract with Bayside Engineering, and declared that an Executive
Session is necessary since an open public discussion may have a detrimental effect on
354 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
356 thereafter without conducting any further business.

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The Board went into Executive Session at 9:37PM.

360 Respectfully submitted,

362 *Judith A. Stickney*
Minutes Secretary

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

- 368 1. Agenda
- 370 2. Announcement: Apple Festival
- 372 3. Announcement: Vehicle Identification Number Etching Program
- 374 4. Announcement: State Primary, September 6, 2012
- 376 5. Memo from Town Administrator to Board of Selectmen Re: Funding for additional library schematic drawings, 8/24/12
- 378 6. Boxford Police Department: Incidents by Type
- 380 7. Packet of Commendation Letters to the Police Department
- 382 8. Letter from Chief Murphy to Windrush Farm, 7/2/12
- 384 9. Memo from Town Administrator to Board of Selectmen Re: Outstanding Appointments, 8/23/12
- 386 10. Appointment Policy
- 388 11. Boxford Town Code, Chapter 7, Article XVI
- 390 12. Letter from Agricultural Commission to Board of Selectmen, 8/7/12
- 392 13. Packet of E-Mails and Letters from the following regarding appointment requests:
 - 394 a. Randy Johnson, Agricultural Commission, requesting the Board reconsider the reappointment of Laura Sapienza-Grabski
 - 396 b. Chang Liu, requesting appointment to the Agricultural Commission
 - 398 c. Chuck Adam, requesting appointment to the Permanent Building Committee
 - 400 d. Dick Taylor, COA, requesting reappointment of Judy Anderson and Rich Shaw to the Permanent Building Committee
 - 402 e. David Manzi, requesting appointment to the Computer Management Committee
 - f. Joe Hill, Housing Partnership Committee, recommending appointment of Louise Kress to the Housing Partnership Committee
 - g. Louise Kress, requesting appointment to the Housing Partnership Committee
 - h. Judy Miller Bailey, requesting appointment to the Boxford Cultural Arts Council
 - i. Robin Phelan, Town Clerk, recommending appointment of Marianne Strong and Sally Klose as election officers
- 404 14. Letter to Town Administrator from Board of Selectmen Re: Employment Contract, 8/27/12
- 406 15. Letter to Chief of Police from Board of Selectmen Re: Employment Contract, 8/27/12
- 408 16. Employment Agreement, Director of Municipal Finance, 8/24/12

- 404 17. Letter to Animal Control Officer from Board of Selectmen Re: Employment
Contract, 8/27/12
- 406 18. Letter to Director of Communications from Board of Selectmen Re: Employment
Contract, 8/27/12
- 408 19. Packet of Letters from Lakeshore Road residents to Board of Selectmen Re:
Zoning Bylaw Violation, 8/10/12
- 410 20. Letter from First Church Congregational to the Board of Selectmen Re: Parking
Lines, 8/22/12
- 412 21. Consent to Mortgage, 27D Andrews Farm Road, 8/27/12
- 414 22. Letter from MassDOT to Town of Boxford Re: Chapter 90 Apportionment,
7/31/12
- 416 23. Letter from Town Administrator to Mass. Municipal Association Re: Host officials
from Pakistan, 8/3/12
- 418 24. Board of Selectmen Meeting Minutes
a. July 30, 2012
b. July 30, 2012 Executive Session
- 420 25. Motion to go into Executive Session
- 422 26. Announcement: Mosquito Spraying
- 424 27. Letter from Randy Johnson, Agricultural Commission Re: Agricultural
Commission Appointment, 8/27/12
- 426 28. Memo from Library Advisory Committee to the Board of Selectmen Re: Request
for extension and up to \$10,000 to fund schematic drawings for presentation to
MBLC, 8/24/12
- 428 29. Letter from Bill Cargill, ZBA Chair, Re: John Mulcahy, 8/27/12