

**Minutes of the BOXFORD BOARD OF SELECTMEN  
TOWN HALL MEETING ROOM #1  
March 18, 2013 7:00PM**

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

Absent: Peter Perkins

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Police Chief Michael Murphy, Police Lieutenant Jim Riter, Kathryn O'Brien, Fire Chief Kerry Stickney, Judy Gore, Holly Langer, Peter Delaney, Stuart Saginor, Natasha Grigg, Bob Gore

**7:01PM Meeting Called to Order**

Acting Chair Steve Davis called the meeting to order at 7:01PM.

**7:01PM ANNOUNCEMENTS:**

**Annual Town Election, May 21 2013:** Selectman Costello read the ballot positions and the Town Clerk's special hours to accommodate elections.

**Scouting for Food 2013:** Selectwoman Nay announced that the Scouts have been leaving notices in mailboxes for their annual food drive, which will be taking place this Saturday. The Scouts will be picking up canned goods and dry goods beginning at 9AM.

**7:04PM MEETING WITH THE POLICE DEPARTMENT:** Chief Murphy met with the Board of Selectmen to discuss the following:

- **Review Statistics:** Stops are down due to the weather, since the beginning of the year. He noted that "Accidents – No Injury" includes some disabled motor vehicles.
- **Recent Police Activity:** Chief Murphy reported that there was a recent burglary on Herrick Road. Through a series of actions by the police and the public, including a reverse 911 call, they got excellent feedback which led to a license plate number and a suspect within a day or two. The Chief added that those arrested have been linked to other burglaries and a multitude of property has been recovered, resulting in an excellent piece of police work.
- **School security issues:** The Chief reported that Lt. Riter recently met with the school superintendent and the two principals of the Boxford schools to discuss monitoring their security cameras at the police station, in conjunction with the Communications Department. They would be most interested in monitoring the

- 44 parking lots and front doors and he just wanted the Selectmen to know they are  
45 discussing it.
- 46 • **School Safety Class:** Chief Murphy reported that Officer Fitzpatrick recently  
47 attended a class at Endicott College on School Safety Considerations. The class  
48 was hosted by the District Attorney. Fitzpatrick attended training on an active  
49 shooter in the school incident and will be providing training to the  
50 communications dispatchers.
  - 51 • **Department Correspondence:** Chief Murrphy provided copies of letters the  
52 department has received commending the department and some of the police  
53 officers.
  - 54 • **Preparing for the End of the School Year:** Chief Murphy advised the Board  
55 that his department is preparing for the end of school, particularly Masconomet  
56 graduation and end-of-year activities, and he reminded parents and students to  
57 pay attention to safety. He reminded parents that they are responsible for the  
58 activities that take place in their homes and asked that everyone celebrate safely  
59 and responsibly.
  - 60 • **Update on Accreditation Effort:** Selectman Costello asked the Chief for an  
61 update on the accreditation effort. Chief Murphy advised that there are annual  
62 dues of \$1500 that they've been paying to participate, but they have not been  
63 moving forward in getting accredited, so they did not pay the dues this year and,  
64 instead, are working on getting things in order, in order to be well-positioned  
65 before continuing further.

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67 **7:15PM MEDICAL MARIJUANA TASK FORCE REPORT:** Chief Murphy met with the  
68 Board of Selectmen to discuss the following:

- 69 • **Discussion of Proposed Moratorium Zoning Bylaw:** Chief Murphy thanked all  
70 the members who sat on the Medical Marijuana Task Force. He added that  
71 they've been meeting for about six weeks. The committee was overseen by Mary  
72 Anne Nay and she attended many of the meetings. They determined that  
73 although Boxford does not seem like a likely place for a distribution center or a  
74 clinic, it could be fodder for a cultivation center. After examining the existing  
75 regulations, they discovered that there isn't a distinction between a dispensary  
76 and cultivation site. The vagueness makes it appropriate to ask for a moratorium  
77 for two years from this July. The Chief advised that they took a model policy  
78 provided by town council and drafted their own. He asked the Board to strongly  
79 consider making that an article for the Annual Town Meeting, amending the  
80 bylaw to propose a moratorium in the Town of Boxford on the Medical Marijuana  
81 Law.

82 **7:20PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of  
83 Selectmen **VOTED** unanimously to place the amendment on the warrant and  
84 support the Medical Marijuana moratorium for this Spring's Annual Town  
85 Meeting, as proposed by the Medical Marijuana Task Force.

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88 Benson advised that this would be passed on to the Planning Board, as it's a zoning  
90 bylaw. They will schedule a hearing and advertise in the newspapers. It would be  
appropriate for the proponents to attend the Planning Board hearing. It will then go  
forward to Town Meeting.

- 92 • **Additional Bylaw Regarding Public Consumption of Marijuana:** The Chief  
94 advised the Board that he is asking the Board to consider a future bylaw. With  
the decriminalization of marijuana and the recent medical marijuana law, a young  
96 person may think that marijuana is okay to use. The town will not want people  
smoking marijuana in the public and the proposed bylaw deals with that. Costello  
98 asked if he wanted this to be considered for spring Town Meeting. Benson  
advised that this is a Town Bylaw, not a zoning Bylaw. Davis suggested leaving it  
100 until next year, when there is more guidance on it. After considerable debate, the  
Board decided they needed more information on exclusions and  
accommodations for those with a medical need.

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104 **7:35PM REPORT OF THE TOWN ADMINISTRATOR:** Town Administrator Alan  
Benson discussed the following with the Board of Selectmen:

- 106 • **Call Senatorial Primary Election for April 30, 2013:**

108 **7:37PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the Board  
of Selectmen **VOTED** unanimously to call the Senatorial Primary election for  
April 30, 2013.

- 110 • **Updated Annual Town Meeting Article List:** Benson reviewed the list with the  
Board, noting the following:

- 112 ○ **Article 8:** Recent issues with the Town Library on Elm Street, prompting  
the Permanent Building Committee to recommend a microbial analysis of  
114 the air quality there.

- 116 ○ **Articles 9, 10, 11:** Repairs to the libraries on Elm Street and Washington  
Streets and office improvements at the Elm Street location, \$287,500

- 118 ○ **Article 12:** Feasibility study for municipal purposes, Spofford Road land.  
There was considerable discussion on this article. The Board decided to  
have Weston & Sampson in to review their 2008 study on that property.  
120 Benson advised that he has invited the Permanent Building Committee to  
next Monday's meeting and he will also invite Weston & Sampson to  
122 attend.

- 124 ○ **Article 13: Rescind \$7M Library Debt Authorization:** Benson advised  
this needs to be taken off the books.

126 **7:50PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the  
Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 13: Rescind the \$7,000,000 Debt Authorization for the  
128 Spring Town Meeting.

130 **7:51PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the  
Board of Selectmen **VOTED** unanimously to sponsor and support  
132 Article 25: BYLAW: Dog License Fee Changes.

134 **7:51PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the  
136 Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 1: Receive reports, Article 2: Authorize revolving accounts,  
138 and to support Article 3: Fund Non-Union Salary Adjustments, and  
Article 4: Classification and Compensation Plan.

140 **7:54PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the  
142 Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 6: Increase Tree Budget.

144 **7:55PM** On a **MOTION** made by **Costello**, seconded by **Davis**, the  
146 Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 7: Omnibus Capital Article:  
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- o Replacement Police Cruiser
- o Replacement DPW Truck
- o Replacement Brush Cutter
- o Replace Fire Alarm System – Police Station
- o Replace Emergency Generator – Main Street Fire Station
- o Repairs & Painting DPW Office Trailer
- o Replacement Doors at Middleton Road Fire Station
- o Replacement Shed at Cargill Ball Field.

156 **7:57PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the  
158 Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 7: Omnibus Capital Article:  
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- o Replacement 3 Defibrillators
- o Replacement Radio Control Units Fire Stations
- o Replacement Desk Top Radio Police Station.

162 **7:59PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the  
164 Board of Selectmen **VOTED** unanimously to sponsor and support  
Article 16: End of Career Payment – Long Term Employee.

166 **8:00PM** On a **MOTION** made by **Nay**, seconded by **Davis**, the  
168 Board of Selectmen **VOTED** unanimously to support Article 18:  
Trash Stickers \$2.50.

170 **8:01PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the  
172 Board of Selectmen **VOTED** unanimously to support Article 20:  
Community Preservation Debt & Reserves.

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176 **8:01PM DISCUSSION OF DRIVEWAY, 255 MAIN STREET:** Vaclav Talacko,  
Hancock Associates, met with the Board of Selectmen to discuss the driveway at 255

178 Main Street. He brought along a plan for the Board to view while he described the  
180 issues with the driveway access and right of way. Selectman Costello asked that the  
182 Fire Chief also review the plans with them and comment. After considerable discussion,  
184 the Board of Selectmen took the following action:

182 **8:15PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of  
184 Selectmen **VOTED** unanimously, that based upon the unique configuration of the  
driveway, they are amenable to the design as presented.

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188 **8:17PM MEETING WITH FIRE CHIEF:** Chief Kerry Stickney met with the Board of  
188 Selectmen to discuss the following proposed budget increases:

190 ○ **Deputy Chief:** Selectman Davis wanted to know what a Deputy Chief would do  
192 that the two Captains can't do. Chief Stickney replied that the Deputy Chief would  
194 help mostly with administration work, budgets, specifications for new vehicles,  
196 covering calls nights and weekends, employee reviews for all call firefighters.  
The Chief added that he's tried to do call firefighter reviews over the years, but  
there's not enough time to get everyone reviewed. The Chief has also wanted to  
work more on preplans for East and West, the churches and other important  
buildings, updates to the SOPs, etc. After some discussion, the Board decided to  
take no action on this proposed increase at this time.

198 ○ **Lieutenants:** The Chief would like to add two lieutenants to the roster,  
200 specifically the two full-timers. He advised that they attend fire prevention  
202 meetings on a regular basis and nearly all that attend are officers. The Chief  
204 advised that both will be receiving a considerable pay increase and have agreed  
to the call stipend, if they are promoted to lieutenant. Costello advised that he  
cannot support two, but would support one and may support paying a higher  
lieutenant's salary for one full-time lieutenant. After a short discussion, the Board  
decided to take no action on this proposal at this time.

206 ○ **Callmen Training:** Benson explained that the Chief's goal is to send three  
208 firefighters to Firefighter I and Firefighter II training each year. That budget was  
cut considerably a few years ago. The Chief came up with a plan to send one  
and that was two fiscal years ago and the current fiscal year. The goal is this  
210 year to have enough to send two individuals to specialized training. The increase  
212 is the cost to send one additional call firefighter to the academy. After  
considerable discussion, the Board took the following action:

214 **8:37PM** On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of  
216 Selectmen **VOTED** 3-1 (**Killam: NO**) to support the budget increase for  
Callmen Training.

218 ○ **Uniforms:** Chief Stickney explained that he would like to increase the uniform  
allowance to allow more firefighters to be able to purchase uniforms, including  
Class A dress uniforms. After considerable discussion, the Board took the  
following action:

220 **8:43PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the Board of  
222 Selectmen **VOTED** 3-1 (**Killam: NO**) to support the budget increase for  
Uniforms.

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**8:47PM ROUTINES**

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- **Outstanding Appointments:** Selectwoman Nay advised that she may have someone for the opening on the Conservation Commission, but she has to confirm with them before making the appointment.

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- **Correspondence: Decision on Contempt of Court in Ingaldsby Case:** Benson advised the Court has ruled in favor of the defendants.

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- **8:51PM Minutes:** After Nay and Costello made corrections to the Minutes of March 11, 2013, the Board took the following action:

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On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of Selectmen **VOTED** unanimously to approve the Minutes of March 11, 2013, as amended.

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On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen **VOTED** unanimously to approve the Minutes of March 11, 2013, Executive Session #1, as printed.

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Selectwoman Nay had a question on the Executive Session #2 Minutes of March 11, 2013. The Board held off approving them until they were in Executive Session.

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**8:52PM OTHER BUSINESS:** Selectman Davis presented two proposals for the Board to consider for the Annual Town Meeting:

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- **Change the Zoning Board of Appeals from 3 to 5 permanent members.**
- **Remove the O district as one of the areas the ZBA does site plan review.**

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Killam would like to know Town Counsel's opinion on that before taking action. Costello would like more information as well. Benson will get more information and report back to the Board. After some discussion, the Board took the following action:

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**9:01PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the Board of Selectmen **VOTED** 3-1 (**Killam: No**) to place both proposals on the Annual Town Meeting Warrant.

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- **Open Meeting Law Update:** Benson provided a summary of the new information recently received from the Attorney General's office regarding the Open Meeting Law.

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**9:05PM MEETING WITH THE LAND COMMITTEE:** Peter Delaney, Stuart Saginor, Natasha Grigg and Bob Gore of the Land Committee met with the Board to discuss the following:

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- **Town's Option of First Refusal on Nason 61A Property:** Delaney asked if they could use the Serial Bond to purchase the land to give BTA-BOLT time to secure funding to purchase the land. Grigg advised that BTA-BOLT is seeking

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268 permission for access to allow an appraiser on the property. Benson advised  
270 them to contact the attorney. There was discussion on how to word the Warrant  
272 Article as far as which amount to include in the article and where additional  
274 funding could be coming from. Grigg provided a plan for the Board to view and  
276 explained they will use that plan to secure funding. After considerable discussion,  
the Board took the following action:

274 **9:19PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of  
276 Selectmen **VOTED** unanimously to support Article 19: LAND: Acquire Nason  
Land for \$925,000.

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**9:21PM TREASURY BILLS:**

280 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of Selectmen  
282 **VOTED** unanimously to approve payment of Payroll Warrant, dated March 20,  
2013, in the amount of \$72,863.17.

284 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of Selectmen  
286 **VOTED** unanimously to approve Accounts Payable Warrant #13-38, dated March  
18, 2013, in the amount of \$134,432.22.

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**9:23PM OTHER BUSINESS**

- 290 • **File of Life:** Selectwoman Nay advised residents to call Lt. John Philbin of the  
292 Boxford Fire Department for information and registration for the File of Life  
294 program, which makes medical history and records easily accessible for the  
EMTs, in the event of a medical emergency.

296 **9:24PM Executive Session**

298 On a **MOTION** duly made by **Davis**, seconded by **Costello**, the Board of Selectmen  
300 **VOTED** unanimously by roll-call vote to go into Executive Session for the purpose of  
302 discussing overall strategy on land acquisition: 20 Kelsey Road, 256 Georgetown Road,  
304 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.

306 **9:48PM Meeting Adjourned**

308 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of Selectmen  
**VOTED** unanimously by roll call vote to adjourn at 9:48PM

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314 Respectfully submitted,

316 Judith A. Stickney  
Minutes Secretary

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320 Documents either distributed to the Board of Selectmen before the meeting in a packet,  
or at the meeting:

- 322 1. Agenda
- 324 2. Spring 2013 Election and Town Meeting Schedule
- 326 3. Model Medical Marijuana Moratorium Warrant Article Bylaw
- 328 4. Notice of Intent to Sell the Nason Ch. 61A Land, 2/28/13
- 330 5. Letter from the Conservation Commission to the Board of Selectmen Re:  
Conservation Commission Recommendation Regarding Nason Property Ch. 61A  
Notice, 3/13/13
- 332 6. E-Mail from Vaclav V. Talacko to Susan Inman Re: Driveway Plan: 255 Main  
Street, 3/8/13
- 334 7. Proposed Budget FY14
- 336 8. Call for Senatorial Election, April 30, 2013
- 338 9. Draft Annual Town Meeting Article List
- 340 10. Memo from Alan Benson to Board of Selectmen Re: Outstanding Appointments,  
3/14/13
- 342 11. Essex Superior Court Notice of Docket Entry: Nissenbaum et al v Town of  
Boxford Zoning Board of Appeals et al, 3/12/13
- 344 12. Board of Selectmen Meeting Minutes
  - 346 a. March 11, 2013
  - 348 b. March 11, 2013 Executive Session #1
  - 350 c. March 11, 2013 Executive Session #2
- 352 13. Motion to go into Executive Session
14. Ballot Positions May 21, 2013 Annual Town Election
15. Packet of Materials from the Boxford Police Department:
  - a. Incidents By Type: 1/1/12-3/18/12
  - b. Incidents By Type: 1/1/13-3/18/13
  - c. Public Consumption of Marihuana or Tetrahydrocannabinol
  - d. Letter from Edith Fenton
  - e. Letter from Brian and Judy Fiske
  - f. Letter from Joseph R. & Annette F. Pugia