

**Minutes of the BOXFORD BOARD OF SELECTMEN
TOWN HALL MEETING ROOM #1
April 8, 2013 7:00PM**

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

Absent: None

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Police Chief Michael Murphy, Police Lt. James Riter, Paula Fitzsimmons, Kathryn O'Brien, Peter Bernardin, Stuart Saginor, Peter Delaney, Natasha Grigg, David Santomenna, Alison Chase, Holly Langer, Richard Tomczyk, DPW Superintendent/Town Engineer John Dold, Garth Tolman, Bob Hazelwood, Margaret Chow-Menzer, David Ingalls, Beverly Ingalls, Priscilla Welsh

7:03PM Meeting Called to Order

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

7:03PM ANNOUNCEMENTS:

- **Capt. Shawn Stickney Retirement:** Selectman Perkins announced there will be a retirement party for Fire Capt. Shawn Stickney, on June 22, 2013, at Smolak Farms.
- **Boxford Village Garden Club Plant Sale:** Selectman Killam announced the Boxford Village Garden Club will be holding their plant sale on May 11 from 9AM-2PM at 2 Elm Street.
- **Moderator's Forum:** Selectman Davis announced there will be a Moderators Forum on Thursday, May 9, at 7PM, at Town Hall.
- **Candidates Night:** Selectman Costello announced the League of Women Voters is sponsoring a Candidates Night on Thursday, May 2, at Town Hall.
- **Elections/Contested Races:** Selectwoman Nay announced that all election papers are in and there are three contested races. She read the list of contested and non-contested races.
- **Large Metal Item Pick-Up Day:** Selectman Davis announced there will be a large metal item pick-up day on Monday and Tuesday, May 13 and 14.

7:08PM MEETING WITH POLICE DEPARTMENT: Chief Michael Murphy met with the Board of Selectmen to discuss the following:

- **Discussion of Warrant Article on Public Consumption of Marijuana:** The Chief is proposing a \$300 fine for smoking marijuana in public. He asked the

44 Board to support the bylaw. There was a brief discussion and the Board took the
45 following action:

46 **7:15PM Nay** made a **MOTION**, seconded by **Davis**, to sponsor and support
47 Article 30: To see if the Town will vote to prohibit public smoking of marijuana
48 in the Town of Boxford by amending its Bylaws, Part II: General Legislation,
49 to include a new chapter:

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51 Public Consumption of Marijuana or Tetrahydrocannabinol.

52 Section 1. No Public Consumption.

53 No person shall smoke, ingest or otherwise consume marijuana or
54 tetrahydrocannabinol (as defined in General Laws, Chapter 94C, section 1,
55 as amended) while in or upon any street, sidewalk, public way, footway,
56 passageway, stairs, bridge, park, playground, beach, recreation area, boat
57 landing, public building, schoolhouse, school grounds, cemetery, parking lot,
58 or any area owned by or under control of the Town, or in or upon any bus or
59 other passenger conveyance operated by a common carrier with the Town, or
60 in any place accessible to the public within the Town.

61 Section 2. Violation and Penalties.

62 Violation of Section 1. is punishable by a fine of \$300, enforceable through
63 criminal indictment or complaint under General Laws Chapter 40, Section 21.
64 Any penalty imposed under this bylaw shall be in addition to any civil penalty
65 imposed under General Laws Chapter 94C, Section 32L.

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67 After considerable discussion, the Board amended the MOTION as follows:

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70 **7:25PM** On a **MOTION** made by **Davis**, seconded by **Costello**, the Board
71 of Selectmen **VOTED 3-2 (Perkins/Killam: NO)** to amend Article 30, Section
72 1. No Public Consumption, to remove the words "ingest, or otherwise
73 consume" from the proposed bylaw.

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75 **7:26PM** The Board of Selectmen **VOTED** unanimously to sponsor and
76 support Article 30, as amended.

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79 • **Warrant Article for Moratorium on Medical Marijuana Treatment Centers:**
80 Benson advised that there may be issues with this warrant article. Town Counsel
81 is recommending that the date be changed to November 30, 2014, rather than
82 July 31, 2015, as written in the final paragraph of the warrant article. The Chief
83 advised that the Medical Marijuana Task Force agrees with Town Counsel and is
84 recommending that the date be changed, as suggested.

85 **7:30PM** On a **MOTION** made by **Killam**, seconded by **Davis**, the Board of
86 Selectmen **VOTED** unanimously to make the change in dates, as suggested.

- **Declare Surplus 2008 Ford Cruiser:** The Chief requested that the Board declare their 2008 Ford cruiser as surplus, so they can send it to the auction block.

7:32PM On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of Selectman **VOTED** unanimously to declare the 2008 Ford cruiser as surplus, as requested.

- **Injury to an Officer:**

7:33PM On a **MOTION** made by **Davis**, seconded by **Killam**, the Board of Selectmen **VOTED** unanimously to determine that any injuries shown to be sustained by Officer Iannazzo as a result of the motor vehicle accident on March 19, 2013 at 8AM were sustained in the line of duty.

7:34PM **MEETING WITH LAND COMMITTEE:** Peter Delaney and Natasha Grigg of the Land Committee met with the Board to discuss the following:

- **Update on Final Language and Funding Efforts for Nason Land:** Grigg provided a summary of activities to date to purchase the Nason property. As the president of BTA-BOLT, she added that BTA-BOLT is very interested in helping the Town preserve the property and is dedicated to fundraising to purchase the property. She reported on the grants they have applied for and will be applying for to purchase the property. She reported that BTA-BOLT will be providing at least half of the purchase price, adding that the more money they can raise, the less the tax burden will be for the taxpayers. She introduced David Santomena of Essex County Greenbelt who provided a synopsis of their involvement in the acquisition of the Nason property for the Town. They are committing to provide \$25,000 to BTA-BOLT towards the purchase. Santomena added that Greenbelt would be willing to accept an assignment for the Town, close on the property and hold it for the Town, until the Town gets through the grant process. They would then turn the property back over to the Town, so the Town doesn't miss out on reimbursements. Greenbelt also provided specific wording for Article 24 to purchase the property and asked the Board to adopt the wording they provided. Grigg provided an explanation on how the house the Nasons are currently living in will be outside of the sale and requested that BTA-BOLT be given the opportunity to raise more money to purchase the property, if the article to purchase it fails at Town Meeting. The Board agreed to do so. She also requested that the original Conservation Restriction be reinstated on the property, which needs to be a vote of Town Meeting. A brief discussion ensued, with several questions from the Board, and the Board took the following action:

8:21PM On a **MOTION** made by **Davis**, seconded by **Killam**, the Board of Selectmen **VOTED** unanimously to adopt the wording of Article 24, as recommended by Greenbelt, including the final sentence "and that the Town and Conservation Commission and Board of Selectmen be authorized to grant a perpetual Conservation Restriction to be held by a third party or parties qualified to hold such restrictions;"

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8:22PM MEETING WITH PERMANENT BUILDING COMMITTEE: Margaret Chow-Menzer met with the Board to discuss the following:

- **Update on Estimates for Library Buildings at 10 Elm Street and 188 Washington Street:** Chow-Menzer advised that they have received preliminary estimates on the results of the microbial testing. She reviewed, with the Board, the areas that were tested and the results they have received so far, and they feel they will need \$150,000 for remediation. She also advised that it was recommended that several trees be removed from the East Library property to allow more sunlight on the building, at an estimate of \$13,000. A lengthy discussion ensued.

Chow-Menzer advised that if temporary housing is needed to serve as a library until the buildings are made usable or until a new library is built, they are recommending a double-wide trailer at an estimated cost of \$337,400. There was a discussion on all options the committee considered and there were many questions from the Board. The Board agreed to include the figures of \$175,000 for Article 11 and \$337,400 for Article 14.

8:58PM FINALIZE MAY 14, 2013 ANNUAL TOWN MEETING WARRANT: Benson advised the only update since last week is the Recreation Committee’s recommendation for staff for the Park Program, which was unanimously adopted by the Personnel Board.

- **Consider Support for Various Articles:** The Board continued to review the draft warrant articles and took the following actions:
- **Article 8:** Costello suggested that the Board listen to the debate on this article at Town Meeting, rather than voting to support before Town Meeting. The Board agreed.
- **Article 9:** There was a discussion on the wording of the Board of Selectmen’s position on this article, as printed on the warrant.

Costello made a **MOTION**, seconded by **Davis**, to change the wording of the Board’s recommendation at the end of Article 9 to “The Board of Selectmen does not recommend adoption of this article by a vote of 3-2.”

There was a lengthy discussion on the motion, and it was suggested that the Board can bring that up on Town Meeting floor, rather than printing it in the warrant. Costello agreed and withdrew the motion.

On a **MOTION** made by **Costello**, seconded by **Davis**, the Board of Selectmen **VOTED 4-1** to change the wording to “The Board of Selectmen to make recommendation at Town Meeting.” (**Killam: NO**)

- **Article 27:** The Board decided they should take a position on this article. On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of Selectmen **VOTED** unanimously to recommend adoption of Article 27.

The Board members signed 8 copies of the warrant to be sent to the printer.

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180 **9:27PM REPORT OF THE TOWN ADMINISTRATOR:** Town Administrator Alan
Benson brought the following items to the Board's attention:

- 182 • **Consider Support for Signs for Conservation Land:** Benson introduced
184 Richard Tomczyk, of the Boxford Trails Association, who provided samples of
186 signs his committee would like to install on Town conservation land and trails.
188 Tomczyk advised there are about 12 areas in Town where the signs would be
installed. He provided photos of the signs they want to install as well as a sample
of one of the signs. There was a brief discussion by the Board members and they
decided to support the signs
- 190 • **Consider Approval of "Deer" Signs between 158 and 188 Georgetown
Road:** The Board discussed the request from resident Ellen Nestervich and
decided to take no action on it.
- 192 • **Consider Approval of "Divided Road" and "Arrow (Chevron Alignment)"
signs on Essex Street at Washington Street:** The Board agreed with the
194 request from Officer Thomas Nentwig and authorized the signs, as requested.
- 196 • **Consider Establishing Gift Fund for Cole School Playground:** The Board
briefly discussed the request from Samantha Mercier and took the following
action:
- 198 On a **MOTION** made by **Davis**, seconded by **Costello**, the Board of
Selectmen **VOTED** unanimously to approve the gift fund as requested.
- 200 • **Consider Approval of Alcohol Distribution Permit for BTA/BOLT Annual
Meeting at Lincoln Hall May 2, 2013:** The Board briefly discussed the alcohol
202 distribution permit for the BTA-BOLT function and took the following action:
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen
204 **VOTED 4-1** to grant the permit. **(Killam: NO)**
- 206 • **Sign Arbor Day Proclamation:** Benson provided information on the May 6
event and the Board signed the proclamation.
- 208 • **Exemption from Site Plan Review for Municipal Projects:** Benson provided a
survey of surrounding towns, as compiled by Ross Povenmire.

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ROUTINES:

- 212 • **Letter from Richard Alm:** Benson provided a copy of a letter from resident
Richard Alm regarding the proposed changes in the zoning bylaws.
- 214 • **Letter from the Governor:** Benson provided a copy of a letter from the
Governor requesting that they contact their representatives regarding the budget,
216 encouraging them to pass the Governor's budget.
- 218 • **Minutes:**
On a **MOTION** made by **Nay**, seconded by **Killam**, the Board of Selectmen
VOTED unanimously to approve the Minutes of April 1, 2013.

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- 222 • **Treasury Bills:**
224 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of
226 Selectmen **VOTED** unanimously to approve Payroll Warrant #PY1340, dated
228 April 10, 2013, in the amount of \$367,322.09.
- 230 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of
232 Selectmen **VOTED** unanimously to approve Account Payable Warrant #13-
234 340, dated April 8, 2013, in the amount of \$2,047.83.
- 236 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of
238 Selectmen **VOTED** to approve Accounts Payable Warrant #13-41, dated April
240 8, 2013, in the amount of \$93,894.91.

242 After it was discovered that the payroll warrant included both School and Non-
244 School payrolls, Costello removed himself from the discussion and the Board
246 voted on the School portion, as follows:

- 248 On a **MOTION** made by **Killam**, seconded by **Davis**, the Board of Selectmen
250 **VOTED** to approve Payroll Warrant #PY1340, for school payroll, in the
252 amount of \$289,593.30. **Costello abstained.**
- 254 On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of
256 Selectmen **VOTED** to approve Accounts Payable Warrant #13-341, dated
258 April 8, 2013, in the amount of \$3,403.22.

260 **9:49PM OTHER BUSINESS:**

- 262 • **Personnel Board Funding for Training:** Benson advised the Board that the
264 Personnel Board is going to the Finance Committee for funding to provide
266 training for the Board of Selectmen to complete their comprehensive
performance evaluation plan.
- 268 • **Senior Center Study Committee:** Nay reported that the Senior Center Study
270 Committee has all their information together and they will be meeting in two
272 weeks to finalize the draft of their report to present to the Board of Selectmen.
- 274 • **Library Event: Books in Bloom:** Davis reported that he attended the Books in
276 Bloom event at the library and was very impressed with the kids who
278 participated. They did a great job and awards were handed out. He added that
280 Newburyport is also doing a Books in Bloom event.

282 **9:52PM Executive Session**

- 284 On a **MOTION** duly made by **Perkins**, seconded by **Nay**, the Board of Selectmen
286 **VOTED** unanimously by roll call vote, to go into Executive Session for the
purpose of discussing overall strategy on employment contract negotiations with
the Teamsters Police Patrol Officers, and declared than an Executive Session

268 was necessary since an open public discussion may have a detrimental effect on
the negotiating, bargaining or litigating position of the Board of Selectmen, and
270 upon completion of the Executive Session to return to open session and
immediately adjourn without conducting any further business.

272 The Board of Selectmen entered into Executive Session at 9:52PM.

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9:59PM Meeting Adjourned

276 On a **MOTION** made by **Killam**, seconded by **Nay**, the Board of Selectmen **VOTED**
unanimously by roll call vote to adjourn at 10:00PM

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280 Respectfully submitted,

282 Judith A. Stickney
Minutes Secretary

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

1. Agenda
- 288 2. Announcement: Boxford Village Garden Club Plant Sale
3. Announcement: Moderator's Forum
- 290 4. Announcement: Candidates Night
5. Announcement: Candidates for Election
- 292 6. Announcement: Large Metal Item Pick-Up Day
7. Memo from Alan Benson to Board of Selectmen, Re: Public Consumption of
294 Marijuana, 4/4/13
8. E-Mail from John Dold to Margaret Chow-Menzer, Re: East Library Estimates,
296 3/14/13
9. Permanent Library Relocation Estimate, 4/3/13
- 298 10. Article 24: Nason Property Acquisition
11. E-Mail from Vanessa Johnson (Greenbelt) to Alan Benson, Re: Nason Article,
300 4/4/13
12. Draft Warrant for Annual Town Meeting, 4/4/13
- 302 13. E-Mail from Richard Tomczyk to Susan Inman, Re: Request to meet with Board
of Selectmen, 3/26/13
- 304 14. E-Mail from John Dold to Alan Benson, Re: Deer Signs, 3/20/13
15. Memo from Officer Thomas Nentwig to Board of Selectmen, Re: signs for Essex
306 St. at Washington St., 3/24/13
- 308 16. Letter from Samantha Mercier to Board of Selectmen, Re: Gift Fund for Cole
School Playground, 3/25/13
17. Application for Alcohol Distribution Permit, 4/3/13
- 310 18. Arbor Day Proclamation

- 312 19. Memo from Alan Benson to Board of Selectmen, Re: Outstanding Appointments,
4/3/13
- 314 20. Memo from Ross Povenmire to Alan Benson, Re: Exemption from Site Plan
Review for Municipal Projects, 4/1/13
- 316 21. Letter from Richard Alm to Board of Selectmen, Re: Proposed Zoning Bylaw
Changes, 4/1/13
- 318 22. Letter from Governor Deval Patrick to Alan Benson, Re: The Way Forward: A 21st
Century Transportation Plan, 4/1/13
- 320 23. Meeting Minutes:
a. April 1, 2013
- 322 24. Town of Boxford Compensation Plan for Non-Benefit Eligible Classification Plan
Employees FY2014
- 324 25. Boxford Town Meeting Warrant Article 24 Draft
- 326 26. Letter from Chief Michael Murphy to Alan Benson, Re: Injury of Officer Iannazzo,
4/8/13
- 328 27. Announcement: Boxford Fire Department Captain Shawn Stickney Retirement
Celebration
- 330 28. Memo from John Dold, Re: Initial Assessment of Microbial Tests on Libraries,
4/5/13
- 332 29. E-Mail from John Dold to Frank Quackenbush, Re: East Library Trees, 4/8/13
- 334 30. Memo from John Dold, Re: Permanent Library Relocation Estimate, 4/3/13
- 336 31. Site Identification Signs: Sign Type 9