

**Minutes of the BOXFORD BOARD OF SELECTMEN  
TOWN HALL MEETING ROOM #1  
April 22, 2013 7:00PM**

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

*Absent: Steve Davis*

*Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Kathryn O'Brien, Bill Brown, Joe Callahan, Marty Jessel, Peter Delaney, Howie Emmons, Building Inspector Robert Camacho, Chuck Provenzano, Pat Morris*

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

Chairman Peter Perkins called the meeting to order at 7:01PM.

**7:01PM ANNOUNCEMENTS:**

- **Earth Day:** Selectman Costello announced there will be a town-wide clean-up on Earth Day, April 27, 10AM-3PM.
- **Special Senate Primary Election:** Selectman Costello urged residents to vote on Tuesday, April 30, in the Special Senate Primary Election. Polls are open from 7AM to 8PM.
- **Candidates Night:** Selectman Killam announced the League of Women Voters is sponsoring a Candidates Night on Thursday, May 2, 7:30PM, at Town Hall.
- **Moderator's Forum:** Selectman Killam announced there will be a Moderator's Forum at Town Hall on Thursday, May 9, at 7PM.
- **Town Meeting:** Selectman Perkins announced Boxford's Annual Town Meeting will be held on Tuesday and Wednesday nights, May 14 & 15<sup>th</sup>, at Masconomet's Auditorium, at 7PM.
- **Annual Town Election:** Selectwoman Nay urged residents to vote on May 21 in the Annual Town Election. Polls are open from 7AM to 8PM.
- **Article 24, Nason Property:** Selectwoman Nay announced that BTA-BOLT has scheduled walks of the Nason property on 4/28, 5/5, 5/12 at 2PM. Interested residents are asked to park at the top of Nason's parking lot. Meet with BTA-BOLT and they will take you out.

**7:07PM MEETING WITH HAYNES LAND ADVISORY COMMITTEE:** Joe Callahan, Bill Brown, Howie Emmons, Marty Jessel and Peter Delaney met with the Board to discuss the following:

- 44 • **Project Budget:** Brown provided copies of their expenditures to date for the Board to review and advised that they are still on budget and have a considerable amount of contingency money left.
- 46 • **Discussion of Withdrawing the Project without Prejudice:** Brown advised the Board that, due to a number of reasons, the ConsCom hearings have been going on for almost a year. They would like the Board's authorization to withdraw their NOI without prejudice and reapply. They are also asking for authorization to use  
48 the Town Attorney to attend their hearings when they reapply.  
50

The Board had questions/comments on the following:

- 52 ○ **Nay: Will we need to pay for additional engineering work, too?** Brown explained that the engineering work is complete. They still have money for  
54 that and will not go over budget for any additional engineering work they may need.
- 56 ○ **Costello: When the Town authorized the original budget of \$369,000 – was that also a ballot question?** Brown advised it was not.
- 58 ○ **Perkins: What is the meeting schedule?** Brown explained the ConCom has agreed to hold special hearings and they are tentatively scheduled for  
60 two ConCom meetings in July. They also have to go through the ZBA process and Planning process and he did not know when those hearings  
62 would be held.
- 64 ○ **Perkins: What kind of comments are you getting from ConCom?** Brown explained they have been asked to pull the project outside of the  
66 75 foot buffer and the 50 foot buffer, when they can. They've made many changes to decrease the impact in the buffers and Brown felt that most  
68 ConCom members were satisfied with their efforts.
- 70 ○ **Killam: It's a lousy piece of land – it's wet and rock.** Killam added that it's going to cost a small fortune to build anything on this piece of land. His  
72 opinion is it's a lousy piece of land and should be used for just forest land.
- 74 ○ **Perkins: What other options did you have to save on buffer impact?** Brown explained that there is a portion of the property that has been set  
76 aside for housing and they may be able to use some of that for parking as well. Callahan explained that the Housing Partnership is looking at senior  
78 housing for the lot at the current time.
- 80 ○ **Benson: Did you achieve the ConCom request to stay out of the 50-foot buffer?** Brown advised they were not able to stay completely out of  
82 the 50-foot buffer, but they were able to reduce the buffer impacts by more than 50%.
- 84 ○ **Costello: On the Fixture vs. Structure question – does that need to be re-addressed, as well?** Brown advised that it does and they will need  
86 the attorney for that.
- **Perkins: Has anything come up for grants or other funding?** Brown advised they haven't pursued anything yet, but will, if the project is approved. The BAA has discussed private fundraising and there are CPC funds available to pay for a portion of it.

88 **7:31PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board  
of Selectmen **VOTED** unanimously to authorize the Haynes Land Advisory  
90 Committee to withdraw the NOI without prejudice and resubmit a new  
NOI.

92 **7:33PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board  
of Selectmen **VOTED** unanimously to authorize Town Counsel to attend  
94 the first hearing for the new NOI.

96  
98 **7:35PM MEETING WITH INSPECTOR OF BUILDINGS:** Robert Camacho, Inspector  
of Buildings, met with the Board to discuss the following:

- 100 • **Regulatory Requirement for Construction of Parking Lot on Colby**  
Property: Camacho advised the Board that there are many regulations that need  
102 to be addressed before the parking lot can be constructed. Some of the issues  
he pointed out included:
  - 104 ○ **Site Plan Review**
  - **Traffic Study**
  - **Accessibility Issues**

106 The Board had questions or comments on the following:

- 108 ○ **Costello: Site Plan Review:** Costello disagreed that a site plan review  
was needed, suggesting that the minor nature of the project for a gravel  
110 parking lot should not require a site plan review. All Board members  
agreed with Costello.
- 112 ○ **Perkins: New Driveway vs. Existing Driveway:** Perkins asked if a  
permit was still needed if they're going to use the existing driveway.  
114 Camacho advised that if there will be a new driveway, a permit is needed.  
If the parking lot will use the existing driveway, no permit is needed.
- 116 • **Enforcements:** Camacho advised some of the issues are currently in court and  
he could not elaborate too much, but he briefly reviewed the current complaints  
and enforcements he is involved with, including:
  - 118 ○ **Residence With One or More Unregistered Vehicles**
  - 120 ○ **Residence Operating a Junkyard**
  - 122 ○ **Illegal Business:** Camacho advised that the Town has been to Court  
three times on this matter. Under a plea agreement, the property owner is  
going to plead guilty and be fined \$1000. Camacho advised that he will be  
124 following and tracking that. Benson advised it's currently a civil matter, in  
Superior Court.
  - 126 ○ **Attractive Nuisance: Single-Family Home:** The house is in disrepair and  
uninhabited. The owner will be notified to make the property secure.
- 128 • **Building Permits are Up:** Camacho advised that there has been a slight  
increase in building permits for this year. His office has issued 3-4 permits more  
130 this year than this time last year. He added that there were 56 permits issued by  
this time last year and there have been 59 issued for the same time period this  
year.

- 132 • **Update on Ongoing Construction Activity in Town:**
- 134 ○ **Perkins: Turnover Time for Permits:** Camacho advised that it depends
- 136 on when they come in. They're moving out fairly quickly. They have 30
- 138 days, but he feels that's too long and he tries to get them out in 7-10
- 140 working days.
- 142 ○ **Costello: Sagamore Subdivision:** Costello asked how many permits had
- 144 been issued for the Sagamore subdivision, off Middleton Road. Camacho
- 146 advised that there has been one complete permit so far.
- 148 ○ **Perkins: Subdivision Near Rock Brook Way:** Perkins asked if any
- 150 permits have been issued yet for the Rock Brook subdivision. Camacho
- 152 has seen no applications for that subdivision.
- 154 ○ **Building Inspector and Structure Fire on Washington Street:** Perkins
- 156 advised that the resident was very satisfied with the assistance of the
- 158 Building Inspector in getting the home back to livable use.
- 160 ○ **Solar Panels on Homes:** Camacho expressed concern about solar
- 162 panels placed on the ground. Boxford needs to establish guidelines for the
- 164 installation of ground mounted solar panels. His department will be looking
- 166 at that.
- 168 ○ **Accessory Apartments:** There are new regulations being proposed in
- 170 other municipalities, due to continuing building code issues with accessory
- 172 apartments and public safety. Residents need to know accessory
- 174 apartments need to be built properly. He is going to ask the Planning
- Board to look at accessory apartment regulations and tighten them up.
- **Building Safety Month:** Camacho provided the Board with information on
- Building Safety Month and asked the Board to consider a proclamation making
- May Building Safety Month in Boxford. He reviewed his plans for activities he'll
- plan for Building Safety Month in Boxford.
- 8:08PM** On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of
- Selectmen **VOTED** unanimously to adopt May as Building Safety Month, as
- presented by the Inspector of Buildings.
- **Other Business:**
- **Building Code Change coming Up:** Camacho advised there will be new
- Building Code changes coming up in the spring of 2014 from the ICC and
- a new set of Code books will be coming out.

168 **8:12PM ANNUAL TOWN MEETING, MAY 14, 2013:**

- 170 • **Moderator's Plans:** Benson advised the Board that the meeting will start
- 172 promptly at 7PM. The FinCom will present the Town's financial position and
- 174 Article 1 will follow as soon as possible. The Moderator's goal is to have the
- same residents vote on Articles 7-16 and night 2 will start with Article 17.
- **Crowd Control:** Benson advised that the cafeteria will be set up for overflow and
- that the Fire Chief is insisting that no folding chairs be set up in the auditorium.
- He urged listeners to get to Town Meeting early to get good seats and parking.

- 176 • **Warrants Have Been Posted:** Benson advised that the warrants have been  
178 posted. There are more available at Town Hall and he will have additional copies  
at Town Meeting.
- 180 • **Changes Since Warrant Printed:** Benson advised that the Planning Board took  
action on the three zoning articles at their last meeting and voted to endorse the  
182 Medical Marijuana Law, but voted not to endorse changing the Zoning Board  
from 3 to 5 members and “O” District change.
- 184 • **Discussion on Zoning Amendments Article 7 and Article 8:** Perkins initiated  
a discussion on Articles 7 and 8 and suggested that the Board of Selectmen  
186 make a motion on the Town Meeting floor to pass over these two articles, due to  
the issues with the library. He feels it is bad timing.
- 188 **8:24PM MOTION** by **Killam**, seconded by **Perkins**, to recommend passing  
over Article 7 at Town Meeting.
- 190 **Discussion:** Killam suggested that if it ain’t broke, don’t fix it. He does not  
feel this change in board size is needed. Costello added his opinion that  
192 things that aren’t broken can still be improved. He felt that going to a five-  
person board may, in fact, make for better government. He would like to hear  
the debate on it at Town Meeting. Perkins feels that the way it was presented,  
194 the timing is wrong. He suggested that if the same Article comes up at a later  
Town Meeting, he would agree. Nay suggested that having a five-member  
196 board would have more eyes looking at the issues. If it’s not discussed at this  
Town Meeting, she would like to see it discussed at a later meeting. She does  
198 not want it pushed under the carpet and agreed that maybe this Town  
Meeting would not be the best time to discuss it. This needs the attention that  
200 it may not get, due to too many articles on the Warrant. Perkins suggested  
that if they voted on passing over the Article tonight, it may send a clear  
202 message to the voters. Killam added that he would not have a problem with  
this Article if the library was not an issue. Costello feels that the Town should  
204 make this decision on passing over the Article, not the Board of Selectmen.  
**VOTE:** The Board **VOTED 3-1 (Costello: No)** to recommend passing over  
206 Article 7.
- 208 **8:39PM MOTION** by **Costello**, seconded by **Killam**, to pass over Article 8.  
**Discussion:** Costello thinks that some changes may be needed, particularly  
210 on issues like the Senior Center shed, adding that it is wasting tens of  
thousands of dollars on site plan approvals for a \$1500 shed. He agrees that  
212 there needs to be some level of review and thinks it’s something that needs to  
be looked at, adding that the Board should be able to have a discussion with  
214 other regulatory boards and department heads regarding the site plan review  
process. Nay agrees, but feels it should be brought to the people.
- 216 **VOTE:** The Board **VOTED** unanimously to recommend passing over Article  
8.
- 218 • **Update on Article 11:** Benson advised the Board that more tests are in and they  
have found mold in the carpet at 10 Elm Street and 188 Washington Street –

220 more at 188 Washington Street. The number will be pretty close to the number  
222 estimated. He added that more information continues to come in.

222 ○ **Killam: Cost of Last Remediation:** Killam asked how much the Town  
224 spent on the cleanup the last time it was done. Benson advised it was  
\$23,000.

• **Assignment of Articles:**

- 226 ○ **Article 1:** Costello
- **Article 2:** Costello
- 228 ○ **Article 7:** Perkins
- **Article 8:** Perkins
- 230 ○ **Article 16:** Killam
- **Article 17:** Killam
- 232 ○ **Article 18:** Killam
- **Article 19:** Nay
- 234 ○ **Article 20:** Perkins
- **Article 21:** Costello
- 236 ○ **Article 22:** Nay
- **Article 24:** Land Committee will speak. Benson advised they have raised  
238 upwards of \$400,000 in private funds.
- **Article 29:** Nay
- 240 ○ **Article 28:** Davis
- **Article 30:** Davis
- 242 ○ **Article 32:** Perkins

244

**8:57PM REPORT OF THE TOWN ADMINISTRATOR:** Town Administrator Alan  
246 Benson brought the following items to the Board's attention:

- 248 • **Update on Proposed State Budget and Local Aid for FY2014:** Benson  
250 advised there is only a \$6,000 difference between the Governor's proposal and  
the HWM proposal. On Saturday, the Senate met and put together a 50%  
increase. If that passes, Boxford will be in good shape.
- 252 • **Legal Report:** Benson advised that less than 50% has been spent, but advised  
that the cost of the Mass. DOT case will increase exponentially in the next six  
months.
- 254 • **Notice of Appeal: Nissenbaum s. Boxford, et. al.:** Benson advised that  
256 Nissenbaum has appealed the denial of his request for Contempt of Court  
finding.
- 258 • **Consider Lifting Hiring Freeze:** Benson reported that the Assistant  
260 Treasurer/Collector has resigned. Perkins publicly thanked her for her service  
and accepted her resignation with regret. Benson advised he and the Finance  
262 Director will be redesigning the job and will prepare a presentation for the Board,  
before they ask to lift the hiring freeze to fill the position.

264 **9:05PM ROUTINES:**

- 266 • **Common Victualler's License:**  
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen  
268 **VOTED** unanimously to issue a Common Victualler's License to Benson's  
Homemade Ice Cream, Inc.
- 270 • **License for Sale of Frozen Desserts, etc. on the Lord's Day:**  
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen  
272 **VOTED** unanimously to issue a license for the sale of Frozen Desserts, Ice  
Cream Mix, Confectionery, Soda Water or Fruit on the Lord's Day to Benson's  
Homemade Ice Cream, Inc.
- 274 • **Common Victualler's License:**  
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen  
276 **VOTED** unanimously to issue a Common Victualler's License to Ingaldsby  
Farm.
- 278 • **Outstanding Appointments:** Perkins briefly reviewed the outstanding  
appointments memo and noted that the Town still needs an alternate for the ZBA  
280 and one member of the Conservation Commission. Costello noted that the  
Cummings House Study Committee has received the resignation of Matthew  
282 Juros. Benson advised that opening will be added to the outstanding  
appointments.
- 284 • **Minutes:**  
On a **MOTION** made by **Nay**, seconded by **Costello**, the Board of Selectmen  
286 **VOTED** unanimously to approve the Minutes of April 8, 2013.  
  
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen  
288 **VOTED** unanimously to approve the Executive Session Minutes of April 8,  
290 2013, as printed.
- 292 • **Treasury Bills:**  
On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of  
Selectmen **VOTED** unanimously to approve accounts payable warrant  
294 #1343S, in the amount of \$76,900.91.  
  
On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of  
296 Selectmen **VOTED** unanimously to approve Payroll Warrant #PY1342, dated  
298 April 24, 2013, for non-school payroll, in the amount of \$73,787.53.  
  
After Selectman Costello removed himself from the discussion, on a **MOTION**  
300 made by **Killam**, seconded by **Nay**, the Board of Selectmen **VOTED** to  
302 approve Payroll Warrant #PY1342, dated April 24, 2013, in the amount of  
\$291,985.32. **Costello abstained.**  
304  
  
On a **MOTION** made by **Killam**, seconded by **Costello**, the Board of  
306 Selectmen **VOTED** unanimously to approve Vendor Warrant #13-43, in the  
amount of \$121,252.67.  
308

310 **9:14PM OTHER BUSINESS:**

- **Next Week's Meeting:** Benson advised that the Board of Selectmen will be meeting in the Police Station next week, as the Town Hall will be set up for the Election on Tuesday.

314

316 **9:15PM Executive Session**

318 On a **MOTION** duly made by **Perkins**, seconded by **Costello**, the Board of  
319 Selectmen **VOTED** unanimously by roll call vote, to go into Executive Session for  
320 the purpose of discussing overall strategy on employment contract negotiations  
321 with the Teamsters Police Patrol Officers, AFSCME DPW Employees, AFSCME  
322 Town Hall Clerical/Library Employees, Non-Represented Employees, and  
323 declared that an Executive Session was necessary since an open public  
324 discussion may have a detrimental effect on the negotiating, bargaining or  
325 litigating position of the Board of Selectmen, and upon completion of the  
326 Executive Session to return to open session and immediately adjourn without  
conducting any further business.

328 The Board of Selectmen entered into Executive Session at 9:16PM.

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**9:30PM Meeting Adjourned**

332 On a **MOTION** made by **Costello**, seconded by **Killam**, the Board of Selectmen  
333 **VOTED** unanimously by roll call vote to adjourn at 9:30PM

334

336 Respectfully submitted,

338 Judith A. Stickney  
339 Minutes Secretary

340

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

1. Agenda
- 344 2. Announcement: Earth Day
3. Announcement: Special Senate Primary Election
- 346 4. Announcement: Moderator's Forum
5. Announcement: Candidates Night
- 348 6. Announcement: Town Meeting
7. Announcement: Annual Town Election
- 350 8. Boxford Athletic Fields Project Budget, 4/22/13
9. E-Mail from Bill Brown to Susan Inman, Re: Memo for the Selectmen Re:  
352 Haynes, 4/19/13
- 354 10. Memo from Inspector of Buildings to Board of Selectmen, Re: 158 Washington  
St., Colby House Parking Lot Site Plan Review, 3/28/13



- 356 11. E-Mail from Robert Camacho to Alan Benson; Ross Povenmire; John Dold, Re:  
Colby House Parking, 3/28/13
- 358 12. Letter from Inspector of Buildings to Board of Selectmen, Re: Building Safety  
Month Proclamation, 4/17/13
- 360 13. Warrant for Annual Town Meeting, 5/14/13
- 362 14. E-Mail from MMA to Alan Benson, Re: House W&M Committee Releases  
FY2014 Budget, 4/10/13
- 364 15. Mass. Dept. of Revenue Division of Local Services FY2014 Local Aid Estimates  
16. Mass. Dept. of Revenue Division of Local Services FY2014 Local Aid Estimates,  
Masconomet
- 366 17. Town of Boxford FY2013 Legal Expenses for Year Month End Report
- 368 18. Copy of Letter from Nissenbaum Law Offices to Essex County Superior Court  
Civil Clerk's Office, Re: Nissenbaum v. Alexander Gordon Price, et al. Essex  
Division, Civil Action No. 08-00541-B, 4/8/13
- 370 19. Copy of Letter from Karen Wheeler to Ellen Guerin, Re: Resignation, 4/16/13
- 372 20. Common Victualler's License for Benson's Homemade Ice Cream, Inc, 4/22/13  
21. License for the sale of Frozen Desserts, Ice Cream Mix, Confectionery, Soda  
Water or Fruit on the Lord's Day for Benson's Homemade Ice Cream, Inc.,  
4/22/13
- 374 22. Common Victualler's License for Ingaldsby Farm, 4/22/13
- 376 23. Letter from Dudley, Mass. Board of Selectmen to Board of Selectmen, Re: Act to  
establish a limit for the municipal revenue growth factor, 4/5/13
- 378 24. Letter from Susan Givens, Chief Financial Officer for Masconomet Regional  
School District, to Board of Selectmen, Re: Technology Infrastructure Upgrades,  
4/8/13
- 380 25. Copy of Letter from Mass. Inspector General's Office to Susan Inman, Re:  
Supplies & Services Contracting Certification, 3/2013
- 382 26. Memo from Alan Benson to Board of Selectmen, Re: Outstanding Appointments,  
4/18/13
- 384 27. Memo from Ross Povenmire to Alan Benson, Re: Exemption from Site Plan  
Review for Municipal Projects, 4/1/13
- 386 28. E-Mail from Diane Annunciato to Susan Inman; Alan Benson, Re: Resignation of  
Matthew Juros, 4/17/13
- 388 29. Meeting Minutes:  
a. April 8, 2013  
390 b. April 8, 2013 Executive Session
- 392 30. Letter from John Dold to Alan Benson, Re: Colby House, 4/19/13

394