

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

July 8, 2013 7:00PM

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

Absent: None

Others Present: Town Administrator Alan Benson, Minutes Secretary Judi Stickney, Kathryn O'Brien, Conservation/Planning Administrator Ross Povenmire, Nancy Merrill, Natasha Grigg, Peter Delaney, Peter Bernardin, Bob Gore, Andrew Pluczinski, Pat Canonica, Kathleen O'Sullivan-Fortin

7:00PM Meeting Called to Order

Chairman Davis called the meeting to order at 7:00PM.

7:01PM MEETING WITH LAND COMMITTEE: Peter Delaney and Peter Bernardin, speaking for the Land Committee, advised the Board on the following:

• **Status of Easement Acquisitions for Boston to Border Multi-Modal Trail:**

Delaney brought the Board up to date on their progress on the easements they've negotiated for the Rail Trail. There was a discussion on the proposed Rail Trail and the State's recommendations.

- **Unsecured Easements: 256 Georgetown Road:** Delaney advised the Board that they are in the process of negotiating an easement from the parking lot to the trail bed. However, they discovered that the land they wanted to use for the easement does not belong to that landowner. The Land Committee discussed parking right off Georgetown Road at the head of the trail, somewhat like the parking at Wildcat on Herrick Road. The Board reviewed a plan of the property. Delaney advised they need some rough language to offer the landowner. Davis will talk to National Grid regarding permission to park on their easement there.

• **Unsecured Easements: 20 Kelsey Road**

- **Timeline and recap of communications:** Delaney and Bernardin provided a recap of the communications they've had with the landowner, summarizing that the landowner is not interested in negotiating. The Land Committee has made every effort to appease the landowner, but they feel their only option now is for a possible easement taking and they are recommending getting a Yellow Book appraisal for the property. Delaney noted there already is an easement on the property, suggesting that an additional easement should not devalue his property.

- **Proposed draft letter to landowner:** The Board reviewed the draft letter with the Land Committee. Benson advised the purpose of the letter is threefold:

1. To answer the previous communication regarding the town's interest in purchasing the entire property;

2. To encourage the landowner to have a dialog with Mr. Bernardin;
3. To list some compromises that the Town would be amenable to.

There was additional discussion regarding the letter and the Board ultimately agreed to send the letter as written.

7:29PM On a **MOTION** made by **Davis**, second by **Costello**, the Board of Selectmen **VOTED** unanimously to send the letter as amended.

- **Revised Nason Title Certification:** Benson advised that Town Counsel prepared a report on the title examination for the Board's information. It was included in the packet for their review.
- **Updated Nason Plot Plan:** Benson pointed out the access area for public use on the plan provided and noted that it may change. The Board will take that under advisement at this time. Natasha Grigg of the Land Committee advised that Greenbelt has not yet purchased the land. They are in final negotiations at this time. They now have the right of first refusal and they are acting upon it.

7:46PM MEETING WITH CANDIDATES FOR VOLUNTEER POSITIONS:

- **Kathleen O'Sullivan-Fortin, Candidate for ZBA:** Ms. O'Sullivan-Fortin reviewed her background and credentials with the Board and answered the Board's questions.
- **Patrick Canonica, Candidate for ZBA:** Mr. Canonica reviewed his background and credentials with the Board and answered the Board's questions.

Selectman Chairman Davis suggested they fill the permanent position tonight. Perkins advised he would rather hold on that appointment, noting that the ZBA has made one of the recommendations for one of the individuals they interviewed. He would prefer to get the input from the Zoning Board on their feelings as far as how they would like to see the Board go forward. Killam agreed. After discussion, the Board took the following action:

On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen **VOTED** 3-2 by roll call vote to appoint Kathleen O'Sullivan-Fortin to the ZBA for the permanent position, for a term ending 6/30/15:

Killam: No
Perkins: Abstain
Nay: Yes
Costello: Yes
Davis: Yes

On a **MOTION** made by **Davis**, seconded by **Nay**, the Board of Selectman **VOTED** 4-1 by roll call vote to appoint Peter Angle as an alternate on the ZBA, for a 3 year term ending 6/30/16:

Killam: Yes
Perkins: No
Nay: Yes
Costello: Yes
Davis: Yes

92 After the conclusion of the roll call vote, Killam nominated Pat Canonica as an
94 alternate on the ZBA. Mr. Canonica thanked Killam for the nomination, but said
he wasn't interested. He will remain as the Planning Board liaison to the Zoning
Board of Appeals.

96 On a **MOTION** made by **Costello**, seconded by **Davis**, the Board of
Selectmen **VOTED** unanimously by roll call vote to appoint David
98 Peterson as an alternate on the ZBA for a term ending 6/30/15.

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102 **8:15PM FY2014 PERSONNEL COMPENSATION ACTIONS:**

- **Lieutenant Robert Hazelwood:** New 3-year contract; an agreement was reached.
- **Lieutenant James Riter:** Compensation adjustment for the third year of an existing contract.

106 After a brief discussion, the Board took the following action:

108 On a **MOTION** made by **Killam**, seconded by **Perkins**, the Board of Selectmen
VOTED unanimously by roll call vote to approve the contracts, as printed.

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112 **8:18PM APPOINTMENTS:**

- **FY2014 Appointment Schedule:** The Board reviewed the pending appointments and took the following action:

114 On a **MOTION** made by **Nay**, seconded by **Davis**, the Board of Selectmen
VOTED by roll call vote to appoint Kerry Stickney as Fire Chief for a term ending
116 January 31, 2015:

Killam: Yes

118 **Perkins:** Yes

Nay: Yes

120 **Costello:** Abstain

Davis: Yes

122 Costello read aloud the list of openings on various committees.

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126 **8:26PM REPORT OF THE TOWN ADMINISTRATOR:** Benson reported on the following:

- **Update on FY2014 State Aid:** Benson provided copies of the local aid assessments and reviewed the numbers with the Board. He reported on the Governor's actions regarding the House and Senate's decision to not support the budget and the Governor, reportedly, will not sign the budget.
- **Concern about Bees and the Parks Program:** Benson contacted John Dold and asked him to meet with the program coordinators to find out what the issues are and how to resolve them.

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138 **8:36PM ROUTINES:**

• **Review Correspondence:**

- 140 • **Letter from Massachusetts Historical Commission:** Benson reviewed the
142 letter from the Mass. Historical Commission regarding the possibility of
144 archaeologically sensitive land in the Haynes Land tract. They are requesting
an intensive archaeological survey be conducted for the project.
- 144 • **Signature Folder:** The Board reviewed the draft letter to the landowner of Kelsey
Road again and decided to sign it as is.
- 146 • **Minutes:** The Board reviewed the minutes and took the following actions:
- 148 • On a **MOTION** made by **Killam**, seconded by **Perkins**, the Board of
Selectmen **VOTED** unanimously to approve the, Minutes of July 1, 2013, as
amended.
- 150 • On a **MOTION** made by **Killam**, seconded by **Perkins**, the Board of
152 Selectmen **VOTED** unanimously to approve the Minutes of July 1, 2013
Executive Session, as printed.

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8:45PM TREASURY BILLS:

- 156 • On a **MOTION** made by **Killam**, seconded by **Perkins**, the Board of Selectmen
VOTED unanimously to approve accounts payable warrant #13-54, in the amount of
158 \$72,420.86.
- 160 • On a **MOTION** made by **Killam**, seconded by **Perkins**, the Board of Selectmen
VOTED unanimously to approve accounts payable warrant #14-2, in the amount of
162 \$20,730.67.

164 **8:46PM EXECUTIVE SESSION:**

166 Upon a **MOTION** duly made by **Davis**, seconded by **Costello**, the Board of Selectmen
VOTED unanimously by roll call vote to go into Executive Session for the purpose of
168 discussing strategy on employment contract negotiations with represented and non-
represented employees and declared that an Executive Session was necessary since
170 an open public discussion ay have a detrimental effect on the negotiating, bargaining or
litigating position of the Board of Selectmen, and upon completion of the Executive
172 Session to return to open session and immediately adjourn without conducting any
further business.

174 The Board of Selectmen went into Executive Session at 8:46PM.

176 Respectfully Submitted,

178 *Judith A. Stickney*
Minutes Secretary

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Per the 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:

1. Agenda
2. Mass. Dept. of Transportation Highway Division: Plan and Profile of Border to Boston Trail in the Towns of Boxford, Georgetown, Newbury, and Salisbury
3. Plan of Land Boxford, Mass. Loren M. & Sally Ann H. Wood, Trustees, May 31, 2000
4. E-Mail from Chris Everest to Mr. Peter E. Bernardin, Alan Benson, Chris Everest, Nancy Merrill, Re: Boxford Rail Trail, 4/26/13
5. Letter to Christopher & Elise Everest from the Board of Selectmen, Re: Border to Boston Trail, 1/7/13
6. Letter to Nancy Merrill from Chris Everest, Re: Border to Boston Trail, 9/25/12
7. Letter to Nancy Merrill from Chris Everest, Re: Border to Boston Trail, 6/25/12
8. Draft Letter to Chris Everest from Board of Selectmen, Re: Border to Boston Trail, 7/8/13
9. Packet of Information, Letters and Plans Re: Nason Property, 6/27/13
10. Plan of Land Boxford, MA, property of James H. Nason, 6/19/13
11. Resume: Kathleen O’Sullivan-Fortin, Esq.
12. E-Mail from Alan J. Benson, Town Administrator to Board of Selectmen, Re: ZBA Appointments, 7/5/13
13. Letter from Patrick Canonica to Town Administrator, Re: ZBA Permanent Position, 7/4/13
14. Letter from Board of Selectmen to James B. Riter, Re: FY2014 Salary, 7/2/13
15. Personal Service Employment Agreement Town of Boxford and Robert D. Hazelwood, 7/1/13
16. E-Mail from Alan Benson to Board of Selectmen Re: Outstanding Appointments, 7/3/13
17. FY2014 Local Aid Assessments BOXFORD
18. Letter from William Francis Galvin, Secretary of the Commonwealth to David Webster NPDES Permit Branch Chief US Environmental Protection Agency Region 1, 7/1/13
19. Meeting Minutes:
 - a. July 1, 2013
 - b. July 1, 2013 Executive Session
20. Motion to go into Executive Session