

**Minutes of the BOXFORD BOARD OF SELECTMEN
BOXFORD TOWN HALL MEETING ROOM #1
March 23, 2015 7:00PM**

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

Others Present: Town Administrator Alan Benson, Minutes Sec'y Judi Stickney, Barbara Jessel, Richard Shaw, Judy Anderson, Lana Spillman, Bob Spillman, Joyce Ricklefs, Anna Plucinska, Geoffrey Buswick, Peter Delaney, Steve Clifford, Randy Johnson, Richard Taylor, Heather Vaz, Al Vaz, David Rivers, Christine Bolzan, Bernie Creeden, George Fischer, Bob Hazelwood, Steve Harvey, Margaret Chow-Menzer, Miika Ebbrell, Garth Tolman, Christine Bolzan, Chris Everest, Louise Kress, Heidi Ellard, Bob Gore, Ross Povenmire, Jane Moody, Wendy Perkins, Pam Blaquiere, Julian Troake, Marty Jessel, Jon Schwartz, Holly Langer, Laura Sapienza-Grabski, Rick Fahrner, and others

7:00PM MEETING CALLED TO ORDER/PLEDGE OF ALLEGIANCE

7:01PM ANNOUNCEMENTS

- **Burning Permits Available/Winter Reminders:** Selectman Perkins announced that brush burning season is January 15-May 1. Burning permits are available online at a cost of \$20 for the season.
- **Earth Day:** Selectman Costello announced that Earth Day activities will take place in Boxford on April 25, 2015, from 10AM to 3PM. Clean up the town to make Boxford a more beautiful place. Drop off bags at the recycling center. Sponsored by the Boxford Village Garden Club and the Boxford Recycling Committee.
- **Scouting for Food:** Select Chair Nay announced that the Boxford Boy Scouts will be collecting non-perishable food items on Saturday, March 28. If food is not collected by 10:30AM, bring food to the Boxford Community Center by 11AM.

7:04PM DISCUSSION ON USES/DISPOSITION OF 10 ELM STREET AND 188

WASHINGTON STREET: Select Chair Mary Anne Nay advised that the Permanent Building Committee and the Library Trustees have been invited to the meeting, but neither were at the meeting yet. In the meantime, the Board entertained comments from any of the regulatory board reps who were present. Those who spoke about the options for the buildings included:

- Andy Gori, Historic Districts Commission, 11 Gunnison Road: Gori had sent an opinion to the Board before the meeting and touched on some of the points made in his document. He suggested that there must be a definite destination before any plans are made for the vacant buildings. He added that the vacant buildings could be sold to the highest bidders and added to the tax base.

- Nancy Merrill, Historic Districts Commission, 20 Cross Road: Merrill had provided her ideas in a letter to the Board before the meeting. She suggested that the old libraries be turned into pubs or taverns, just as there were in the villages in times past.
- Richard Taylor, Council on Aging/Board of Health: Taylor had provided the Board with a plan for them to view as he made his brief presentation on ideas for the two vacant libraries. He suggested that 10 Elm Street building be sold and 188 Washington Street could be used for storage and not open to the public, or sold.

The Library Trustees and the Permanent Building Committee joined the meeting and those who contributed to the discussion included:

- Heidi Ellard, Board of Library Trustees: She provided the Board with a proposed plan of her Board's ideas for the use of the 10 Elm Street location, which proposed making a community park on the property. She also suggested there may be some small businesses that might be interested in leasing the properties for their own use and be responsible for keeping the buildings and properties maintained.
- Margaret Chow-Menzer, Permanent Building Committee: had some discussions on recommendations for the properties. It is the opinion of her committee that it makes the most sense to demolish the building at 10 Elm Street, sell the property, and use the proceeds to build a new municipal building. Her committee agrees with the Board of Health in that the center of town is the best place to build any new municipal buildings. She also suggested that 10 Elm Street could be subdivided, to keep the pony field for the town's use and selling the other half with the building to a private party.

Non-committee members who added to the discussion, included:

- David Rivers, Spofford Road: Agrees that subdividing 10 Elm Street to a private party and keeping the pony field for the town's use.
- Don Morton, Pearl Road: Morton provided a plan he drew up of the East Village to the Board, and proposed demolishing the library and the East fire station and building a new fire station on the library property, and building a new library on the fire station property.

The Board members shared their comments:

- Charlie Killam: Killam suggested hiring a professional planner to take an unbiased look at the town and to help the town determine where we should be going. He felt that would be money well spent.
- Chuck Costello: Suggested that the town make no plans for new buildings until the disposition of the vacant buildings has been determined. He feels the 188 Washington Street location is a structurally sound building, in a great location, with curb appeal. He suggested subdividing the first floor into two offices. He

continued, suggesting that Cummings property be sold as is, with covenants, with the proceeds used for library purposes. He would subdivide the property, keeping the pony field for the town's use.

- Peter Perkins: Noted that the ball field at 188 Washington Street is used a lot and there is a lot of parking provided there. He added that the field is a landing zone for the Medflight helicopters. He agrees that the town needs to come together on plans for the 10 Elm Street location. He does not want to have to keep putting money into the maintenance of the building, if it's not being used.
- Bill Cargill: We need to take care of the buildings and is not in favor of demolishing any of them. He does, however, feel that the addition should be removed from the Cummings building, then think about what to do with the property. He agrees that taverns in both villages is a great idea. He's in favor of fixing those buildings up and using them.
- Selectmen Chair Mary Anne Nay: Nay reminded the Board that 188 Washington Street would need to be accessible, if rented, adding that we'd have to put more money into it. She would sell 10 Elm Street as is, right away, and keep the pony field for town use. She agrees with Killam that a professional opinion is needed to determine what the buildings could realistically be used for.
- Town Administrator Alan Benson explained the step-by-step process for selling the Cummings house, as provided by Town Counsel, which included information on a *Cy Pres Petition*.
- George Fischer, 4 Mile Village: Pointed out the conditions of the *Cy Pres Petition*.

8:04PM DISCUSSION ON LONG TERM SPACE NEED OPTIONS FOR

COUNCIL ON AGING AND LIBRARY: Selectman Chair Mary Anne Nay asked the Library Trustees to begin the discussion.

- Julian Troake, Board of Library Trustees: The trustees recently met with the Permanent Building Committee and Council on Aging to determine space requirements of the Council on Aging and Library. There was a lengthy discussion on meeting space needs and what space could be shared. A sub-committee was formed and should be meeting soon to work on a plan for a combined building and present their plans to the Library Trustees and the Permanent Building Committee in April, in time for a warrant article.
- Richard Taylor, Council on Aging: The COA is encouraged by the Library Trustees' willingness to work together on a combined use building in the geographic center of town. He reviewed some of the water and driveway issues the boards have discussed.
- Margaret Chow-Menzer, Permanent Building Committee: Followed up on the well issues and advised they will be putting forth a warrant article for the Annual Town Meeting to drill a well. Access to the well will be discussed with the Sustainability Committee, with regards to the solar array panels they will be installing on the

landfill site. They will be discussing road use and power use with them. They felt it was important to hire a professional to look at the entire site and project, before they start on anything. They've had discussions with the School Committee to resolve any possible traffic issues, additional parking, and drainage issues. They expect to have a warrant article for funding of the site development and access ready for a fall town meeting. She added that the second part of Weston and Sampson's report will be available at the end of April.

- Miika Ebbrell, Permanent Building Committee: Suggested that that site development and building plans be on the same warrant article and they are discussing that at their meetings.
- Bob Gore, Planning Board: He suggested that if we do this piecemeal, it will not pass at Town Meeting without a roadmap and vision. He added that it should be up to the Board of Selectmen to direct the committees on what direction to take. He suggested that the central site may not be the best site and that other sites should be considered. He suggested that the Planning Board would be happy to take the charge on this.

Library Trustee Heidi Ellard asked if the School Committee had any comments on the issues presented. David Rivers, Chairman of the Elementary School Committee, advised that his committee met with the Permanent Building Committee a few weeks ago and their concern is the impact of the safety of the school children with the added traffic in and out of the site. However, he added, that there could be a synergy developed with the addition of a library in the area of the Spofford School, and they could gain additional parking for the school, which is desperately needed.

- Ross Povenmire, Planning and Conservation Agent: Advised there is a vernal pool on the central site property. They found some spotted salamanders on the site. He added that there is another vernal pool north of the Spofford School with additional spotted salamanders. He advised that Natural Heritage is aware of these vernal pools and will be monitoring it. He noted there are environmental sensitivities in the area that will need to be kept in mind when the property is developed. He urged all parties to include the Conservation Commission as a partner in their plans for the site.
- Lana Spillman, Conservation Commission: Pointed out that there has been some flagging done and there should be a Resource Area Delineation done on the property before any plans are in place. She added that the Town would not be liable for the filing fee as it is a municipal project.
- Margaret Chow-Menzer, Permanent Building Committee: She advised that the flagging of the property and the Resource Area Delineation is part of Weston and Sampson's contract.

Discussion turned to the disposition of the Aaron Wood building, at the request of David Rivers of the School Committee. Dr. Bernie Creeden, Superintendent of the Tri-Town Union, addressed the issue. He advised that there will be a proposal for Town Meeting to upgrade and/or repair the roof, cupola, windows, all exterior parts of the building, as well as upgrading the interior spaces so they can continue to use the building for an additional ten years. They expect to have a bid price for Town Meeting in May. The CPC may be funding some of the upgrades. Creeden advised that the interior upgrades will be shared by the three towns in the Tri-Town Union.

Town Administrator Alan Benson advised that the Town Meeting warrant will be closed on April 6.

The Board of Selectmen took a five minute recess.

8:55PM REPORT OF THE TOWN ADMINISTRATOR

- **Correspondence:**

- **Consideration of Support for FY16 Mosquito Control District Budget:**

- Benson provided the Board with a letter from the Northeast Massachusetts Mosquito Control and Wetland Management District with their proposed budget for FY16. Rick Fahrner, Chair of the Board of Health explained the services the Town gets from the Mosquito Control District, noting that we only have roadside mosquito spraying when EEE is discovered inside Boxford. He added that most of the Board of Health wishes to remain in the District, to maintain the monitoring for diseased mosquitos. There was a lengthy discussion on mosquito spraying.

- On a **MOTION** made by **Costello**, second by **Cargill**, the Board of Selectmen **VOTED** unanimously to authorize the chair to sign the declaration approve the budget as submitted.

- **Nomination of Animal Inspectors:** Benson provided the Board with a letter from the Department of Agricultural Resources nominating Allison Hayes and Nancy Drago as Animal Inspectors for the Town of Boxford.

- On a **MOTION** made by **Killam**, second by **Cargill**, the Board of Selectmen **VOTED** unanimously to nominate Allison Hayes and Nancy Drago as Inspectors of Animals.

- **Report of the Inspector of Buildings:** Benson provided the Board with February's monthly report of the Inspector of Buildings.

- **Legal Decision: Court of Appeals: Nissenbaum v. Ingaldsby Farm:**

- Benson provided the Board with a copy of the decision of the Appeals Court of Massachusetts in the case of Gerald L. Nissenbaum vs. Alexander Gordon Price & others. The Court upheld the Appeals Court decision. Benson provided a brief history of the case, noting that the Appeals Court deemed the case frivolous and awarded attorney's fees to the town.

- **Border to Boston Meeting:** Benson advised the Board that he joined Nancy Merrill at a meeting in Boston with MassDOT on the Border to Boston trail, where they were advised that the MassDOT study of alternative route alignments that avoids the property at 20 Kelsey Road. He suggested that the Board write to the owners of 20 Kelsey Road to let them know of MassDOT's findings of an alternative route. Benson drafted a letter for the Board to approve.
On a **MOTION** made by **Costello**, seconded by **Nay**, the Board of Selectmen **VOTED 4-1 (NO: Cargill)** to send the letter as drafted.
- **Contracts for the Solar Array:** Benson provided a copy of the agreement for the Solar Array proposed for the landfill site, for the Board's review.
- **Upcoming Meetings:** Benson advised the Board that they will be meeting on March 30 to finalize the budget. He added that we're looking at two overrides – one for Masconomet and one for the elementary schools.
- **Luncheon for DPW Employees:** Benson advised the library is hosting a luncheon for the DPW employees on Wednesday at noon.

9:25PM ROUTINES

- **Signature Folder:** The Board reviewed the items in the signature folder:
 - **Mosquito Control Budget**
 - **Nomination of Animal Inspectors**
 - **Solar Array Agreements**
- **Approval of Minutes:** The Board briefly reviewed the available minutes and, after an amendments by Costello and Perkins, took the following actions:
On a **MOTION** made by **Cargill**, second by **Perkins**, the Board of Selectmen **VOTED** unanimously to approve the minutes of March 9, 2015, as amended.
- **Treasury Bills:**
On a **MOTION** made by **Cargill**, second by **Perkins**, the Board of Selectmen **VOTED** unanimously to approve Accounts Payable Warrant #15-38, in the amount of \$48,403.94.

On a **MOTION** made by **Cargill**, second by **Perkins**, the Board of Selectmen **VOTED** unanimously to approve Payroll Warrant #15-19, non-school payroll, in the amount of \$136,102.79.

On a **MOTION** made by **Cargill**, second by **Nay**, the Board of Selectmen **VOTED** unanimously to approve Payroll Warrant #15-19, school payroll, in the amount of \$317,019.89, for a total payroll of 453,122.68.

On a **MOTION** made by **Cargill**, second by **Perkins**, the Board of Selectmen **VOTED** unanimously to approve Accounts Payable Refund Warrant #15-368, in the amount of \$2,030.69.

On a **MOTION** made by **Cargill**, second by **Perkins**, the Board of Selectmen **VOTED** unanimously to approve Accounts Payable Warrant #15-38S, in the amount of \$82,768.35.

9:30PM EXECUTIVE SESSION:

On a **MOTION** duly made by **Nay** and seconded by **Cargill**, the Board of Selectmen **VOTED** unanimously by roll call vote to enter into Executive Session for the purpose of discussing overall strategy on employment contract negotiations with represented and non-represented employees: Fire Chief, 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.

ADJOURN

On a **MOTION** duly made and seconded, the Board of Selectmen **VOTED** unanimously by roll call vote to return to open session and adjourn.

Respectfully submitted,

Judith A. Stickney

Minutes Secretary

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

1. Agenda: March 23, 2015
2. Announcement: Burning Season
3. Announcement: Earth Day
4. Vacant Buildings Rationalization Plan, prepared by Andrew Gori
5. Procedure for Disposition of the East Boxford Library and Use of Proceeds for New Library, prepared by Town Counsel, 3/19/15
6. LibraryCOA Building Scenarios, 1/12/15
7. Letter from Council on Aging to Board of Selectmen, Re: New COA Center; Combined Library/COA Center, 8/21/14
8. Memo from Selectman Charlie Killam to Board of Selectmen, Re: Library and Senior Center Issues, 10/15/14
9. Letter from Steve Merriam to Board of Selectmen and Permanent Building Committee, Re: Central Location, 2/24/15
10. Packet of E-Mails from Board of Health to Selectmen, Library Trustees, COA, et al, Re: Spofford Road Site, 3/8/15

11. Americans with Disabilities Act-ADA, Self-Evaluation Site Access Survey for the Boxford Council on Aging, 2005
12. Letter from Northeast Massachusetts Mosquito Control to Boxford Director of Finance, Re: FY16 Proposed Budget, 2/12/15
13. Letter and Packet of Information from Massachusetts Department of Agricultural Resources to Board of Selectmen, Re: Nomination of Inspector of Animals, 3/6/15
14. Memo from Inspector of Buildings to Board of Selectmen, Re: Monthly Report, 3/3/15
15. Summary Decision of the Appeals Court of Massachusetts, in the case of Gerald L. Nissenbaum vs. Alexander Gordon Price & others, 3/18/15
16. Memo from Town Administrator to Board of Selectmen, Re: Outstanding Appointments, 3/19/15
17. Meeting Minutes:
 - March 9, 2015
18. Draft Letter from Board of Selectmen to 20 Kelsey Road Resident, Re: Border to Boston Trail, 3/23/15
19. Plan of Proposed Library Park at 10 Elm Street, 1/23/14, Schwartz/Silver Architects
20. Plan of Proposed East Village Municipal Buildings, prepared by Don Morton