

## BOARD OF SELECTMEN

### Minutes of

July 9, 2007

Chairman McArdle called the meeting to order at 7:30PM. Board members present in addition to the Chairman McArdle were Richard Gandt, Steve Clark, Boyd Jackson and Richard Carlson. Of the Selectmen's staff, Town Administrator Virginia Wilder, & Donna Rich, Board Secretary, were in attendance. Other persons present were Jane Schraffa and Evelyn Hammond of Topsfield Cable. Also present were Terri Lee Carabillo of New Meadows Market, Robert & Cathy Morgan, Ralph & Rebecca Stump, Paul Stump, Jim Callahan, Michael DeAmario, Nancy Luther, Walter Harmer, John Nylander, David Reed, Ben Nutter, Gregg Demers, Alison Arnold, Joe Geller, Chairman of Rail Trails, Ethan Forman of the Salem News and Brendan Lewis of the Tri-Town Transcript.

**Announcements:** Chairman McArdle announced that the Board would be going into Executive Session at the end of the meeting to discuss the Quayle Lawsuit, and the Police Union Contract and the Board would not return to open session. Chairman McArdle announced that a Mandatory Water Ban is in effect immediately. Nonessential outdoor water use is limited to hand-held hoses or buckets only before 9AM and after 5PM each day. Using automatic irrigation systems at any time is strictly prohibited. Private well users are expected to adhere to this restriction as well. The restrictions are required because the average daily streamflow for the Ipswich River has fallen below 52.5 cubic feet per second.

**Selectmen Minutes:** Selectman Gandt made a motion to approve the amended minutes of the Executive Session of June 19, 2007 and to hold until all issues have been resolved; seconded by Selectman Jackson; so voted 4-0-1, Selectman Clark abstained. Selectman Jackson made a motion to approve the amended minutes of June 25, 2007; seconded by Selectman Clark; so voted 4-0-1. Selectman Carlson abstained. Selectman Gandt made a motion to approve the amended minutes of the Executive Session of June 25, 2007 and to hold until all issues have been resolved; seconded by Selectman Jackson; so voted 4-0-1, Selectman Carlson abstained.

### **GENERAL BUISNESS:**

- Chairman McArdle would like to inform the Tri Town Transcript that his name is John, not Dave as published in the July 6<sup>th</sup> paper. Also contrary to what was reported in the paper, Mr. Berry did not offer to fund a Special Town Meeting.
- Selectman Clark made a motion to approve the settlement approved by Kopleman & Paige from Tappe Associates Inc to pay the Town of Topsfield \$20,000 in four monthly installments of \$5,000 in connection with the Library renovations and additions project suit against G&R Construction et. al; seconded by Chairman McArdle; so voted 5-0. All members signed the agreement which was required prior to depositing the first installment.
- Selectman Gandt made a motion to extend the existing contract with Retrofit Technologies, Inc for system administration and network services for a period of two months July and August, in the amount of \$2,940; seconded by Selectman Clark; so voted 5-0. It is the intent to review other options for computer technical support for Town Hall over the next two months.

- Chairman McArdle announced that he was provided with a list of all Board/Commissioners/Committee members that to date had not been sworn in at the Town Clerk’s office. It was noted that members are not eligible to vote at meetings until they have been sworn in. Letters have been sent out to all chairs and the Board of Selectmen's Office will continue to attempt to expedite the process. It was noted that employees of the Town not sworn in could potentially not be paid.

**OLD BUSINESS:**

Robert Quayle has withdrawn his request to be appointed to the Conservation Commission.

Renaming of Proctor Field: A second letter was received from Greg McArthur requesting that the Proctor School ball field be renamed in honor of the late George Lucy, who for over 20 was committed to the Topsfield Youth Baseball program. Selectman Clark had spoken with the Chairman of the Parks & Cemetery, who stated that the policy is not to grant requests such as this; however, he is not opposed as long as the signage is an appropriate size and the location has been approved. Selectman Gandt mentioned that the field is already named after a prominent Topsfield resident; Selectman Jackson stated it would be precedent setting, but would agree to changing of the name. A long time resident of Topsfield stated that the field was named long before the school was built. Selectman Clark made a motion to change the name of Proctor Field to the George Lucy Field, however, the design is to be the responsibility of the Parks & Cemetery Commission; seconded by Chairman McArdle; so voted 3-2. Selectman Carlson & Gandt opposed.

**APPOINTMENTS:**

**8:00PM:** Terri Lee Carabillo of New Meadows Market was present to request a change of the business hours on the liquor license. Selectman Gandt read the Public Hearing notice. Ms. Carabillo stated that the hours are slightly different from the submitted request. The new hours requested were 8AM – 7PM Monday - Saturday. Selectman Clark made a motion to permit the change of business hours from these currently stated on the license to 8AM – 7PM Monday through Saturday, subject to receiving a vote of owners requesting the hours changing in writing at the Board of Selectmen's Office; seconded by Chairman McArdle, so voted: 5-0. No comments from the public in favor or opposed.

**8:10PM:** The Coalition for Children’s Safety and Serious Concerns Regarding the Proposed Topsfield Rail Trail Project had requested to address the Board. Robert Morgan, a representative of the group, stated the Coalition began with 5-10 people that had gotten together regarding their concerns as it relates to the Rail Trail Project going through Topsfield from the Wenham line up to Washington Street. He presented to the Board a paper copy of a power point presentation (attached document) and read the slides. The presentation went through an Introduction, Children’s Safety, Property Rights, Abutter’s Concerns, Environmental Concerns, Broken Due Process and Negative Effects on Topsfield. Their key concerns are as follows:

Issues:	Concerns:
Children’s Safety	Playgrounds located at Proctor School, very close to trail, being subject to out of Town traffic
Width of Trail	Section by Hippie Hill only 10 feet wide with a 6 feet downhill slope
Property Rights	Ownership of the MBTA land is thought not to be accurate.

	Town would need to perform a title search.
Abutters Not Notified	It was noted that no abutters, resident or commercial were made aware of the Project.
Open Meetings	The residents had not been informed of the Rail Trail Project, no abutters to this phase had been notified.
Design of Plan	Not a complete design has been presented.
Grant Application has falsehoods stated	Grant application was submitted with wrong information.

Joe Geller, Chairman of Rails Trails Committee was asked to address the concerns of the Coalition. Mr. Geller stated that the Committee notified each abutter for Phase One by telephone and he has records of said conversations with abutters. There was an Open Space Survey sent to each Topsfield resident in 1999 and 436 responded to the project, with 86 ½ % in favor and 36 voting against it. All Rails Trail meetings are posted and follow the open meeting laws.

**NEW BUSINESS:**

Selectman Carlson initiated a conversation regarding the ABC Program which began in the 1973. The national program was brought into MASCO with the intent that all three communities would support the education of the students. However, the students are placed on the Topsfield census due to where they reside; therefore, Topsfield is paying the entire cost of the student’s education. It is not clear when this changed. Selectman Carlson has spoken to Larry Linquist of the MASCO School Committee who verified that in fact Topsfield has been paying for the students. Selectman Carlson requested that he be authorized by the Board to review the documents in this matter and report his findings, so moved by Selectman Clark, seconded by Selectman Jackson; so voted 5-0.

**Administrator’s Report:** see attached.

**Correspondence & Reports**

- Street Sign request for Forrest Street.
- The Hair Designers owner Ann Haraden sent a letter stating Mr. Clohecy’s inaccuracies regarding an A-frame sign.
- Alexander & Carole Carter sent a letter thanking the Fire Department Emergency Squad for responding to their 911 call.
- Letter received from the Fire Chief that he has reappointed Jen Collins-Brown as a full-time Fire Fighter for FY08.
- Letter received from the Fire Chief with a list of Call Fire Fighters that he has reappointed for FY08.
- AB Carnes has submitted a letter to the Inspector of Buildings stating that there are several incidents where roofs are being installed by unlicensed roofing companies & not obtaining permits. A list of new installed roofs was included.
- Verizon sent a letter stating information regarding the Cable Choice and Competition Act.
- Letter from MA School Building Authority to Superintendent Claire Sheff Kohn, MASCO explaining new electronic version of the Statements of Interest for requesting grant money for building projects.

- Weston & Sampson has submitted the Spring 2007 semiannual environmental monitoring report. Full report is available for review.
- Independent Living Center of North Shore and Cape Ann are requesting that the Town proclaim July 26, 2007 Americans with Disability Act day.
- List from MA Department of Revenue/Div of Local Services has provided a list of FY 01-06 Municipal costs vs. Commonwealth costs of Health Insurance expenditures.
- MAPC has sent information regarding a meeting on July 16 that will outline the implementation strategy plan.
- Trudi Perry has sent an email stating that she is the Chairman & Secretary of the Agricultural Commission with Peter Mulholland as Vice-Chair.
- Planning Board is advising the Board of public safety issues concerning traffic speed and parking as they relate to the Day Care facility on Gail St.
- Memo received from the Town Accountant regarding the new mileage rate of \$0.485 per mile, which is effective as of July 1, 2007.
- KeySpan has sent a letter relating to their practice and policy regarding damaged trees due to gas leaks.
- Memo from Dave Smith regarding the railroad bridge on the Rails Trail project.
- Conservation Commission has submitted: 2<sup>nd</sup> Amended OoC for 48 Prospect St, summer interns announced, minutes from February 7, 2007, monthly report, and re-appointment of Chairman, Walter Harmer.
- Board of Assessor submitted minutes of June 15, 2007
- Selectmen Policies & Procedures were distributed for review at the August 6<sup>th</sup> meeting.
- MA Department of Revenue Division of Local Services report for the Town was received for FY2008 local aid estimates.

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$ 78,952.62**. The breakdown is as follows:

Warrant #FY07:	<b>\$78,952.62</b>
107T	\$ 36,379.57
107	\$ 17,993.61
108	\$ 24,579.44

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$ 313,276.370**. The breakdown is as follows:

Warrant #FY08:	<b>\$313,276.70</b>
003T	\$ 80,968.74
	\$
004	\$ 232,307.96

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**Executive Session:** At 9:35 PM, Chairman McArdle entertained a motion to go into executive session to discuss the Quayle Lawsuit and the Police Union Contract, seconded by Selectman Clark; so voted 5-0. A yes vote was recorded for Chairman McArdle, Selectmen Gandt, Selectman Clark, and Selectman Jackson and Selectman Carlson. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

Respectfully submitted,

Donna Rich, Secretary  
Board of Selectmen's Office

*Approved as amended at the July 23 , 2007 Board of Selectmen meeting.*