

## BOARD OF SELECTMEN

### Minutes of January 19, 2010

Chairman Martha Morrison called the meeting to order at 7:30PM. Board members present in addition to Chairman Martha Morrison were Richard Gandt, Nancy Luther, Karen Dow and Laura Powers. Of the Selectmen's staff, Town Administrator Virginia Wilder and Board Secretary Donna Rich were in attendance. Other persons present during all or part of the meeting were: Evelyn Hammond of the Topsfield Cable; Ron Giovannacci, Fire Chief; Evan Haglund, Police Chief; Tom Dunn of Metro Sign & Awning; Ed Juralewicz of United Sign Company; Alan Berry of CP Berry Homes; Said Abuzahra, property owner, Jeanine Cunniff, resident.

#### **ANNOUNCEMENTS:**

Chairman Morrison announced that the Board would go into Executive Session at the end of Open Session to discuss the Fire and Police Chiefs' contracts and would not return to Open Session.

Chairman Morrison announced that there will be a celebration of 50 Years of Masconomet Basketball, "Over the Hoops", on Saturday, February 6<sup>th</sup> at 2:30PM at Masconomet High School. Selectman Powers announced that the Masconomet School Committee is holding interviews with the finalists in the superintendent search.

#### **APPOINTMENTS:**

**7:30PM – Fire FY2011 Budget** - Fire Chief Ronald Giovannacci presented his proposed level-funded budget for fiscal 2011. The Board commended the Chief on his ability to produce a level-funded budget; however, the Board cautioned that it should be a budget that the Fire Department can operate within, without reserve fund or special town meeting transfers during the fiscal year. Items discussed were the contractual salaries and wages due to the contract with the newly-formed Call Firefighters Union, the expected maintenance on the existing fleet, and the potential development of a plan to cope with anticipated retirements within the Department in a few years. The chief reported on grants that have been used to purchase needed equipment. Other grants have been applied for but notification of awards has not been received.

**7:51PM - Proposed Signage** –Chairman Morrison stated that the newly organized Sign Committee consisting of Town Administrator Wilder and Selectmen Morrison and Gandt met with three individuals who are requesting special permits for signs. This process was well-received by the individuals and resulted in the proposals currently before the Board.

Willowdale Medical Center – Continued Public Hearing: Ed Juralewicz of United Sign Company proposed that the main sign located near the entryway in the front of the building be single-faced 24"X48" installed on two 4"X4" cedar posts with caps painted black, and be 45 inches in height and white in color to match the trim of the building. Lighting for this main sign will be illuminated from an existing feed with a shielded light fixture. He proposed a second sign on the side of the building hanging on a bracket to be securely installed by the entrance door. Lastly, he proposed a "patient parking" sign by the driveway that is used by patients. Selectman Gandt made a motion to approve a special sign permit for Willowdale Medical Center at 9-11 South Main Street as presented in the drawings and discussed tonight, seconded by Selectman Powers; so voted: 5-0.

Danversbank- Continued Public Hearing: Tom Dunn of Metro Sign & Awning proposed replacement signs at 15 Main Street due to a change in ownership from Beverly National Bank to Danversbank. There was a discussion regarding the color of the free-standing sign, for which three color schemes were presented at tonight's meeting. Selectman Gandt made a motion to

approve a special sign permit for Danversbank at 15 Main Street, as discussed and presented in the drawings:

- 1) Free-standing sign is to be black with metallic gold graphics, with universal khaki trim to match the external building color and as shown on drawing 09-3769-A9 dated 1/14/10..
- 2) Time and Temperature on this sign is internally illuminated, is being considered as a public service and is considered a grandfathered use. Time and Temperature will not be flashing.
- 3) Lighting for the free-standing sign is to be four external lights on each side directed toward the non-illuminated portion of the sign.
- 4) The free-standing sign may be illuminated from dusk to 11 PM.
- 5) Signage that is located around the exterior of the building is to be black with gold lettering and as shown in drawings: 09-3769-F dated 11/24/09, 09-3769-D3 dated 11/14/10, and 09-3769-C4 dated 1/19/10.

Seconded by Selectman Powers; so voted: 5-0.

English Commons: Alan Berry, CP Berry Homes-Public Hearing Opened-Selectman Dow read the Public Hearing Notice-Two signs are being proposed for English Commons at 12 Boston Street. The first, a permanent sign of black granite with 23k gold leaf lettering and logo, 42” in height with the bottom two feet above grade and mounted on two, 12”X12” granite posts. . The second, a temporary sales sign 4’X8’, with the bottom 3.5 feet above grade that will be removed by December 31, 2013 or by the completion of the sale of all units, whichever occurs sooner. Lighting of the signs is to be ground-based low voltage LED lights with shielding to allow the light to only illuminate the signs, not directly visible to the traffic. Selectman Gandt made a motion to approve a special sign permit for English Commons at 12 Boston Street as presented in the drawings (1/8/10) and discussed tonight for a permanent granite sign located seven feet from the property line (as shown in the diagram presented), and a temporary sales sign to be located three feet from the property line (as shown in the diagram presented). Lighting of the signs, having no initial time restriction, will be reviewed by the Board four months after the installation, seconded by Selectman Powers; so voted: 5-0.

**8:43PM - Police FY2011 Budget** - Police Chief Evan Haglund presented his proposed budget for fiscal 2011, which did not meet the Finance Committee Guideline of level funding. Areas of increase were in wages due to personnel changes and associated contractual requirements. Also discussed is the potential retirement of an officer in a year and the training required for the replacement of that officer. The Chief spoke of the aging fleet and cautioned the Board on the replacement of only one cruiser per year, which may lead to potential extensive maintenance costs.

### **CITIZENS QUESTIONS & COMMENTS:**

Jeanine Cunniff addressed the Board requesting that a link to all the FY 2011 budgets be placed on the front page of the town’s website. Ms. Cunniff stated that although the recap information is on the Finance Committee’s web page it is difficult to locate. The Board said that the request would be investigated and addressed.

### **GENERAL BUSINESS**

#### **New Business**

Board of Selectmen’s Budgets: Ms. Wilder was asked to review the 20 budgets under the Board of Selectmen. Budgets that did not follow the Finance Committee Guidelines of level funding were explained. It was noted that Building Inspectional Services, Council on Aging and the Police Administrative Assistant salaries/wages were reduced last year, FY10, through furloughs

or reduced hours, and that if funds become available it is requested that these budget lines be restored. Selectman Gandt suggested that the Composting wages be carried in the Selectmen's budget, as composting removes material from the MSW waste stream. The conclusion was this needs to be discussed with the Highway Commissioners first, as the wages traditionally have been in their budget..

Selectman Dow made a motion to forward to the Finance Committee the FY2011 Board of Selectmen's budget summary with updates as discussed tonight:

- Numbers be corrected in Selectmen's Other.
- Increase Tax/Collector postage line for billing of taxes.
- In the Police budget, Administrative Assistant restored hours will be moved to the essential service request area.
- Update to the insurance/unemployment figures as they become available.
- Support the essential service requests as presented, seconded by Selectman Powers; so voted: 5-0.

Perkins Row Test Well Investigation for the Water Department: Selectman Gandt made a motion to award the contract for the engineering services portion of the Perkins Row Test Well Investigation project to AECOM of Concord, MA in the amount of \$33, 500, seconded by Selectman Luther; so voted: 5-0.

Library Roof and Interior Wall Repair to Children's Room: Selectman Powers made a motion to award the contract for the Library's emergency roof repair and interior wall replacement project to Roger A. Tremblay Contractors of Salem, MA in the amount of \$4,975.00, seconded by Selectman Dow; so voted: 5-0.

Cleaning Contract-termination: Selectman Dow made a motion to terminate the fiscal 2010 Outside Services Cleaning contract for the Town Hall, Library, Police Station and DPW Facility with Dynamic Janitorial Cleaning, Inc of Milford, MA as of Jan 31, 2010 for failure to meet the terms and conditions of the contract, seconded by Selectman Luther; so voted: 5-0.

Cleaning Contract-awarding: Selectman Dow made a motion to award the outside services cleaning contract for the Town Hall, Library, Police Station and DPW Facility for the remainder of fiscal year 2010 (February 1<sup>st</sup> – June 30<sup>th</sup>) to Mathew's Cleaning Service Inc., of Ipswich, MA in the amount of \$13,483.90, seconded by Selectman Powers; so voted: 5-0.

Candidate for Cable Committee: Selectman Powers made a motion to appoint Jay MacDougall to the Cable Committee for a term to expire June 30, 2010, seconded by Selectman Gandt; so voted: 5-0.

Candidate for Open Space: Selectman Dow made a motion to appoint Melissa Ogden to the Open Space Committee for a term to expire June 30, 2010, seconded by Selectman Gandt; so voted: 5-0.

Amendment to the Ambulance Contract: There was a discussion on the timing of signing the amended contract, as to whether it was necessary to do so six months into the contract. It was noted that if services were not being performed properly the contract could be terminated at any time. Selectman Luther made a motion to approve Amendment No.1 to the contract for ambulance services with Northeast Regional Ambulance Inc. of Middleton, MA for zero dollars for the one-year extension of said contract for fiscal year 2011 with the same terms and conditions, seconded by Selectman Dow; so voted: 5-0.

Police Department Microsystems Software Contract: Selectman Luther made a motion to approve the annual contract for software and hardware support for the Police Department's computer systems to Microsystems Integrated Public Safety Solutions, Inc. of Melrose MA in the amount of \$6,310.20 for fiscal 2010, seconded by Selectman Dow; so voted: 5-0.

**Emerson Field:** Chairman Morrison initiated a discussion of the Town's leasing of Emerson Field from the Congregational Church for FY11. Chairman Morrison believes that the Park & Cemetery Commission should provide a formal written letter clarifying the need and/or willingness of the Park & Cemetery Department to maintain the ball fields for the use of Topsfield sports. Selectman Gandt, liaison to the Park & Cemetery Commission, said he would contact Bob Benjamin, chairman, with this request. Selectman Gandt noted that the Park & Cemetery crew does maintain the fields at a low level and that Emerson Field is used as an additional sports field, if needed.

**Annual Report Contract:** Selectman Gandt made a motion to award a contract for the design of the 2009 Annual Report to ET Johnson & Associates, Topsfield, MA in the amount of \$2,500 and for the Chairman to sign, seconded by Selectman Luther; so voted: 5-0.

### **Liaison Reports**

Selectman Dow reported that the Regional Readiness Study Sub-Committee will be presenting their findings to the Tri-Town Union Committee on Thursday, January 21<sup>st</sup>. Briefly noted, the committee found that the three towns, Boxford, Middleton and Topsfield, are not ready to regionalize the elementary schools but recommend strengthening the Tri-Town Union structure. This would include, but not be limited to, rearrangement of Central Office staff responsibilities, using one town as the fiscal agent for Central Office non-salary/wage items, optimizing the meeting schedule by holding more joint meetings, and working to better align the curriculum at the schools in the three towns.

### **Town Administrator's Report:**

- Capital Plan Recommendations for Fiscal 2011 were reviewed
- Ambulance Contract renewal
- Animal Shelter arrangements at Ipswich
- Sign Committee

### **Selectmen Minutes:**

Selectman Powers made a motion to accept the minutes of December 14, 2009, as written; seconded by Selectman Dow; so voted 3-0. Selectman Luther and Selectman Gandt abstained. Selectman Luther made a motion to accept the minutes of December 21, 2009, as amended; seconded by Selectman Powers; so voted 5-0.

Selectman Powers made a motion to accept the minutes of December 31, 2009, as written; seconded by Selectman Gandt; so voted 3-0. Selectman Luther and Selectman Dow abstained.

### **Correspondence & Reports**

#### **Correspondence**

Kopelman & Paige P.C. has sent a memorandum regarding the Federal Communications Commissions issuance of a Declaratory Ruling in a petition filed by the wireless industry. Comcast has announced they will enhance their network to digital format. Customers with Expanded Basic cable will be required to obtain a digital cable box, digital adapter or CableCard for each TV. This change will take place Jan. 19 thru February 17, 2010.

Comcast to Increase Rates – Letter received announcing new rates:

Basic Service from \$7.30 - \$8.30

Expanded Basic Service from \$52.85 - \$51.85

Standard Cable Service will see a change in component prices within their packages, total will remain the same.

Comcast has announced that they will be offering more HD programming and also on March 3<sup>rd</sup> they will be launching a new Hispanic service tier containing 55 channels for a monthly fee of \$14.95.

72 Hill Street Run-Off – Kenneth Stowe of 80 Hill Street has copied the Selectmen on another letter to the ConsCom regarding the run-off issue at the new construction site at 72 Hill St. Massachusetts Selectmen’s Association Annual Meeting is to be held on January 23, from 8:30-10AM at the Hynes Convention Center. In addition, a MSA sponsored workshop, same location, at 2:15-3:45, entitled: Tips for Effective Evaluation of the Municipal Manager.

Determination of Applicability for Hoods Pond – Conservation Commission has issued a negative Determination of Applicability for the removal of invasive plants in and near Hoods Pond. Full document is available upon request.

Streetlight Rate Increase – National Grid, after 14 years, has received a decision from the MA Department of Public Utilities for a proposed rate increase.

Rowley Bridge Street/Ipswich River Inspection – Massachusetts Department of Transportation has submitted an inspection report on the Rowley Bridge Street/Ipswich River bridge.

Amendments to Health Insurance Portability and Accountability (HIPAA) Act of 1996 – Kopelman & Paige has sent a memorandum regarding amendments to the Health Information Technology for Economic and Clinical Health Act (“the HITECH Act”) which expands the application of the privacy and security requirements of HIPAA.

Agricultural Commission Trudi Perry, chair, has submitted a letter of recommendation for 3 appointments to the Agricultural Commission.

Reports

Zoning Board of Appeals notified the Board that approved minutes of September 2 & 22, October 27 and November 24, 2009 have been posted to the website.

Conservation Commission notified the Board that approved minutes of May 27, July 8, & September. 9, 2009 have been posted on the website. Monthly report for December was also submitted.

Board of Assessors submitted approved minutes of August 28, October 23, November 13, and December 4, 11, & 14, 2009.

Elementary School Committee notified the Board that the agenda for January 7<sup>th</sup> and minutes of December 3<sup>rd</sup> have been posted on the school website

North Shore Regional Vocational School District submitted an agenda for January 14<sup>th</sup> and minutes of November 12, both are available upon request.

Council on Aging submitted approved minutes of October 13, November 10 and December 8<sup>th</sup>, 2009.

Police Department submitted a Monthly Report for December 2009.

Town Accountant submitted a Monthly Report for December 2009.

Invitation

Regional Emergency Communications Center in Essex County: The Essex County Sheriff’s department has invited the Board of Selectman to attend a meeting on Friday, January 22<sup>nd</sup> at 9AM at the Wylie Inn & Conference Center at Endicott College for the purpose of discussing the Division of Capital Asset Management (DCAM) building timeline and the development of some working groups.

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$1,700,086.00**. The breakdown is as follows:

Warrant FY10:  
059T           \$   80,179.59

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060                   \$ 1,619,906.41

At 10:47 PM, Selectmen Gandt made a motion to go into Executive Session to discuss the Fire and Police Chiefs' contracts; seconded by Selectman Luther. In a roll call vote, a yes vote was recorded for Chairman Morrison, Selectman Gandt, Selectman Luther, Selectman Dow and Selectman Powers. The Board would not return to open session.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as amended at the March 1, 2010 Board of Selectmen's meeting.*

<p>Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.</p>
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