

BOARD OF SELECTMEN
Minutes of April 26, 2010

Chairman Martha Morrison called the meeting to order at 7:31PM. 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 was in attendance. Other persons present during all or part of the meeting were Evelyn Hammond and Walter Harmer of the Topsfield Cable, Brendan Lewis of the Tri-Town Transcript, Kim Sherwood, President Topsfield Beach Association, Tim Swartz, President Topsfield Athletic Association, Jeanine Cunniff, resident, Jackie White, Library Director, Shelia Becker and Jen Baker, Library Board of Trustees members, Therese Lee Carabillo, owner of Main Street Market, Stan Ragalevsky, Ken Vogel, Rob Hardy and Bruce Spaulding, Alcohol Advisory Committee members.

ANNOUNCEMENTS:

Chairman Morrison announced that the Board would go into Executive Session to discuss the Fire Chief contract and would not return to Open Session.

Chairman Morrison announced that May 4th is the Annual and Special Town Meetings and that the Annual meeting will begin at 7PM in the Proctor School Auditorium. Please bring the Warrant you received in the mail with you.

Chairman Morrison announced that May 6th is the Town Elections; polls will be open from 7AM to 8PM at St. Rose Church, Park Street.

Chairman Morrison announced that the Cable Committee is reminding all residents to reply to a survey to determine the needs and interests of Cable TV subscribers in Topsfield. The survey is available on line, with a link to it on the Town Web site, and surveys are available in the Board of Selectmen's Office and the Town Library. Also, surveys were sent to residents in the mail.

Selectman Dow announced that Household Metals and White Goods pick-up is scheduled for Wednesday, May 19, Thursday, May 20, and Friday, May 21, 2009. There is no charge for this collection; items must be curbside by 7am the same day your trash is picked up. Metal items include anything that contains at least 80% or more of metal. Household white goods allowed include stoves, washers, dryers, micro-waves, dishwashers and dehumidifiers. Items that contain Freon, such as Refrigerators, freezers and air conditioners, need to be registered with the Board of Selectmen Office prior to the pick up date; please call (978) 887-1500.

APPOINTMENTS:

7:45- Library Facility Improvements – Shelia Becker and Jen Baker, Board of Library Trustees and Jackie White, Library Director, presented a document (dated 4/26/10) outlining immediate and long term facility maintenance needs of the Library. Due to the flooding of the Library basement in February, there was a general discussion on the water table surrounding the Library and the surface water caused by the recent excess rainfall. It was agreed that the Library would be reviewed by the new committee (to be discussed later in this meeting) which will be charged with looking at all the Town Facilities.

8:00- PUBLIC HEARING – Selectman Dow, clerk, read the Public Hearing Notice regarding the Alcohol License for Main Street Market. Therese Lee Carabillo, owner of ICDT, Inc d/b/a Main Street Market and members of the Alcohol Advisory Committee Stan Ragalevsky, Ken

Vogel, Rob Hardy and Bruce Spaulding came forward. Chairman Morrison opened the hearing by asking if the CORI Officer for the Board, Selectman Luther, had anything to report. Selectman Luther stated that the CORI came back with no findings. Chairman Morrison then asked for a report from the Alcohol Advisory Committee, Chairman Ragalevsky. Stan Ragalevsky reported that the committee met on April 15th, provided some recommendations and voted to approve the license to the Main Street Market, Therese Lee Carabillo.

Recommendations included:

- liquor cannot be sold until after 8AM-state law
- the cash register should be moved closer to the front exit
- no alcohol shall be sold to be consumed on the premise
- the sale of alcohol is not a detriment regarding its location to St. Rose of Lima Catholic Church

Therese Lee Carabillo responded to the recommendations stating that the location of the register is under investigation; if necessary a convex mirror will be placed for viewing of the alcohol section. She understands that alcohol can not be sold before 8AM and will ensure employees are made aware of that. There was a discussion relating to the opening of the store and the issuance of the license. Selectman Gandt believes that the issuance of the license should have a contingency attached related to the date the store will be opening. Bruce Spaulding added that he has witnessed establishments that have been issued licenses without buildings, or land leases, as was the case recently with the Texas Roadhouse in Danvers. Selectman Gandt made a motion to close the Hearing, seconded by Selectman Dow; so voted: 5-0. Selectman Gandt made a motion to grant ICDT, Inc d/b/a Main Street Market of 17 Main Street a package store liquor license for the sale of wine and beer and that the store operation be in accordance with Chapter 138, section 5, not to sell alcohol before 8AM and that this application is contingent upon the Main Street Market operating as a business on or before July 15, 2010, no second was recorded. Selectman Luther made a motion to approve a package store liquor license for the sale of wine and beer to Therese Lee Carabillo, owner of ICDT, Inc d/b/a Main Street Market located at 17 Main Street, seconded by Selectman Powers. Selectman Gandt motioned to amend the motion contingent to open by July 15th, no second was recorded for the amendment; the original motion was voted: 4-1. Selectman Gandt opposed.

GENERAL BUSINESS

Old Business

Charter for the Town Facilities Study Committee: Selectman Luther made a motion to accept the Charter for the Town Facilities Study Committee as presented, seconded by Selectman Powers; so voted: 5-0. Chairman Morrison requested that the document be posted on the Town Web Site.

New Business

Topsfield Athletic Association (TAA): Chairman Morrison invited Tim Swarts to address the Board regarding the TAA's general liability covered under the Town's policy. Mr. Swarts asked that TAA be given the same consideration that TBA is being offered, one additional year. Ms. Wilder was asked what the coverage presently is and what would be the cost to the Town to increase it; Ms. Wilder noted presently it stands at \$100,000 – \$300,000 and it would cost \$150.00 to increase the liability to \$1million - \$3million. There was a discussion regarding the proper insurance for a non-town run organization and Mr. Swarts did report that TAA is looking into acquiring the appropriate insurance coverage. Chairman Morrison stated that she believes the Board could move forward with TAA's request for one (1) more year, with a clear

understanding that the insurance issue needs to be resolved. Selectman Gandt made a motion that the Town provide FY11 Liability Insurance for Topsfield Athletic Association for \$1million-\$3million, seconded by Selectman Powers (stated against her better judgment); so voted: 3-2. Selectmen Dow and Luther opposed.

Chairman Morrison recognized President of the Topsfield Beach Association, Kim Sherwood and expressed the same information that was offered TAA relative to insurance, with the exception that employment issues need to be in compliance with State Law. Selectman Gandt noted that the RFP was almost ready and will specify guidelines for operation. Selectman Powers made a motion that the Town provide FY11 Liability Insurance for Topsfield Beach Association for \$1million-\$3 million, seconded by Selectman Gandt; so voted: 3-2. Selectmen Dow and Luther opposed.

Boy Scout Bottle Drive Banner Troop 81: Selectman Powers made a motion to approve Troop 81 to hang a banner between Town Hall and Proctor School for their Bottle & Can Drive beginning on June 2nd and to be taken down by June 13th, seconded by Selectman Gandt; so voted: 5-0.

American Diabetes Association Tour de Cure: Selectman Gandt made a motion to approve the 16th Annual North Shore Tour de Cure to be held on Sunday, May 22 traveling thru Topsfield as presented, seconded by Selectman Powers; so voted: 5-0.

Service Zone Agreement with Lyons Ambulance: Selectman Luther made a motion to authorize the Chairman of the Board, Martha Morrison, to sign an agreement with Lyons Ambulance Service LLC as part of the Service Zone Agreement, seconded by Selectman Gandt; so voted: 5-0.

Rail Trail The Rail Trail Committee is requesting approval to enter into talks partnering with Danvers and Wenham to organize a joint approach to get TIP (Transportation Improvement Program) funding.

Town Administrator's Report:

- Special Town Meeting Articles described
- Central Ambulance Study update
- MMA meeting attended-New Open Meeting Laws reviewed
- Essex Regional Retirement Board-PERAC Meeting update
- Comcast Negotiations update

Correspondence & Reports

Reports

Police Department submitted the Monthly Report for March.

Invitations

Honorable Allen Swan and the Ipswich Bar Association invites you to “Diversity in the Law” to be held on May 6th at 9AM at Ipswich District Court in Newburyport.

Warrants: The Selectmen signed and approved warrants in the amount of \$ 227,574.18. The breakdown is as follows:

Warrant FY10:

087T	\$ 75,094.61
088	\$ 152,479.57

At 10:05 PM, Selectmen Gandt made a motion to go into Executive Session to discuss the Fire Chief's contract; seconded by Selectman Powers. 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, via tape,

Donna Rich, Secretary
Selectmen's Office

Approved as written at the June 21, 2010 Board of Selectmen's meeting.

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.
