

**BOARD OF SELECTMEN**  
**Proctor School Library**  
**Minutes of June 10, 2013**

Chairman Ken Vogel called the meeting to order at 7:30PM. Board members present, in addition to Chairman Vogel, were Martha Morrison, Dick Gandt, Laura Powers and Eldon Goodhue. 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 was Topsfield Cable representative Joel Richardson.

**ANNOUNCEMENTS:**

Chairman Vogel announced that Governor Deval L. Patrick has ordered that the United States flag and the Commonwealth flag be lowered to half-staff at all state buildings effective immediately until sunset on Friday, June 14, 2013 in honor of Governor Argeo Paul Cellucci who died Saturday, June 8, 2013. Additionally, the Commonwealth flag will remain at half-staff until sunset on Monday, July 8, 2013.

Selectman Powers announced on behalf of the Recreation Committee that registration for the Celebrate Summer Camp 2013, a fun-filled experience for children entering grades 1-7 in the Fall of 2013, has been extended one week to June 14<sup>th</sup>. Activities include Arts & Crafts, Sports, Science & Nature exploration, Drama and Music. Five weekly sessions run from July 8 through August 9, 2013, Monday through Friday from 9:00 am to 1:00 pm at the Proctor School.

Selectman Powers also announced on behalf of the Recreation Committee that Summer Concerts on The Commons will begin on July 7<sup>th</sup> and be held every Sunday until August 25<sup>th</sup> from 4PM-6PM. The first performance will be Grupo Fantasia.

**GENERAL BUSINESS**

**Old Business**

Disclosure of Executive Session of May 28<sup>th</sup>: Chairman Vogel began by reading the following statement: "On May 28th the Board of Selectmen went into executive session to discuss negotiating strategies with regards to several employment contracts and other legal matters. The other legal matters had to do with complaints the town continues to receive with regard to Alfalfa Farm Winery serving of alcohol without the appropriate pouring license. My main concern was what is the proper procedure the administration and the Board of Selectmen should take as to not expose the town to potential litigation. Should the town move forward with legal action against Alfalfa Farm Winery if they refuse to cease serving wine without the proper pouring license? At the request of one of the selectmen I reviewed the Open Meeting Law with regards to "potential litigation" and if it was appropriate to discuss this matter in executive session. When it comes to potential litigation only "clearly or imminently threatened" litigation may be discussed or if the Town is preparing to bring litigation against a person or entity can this be discussed in executive session. At the end of our discussion in executive session none of these situations would apply in this case. Therefore, to remedy this situation I need to bring forward the minutes of the executive session meeting and continue the discussion in open session. I will now read the minutes from the executive session with regards to other legal matters and then open up the floor for further discussions. I would like to note that to date no action that was recommended at the meeting has taken place. Thank you!" and then Chairman Vogel read the executive session minutes as follows: "Potential Litigation: Chairman Vogel presented information that indicates Alfalfa Farm Winery has been pouring wine and charging for it in the form of wine tastings. These are not permitted under the current shipment State License that has been issued to Mr. Adelman. Chairman Vogel expressed that he is seeking a sense of the Board as how to approach the potential litigation that can arise from this situation and the adverse exposure it presents to the Town and the Board. Selectman Goodhue stated that he has told Mr. Adelman that if he is breaking the law, he would be shut down. Selectman Goodhue stated that whoever is responsible for enforcement of the conditions of the license should be notified of the situation and they should be the responsible party for any disciplinary action needed. Selectman Powers indicated that at

this point the responsible party is the ABCC as they have issued the license he currently holds. There was a discussion of advertised functions/events at the Winery that are not related to agricultural events and how the Winery does not hold the appropriate special permit to have functions on the premises. It was also noted that Alfalfa Farm Winery's current license, issued by the State, permits Alfalfa Farm Winery to only sell the Wine produced by the bottle for consumption off premises. Selectman Gandt suggested that a letter be sent to Mr. Adelman thanking him for coming to tonight's regular meeting and reminding Alfalfa Farm Winery of what activities Alfalfa Farm Winery is presently allowed to have under the license the State has issued to the Winery. Ms. Wilder expressed the need for staff to have clear direction on how to handle complaints that are received from residents relative to Mr. Adelman's activities/events that are in violation of the present license held by Alfalfa Farm Winery. Selectman Gandt suggested that if staff receives calls from residents about alcohol violations at the Winery, the complainant should be asked to submit their complaints in writing to the Board of Selectmen's office. Those letters can be then forwarded to the Alcohol Beverage Control Commission, as it is the enforcing officer. In addition, Selectman Gandt suggested that a letter be sent to Mr. Adelman reminding him that until the Citizen's Petition is approved, he is not authorized for the retail sale of wine, poured by the glass or by the bottle to be drunk on the premise. Selectman Goodhue reviewed what evidence of violations would be legally permissible in court". Town Administrator Ms. Wilder was directed to obtain an opinion from Town Counsel on who would be the responsible authority (ABCC or the Board of Selectmen) for enforcement of incompliance at Alfalfa Farm Winery regarding the sale of alcohol.

### **New Business**

**FY14 Contracted Cleaning Services Amendment:** Selectman Morrison made a motion to award and approve Amendment No.2 to the Services Cleaning Contract for the Town Hall, Library, Police Station and DPW Facility for fiscal year 2014 to Mathew's Cleaning Services of Ipswich, MA in the not to exceed amount of \$28,930, seconded by Selectman Powers; so voted 5-0.

**FY14 Post Closure Landfill Monitoring Services:** Selectman Morrison made a motion to award and approve the contract for Post Closure Landfill Monitoring Services at Pye Brook Community Park with Weston & Sampson Engineers Inc. of Peabody MA in the amount of \$36,700 for fiscal year 2014, seconded by Selectman Powers; so voted 5-0.

**FY13 Amendment to Retrofit IT and Managed Services Contract:** Selectman Powers made a motion to award and approve Amendment No. 1 to the contract for Fiscal 2013 Managed IT Network and Remote Monitoring Services for the Town Hall Computer System with Retrofit Technologies Inc. of Milford MA in the amount of \$600, seconded by Selectman Goodhue; so voted 5-0.

**FY14 Managed IT & Remote Monitoring Services for TH Computer System:** Selectman Powers made a motion to award and approve the contract for Fiscal 2014 Managed IT Network and Remote Monitoring Services for the Town Hall Computer System with Retrofit Technologies Inc. of Milford MA in the not to exceed amount of \$25,998, seconded by Selectman Morrison; so voted 5-0.

**Library Request:** Selectman Goodhue made a motion to approve Amendment No. 1 to the contract for HVAC Periodic Equipment Maintenance and Controls with Ambient Temperature Corporation of Middleton, MA in the amount of \$6,700 for FY14, seconded by Selectman Powers; so voted 5-0.

**Special State Election Warrant:** Selectman Morrison made a motion to approve the Special State Election Warrant for the June 25, 2013, seconded by Selectman Goodhue; so voted 5-0.

**North Shore CROP Walk:** Selectman Goodhue made a motion to approve the Trinity Church CROP Walk to be held on Sunday, October 27<sup>th</sup> beginning at 1PM. The route is the same as in previous years, seconded by Selectman Powers; so voted 5-0.

Trash Collection Request: Selectman Morrison made a motion to approve the addition of The Meadows Condominium, Fairway Drive/Wildes Road to the JRM Hauling & Recycling contract for FY14, seconded by Selectman Powers; so voted 5-0.

Shrubbery in Front of Town Hall: Selectman Gandt reported of the overgrowth of shrubbery in front of Town Hall, especially noting the rhododendron bushes on either side of the steps and “woody” yews. Selectman Gandt suggested that for this year that the yews are removed and new plantings be placed at those locations. The Board agreed with the concept that was presented.

**Town Administrator’s Report:**

- Personnel Issues Updated
  - Performance Evaluations for non-union employees
  - Vacancies at Town Hall offices have been filled
  - Request for review of two policies to vote at the next meeting
- Status of the Annual Health Report to the State

**Minutes**

Selectman Morrison made a motion to accept the minutes of the Working Session of May 1, 2013, as amended, seconded by Selectman Goodhue; so voted 5-0.

Selectman Morrison made a motion to accept the minutes of May 28, 2013, as amended, seconded by Selectman Powers; so voted 5-0.

Selectman Powers made a motion to accept the minutes of Executive Session of May 28, 2013, as written, seconded by Selectman Goodhue; so voted 5-0.

**Correspondence & Reports**

Correspondence, Reports, Invitations

Create Topsfield 2013 update on the event planned for September.

MassDOT Communication sent a letter explaining the transportation funding for FY14.

Attorney General has sent a letter approving the following May 2013 Annual Town Meeting warrant articles: # 43 & 44 for Zoning and # 42 & 46 for General.

Weston & Sampson submitted the Spring 2013 Semiannual Environmental Monitoring Report for the Sanitary Landfill.

Invitation to the Girl Scouts Gold Award Ceremony on June 27<sup>th</sup>.

**Warrants:** The Selectmen signed and approved warrants in the amount of \$ **371,925.65**. The breakdown is as follows:

Warrant FY13:	
099T	\$ 89,528.37
099Misc	\$ 647.30
100	\$ 281,749.98

At 8:10 PM, Selectmen Morrison made a motion to adjourn and Selectman Gandt seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as written at the June 24, 2013 Board of Selectmen's meeting.*

Per the Open Meeting Law, the documents that were either distributed to the BOS before the meeting in a packet, or at the meeting were:

1. Agenda
2. Preliminary BOS Minutes – Working Session of 5/1/13, Regular Session 5/28/13 & Executive Session
3. FY14 Cleaning Services Amendment Contract Request
4. FY14 Post Closure Landfill Monitoring Services Contract Request
5. FY13 Amendment to Retrofit IT and Managed Services Contract Request
6. FY14 Managed IT & Remote Monitoring Services for Town Hall Computer System Request
7. FY14 Amendment to the HVAC Periodical Equipment Maintenance and Controls Contract Request
8. Special State Election Warrant Approval Request
9. NS Crop Walk Approval Request
10. Trash Collection Request
11. Shrubbery in Front of Town Hall Discussion
12. Reports, Correspondence and Invitations: Create Topsfield 2013 Update, MassDOT Communication, Annual Meeting Warrant Articles approval from Attorney General, Landfill Monitoring Semiannual Report from Weston & Sampson, Girl Scouts Gold Award Ceremony on June 27<sup>th</sup>.

<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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