

BOARD OF SELECTMEN
Minutes of July 5, 2011

Chairman Laura Powers called the meeting to order at 7:30PM. Board members present, in addition to Chairman Powers, were Martha Morrison, Dick Gandt, Eldon Goodhue and Ken Vogel. 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 Topsfield Cable Bill Whiting, Tri-Town Transcript Suzanne Snell, Alcohol Licensing Advisory Committee members Stan Ragalevsky and Nancy Luther, and Police Chief Evan Haglund.

ANNOUNCEMENTS:

Chairman Powers announced that the Board met on June 29th to vote an increase in the FY11 Park Revolving Fund to support programs that are being offered.

Chairman Powers announced that the *Concerts on the Common* would begin July 10th. Details can be found on the Recreation Committee's website.

Chairman Powers announced that beginning July 1st, 2011 the Treasurer/Collector would be mailing real estate and personal property tax bills only twice a year. Bills mailed on July 1st will contain two (2) remittance forms, one for the payment due on August 1st and one for the payment due on November 1st.

APPOINTMENTS:

7:30 – Farmer-Winery Licenses - Alcohol Licensing Advisory Committee members Stan Ragalevsky and Nancy Luther presented their findings of MGL Chapter 138 as it relates to Farmer-Winery Licenses. This inquiry was generated when Mr. Richard Adelman, owner of Alfalfa Farms submitted an application requesting permission to sell wine at the Topsfield Farmer's Market. Mr. Ragalevsky provided a brief historical overview of Topsfield's issuance of liquor licenses; in addition he explained the legislature's new amendment to Chapter 138 which includes "farmer-winery" licenses. Further it was noted that the Town had not adopted Chapter 138 but only obtained authority to allow the sale of malt and wine within a grocery store incidental to sale of the food by Home Rule Petitions. The committee found that there was a gray area in the interpretation of the new legislation and the Committee strongly suggests the Board contact Town Counsel, Kopelman and Paige to affirm their findings. On another matter, it is not clearly defined in the legislation as to whether Alfalfa Farm would be required to carry a license for the retail sale of wine produced by their winery. Selectman Goodhue agreed to contact the owner, Mr. Adelman, to clarify his understanding of the legislation and obtain information regarding licenses he may or may not have.

GENERAL BUSINESS

New Business

Retirement of Police Officer: Selectman Vogel made a motion to accept the retirements of Sgt. Gerald Harrison effective July 28, 2011 and Officer Glenn Walker effective July 31, 2011 and to appoint each of them as a reserve police officer with a term to expire on June 30, 2012, seconded by Selectman Morrison; so voted: 5-0. Police Chief Haglund thanked the Officers for their many years of service to the Town.

Police Promotion: Selectman Vogel made a motion to appoint Officer John Hayward to the open position of Sergeant for a probationary period of one year ending July 28, 2012 effective July 28, 2011, seconded by Selectman Morrison; so voted: 5-0.

Historic Marker: Selectman Gandt made a motion to approve the Main Street Foundation's proposed 12"X16"X ¼" historic marker to be placed on South Main Street and Salem Road, seconded by Selectman Morrison; so voted: 5-0.

Treasurer/Collector Policy Request: Selectman Goodhue made a motion to table the decision to adopt the Investment Policy Statement as presented, seconded by Selectman Morrison; so voted: 5-0. Selectman Gandt has agreed to work with Treasurer/Collector Barbara Michalowski to clarify the language contained in the document.

Combining Committees: Selectman Gandt made a motion to combine the Cable TV Advisory Committee and the Website Committee into the Cable TV/Town Website Committee, seconded by Selectman Goodhue; so voted: 5-0. Bill Whiting, Chairman of both the Cable TV Advisory Committee and the Website Committee, spoke to the advantages of combining the two.

Town Hall System Administration Services: Selectman Morrison made a motion to approve Amendment No. 1 to the contract with Amiable Networks of Newmarket, NH for system administration consulting services for FY11 in the amount of \$522.49, seconded by Selectman Goodhue; so voted: 5-0.

ZBA Appointment: Selectman Morrison made a motion to appoint David Merrill to the Zoning Board of Appeals for a term to expire June 30, 2016, a 5 year term, seconded by Selectman Vogel; so voted: 4-0-1. Selectman Gandt abstained having not done due diligence relative to the candidate.

COA Appointment: Selectman Goodhue made a motion to appoint Penny Rogers to the Council on Aging for a term to expire June 30, 2014, seconded by Selectman Morrison; so voted: 5-0.

Liaison Reports

Selectman Gandt stated that the Boiler Replacement Project Request for Proposal (RFP) is pending completion of a peer review and therefore is not ready to be released.

Town Administrator's Report:

- Contract Update: settled with the Police Union and the Police Reserve Union.
- Negotiations would begin with the Dispatchers on July 14th and the Firefighters on July 21st
- No dates yet for Highway/Water, Park & Cemetery (AFSCME) and Call Firefighters to begin negotiations.
- Met with the Personnel Advisory Committee and reported that they would be reviewing classification structure, making recommendations regarding incumbents on a new grid, clarifying language for new hires, bringing the longevity schedule for non-union employees in line with the union employees, reviewing the classification of seasonal employees and recommending the adoption of a vehicle policy for town employees who drive their own vehicles.
- Vehicle Use mileage rate for FY12 as set by the IRS is \$0.51.
- Reported that Senator Berry is looking into the condition of the Howlett Street Bridge under Route 1.
- Reported that MAPC will move forward in preparing a regional ambulance RFP.

Selectmen Minutes:

Selectman Morrison made a motion to accept the Minutes of May 18, 2011 as written; seconded by Selectman Gandt; so voted 5-0.

Selectman Morrison made a motion to accept the Executive Session Minutes of May 18, 2011 as amended and to hold until all issues have been resolved; seconded by Selectman Vogel; so voted 5-0.

Selectman Goodhue made a motion to accept the Minutes of June 2, 2011 as amended; seconded by Selectman Morrison; so voted 5-0.

Selectman Goodhue made a motion to accept the Executive Session Minutes of June 2, 2011 as amended and to hold until all issues have been resolved; seconded by Selectman Morrison; so voted 5-0.

Selectman Morrison made a motion to accept the Minutes of June 20, 2011 as amended; seconded by Selectman Goodhue; so voted 5-0.

Selectman Gandt made a motion to accept the Working Session Minutes of June 29, 2011 as amended; seconded by Selectman Morrison; so voted 3-0. Selectmen Goodhue and Vogel abstained.

Liaison Reports

Rail Trail Enforcement Order: Selectman Gandt provided an update on the Rail Trail project. The Conservation Commission issued an Enforcement Order which specifies the steps that need to be taken in order to properly restore certain jurisdictional areas.. Selectman Gandt reported that Iron Horse is remediating the work under the supervision of wetland scientist Bill Manuell. Selectman Gandt went on to report that he is not satisfied with the job performance of Iron Horse and suggested the relationship should end. The other Board members requested the opportunity to do due diligence before such a decision is made.

Correspondence & Reports

Correspondence

Health Care Response: Senator Berry sent a letter acknowledging the Town’s concern about Health Care.

Masconomet expending of Funds: Masco sent a letter detailing the use of its Stabilization fund and Excess and Deficiency fund.

Reports

Board of Assessors submitted minutes of May 27th and June 10th.

FY11 Warrants: The Selectmen signed and approved warrants in the amount of **\$ 130,161.93**. The breakdown is as follows:

Warrant FY11:	
107T	\$ 82,840.13
108	\$ 47,321.80

FY 12 Warrants: The Selectmen signed and approved FY12 warrants in the amount of **\$ 761,106.67**. The breakdown is as follows:

Warrant FY12:	
001T	\$ 14,234.80
002	\$ 746,871.87

At 9:05 PM, Selectmen Morrison made a motion to adjourn and Selectman Godhue seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as written at the August 1, 2011 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.