

**BOARD OF SELECTMEN**  
**Minutes of August 1, 2011**

Chairman Laura Powers called the meeting to order at 7:36PM, due to technical difficulties. 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 Evelyn Hammond and Tri-Town Transcript Reporter Suzanne Snell.

**ANNOUNCEMENTS:** Chairman Powers announced that the Board would go into Executive Session at the end of regular session to discuss strategy with respect to Dispatcher's, Firefighters and ASFCME collective bargaining and to discuss the physical condition of an employee and will not return to Open Session.

Selectman Morrison reminded citizens that Fox News will be coming to Topsfield on August 12<sup>th</sup> and will air live from 6AM -10AM on their ZipTrip show. The show will air from the Common with free Dunkin Donuts and Hoods ice cream and will feature interviews with local businesses and residents. Fox News is asking citizens to go on-line and fill out the questionnaire to provide suggestions on "what is special about Topsfield".

Chairman Powers announced that the *Concerts on the Common* Series would continue on Sundays from 4PM – 6PM through August 31<sup>st</sup>. July 31<sup>st</sup> featured *Los Sugar Kings* and August 7<sup>th</sup> will feature *The Joe Macey Project*.

Chairman Powers announced that a mandatory water ban had gone into effective as of Monday July 25<sup>th</sup>.

Selectman Goodhue announced that the Library has a couple of upcoming events: There will be a brief overview of the new online catalog Evergreen systems on Tuesday, August 2<sup>nd</sup> at 11:00am and also on August 8<sup>th</sup> at 5PM; also the Summer Reading program ends August 11. Parents and children are reminded to turn in their completed books and hours on August 12<sup>th</sup> after which there will be an Ice Cream Social.

## **GENERAL BUSINESS**

### **Old Business**

Alfalfa Winery Update: Ms. Wilder reported that Town Counsel's opinion on whether the Board, acting as the Town's licensing authority, may grant a license to allow Alfalfa Farm to sell wine at the Topsfield Farmers Market was that the Board cannot issue such a license. This is solely due to the fact that the Town did not accept Chapter 138, in its entirety. Selectman Goodhue asked what can be done to enable Alfalfa Farm the right to sell his wine. Ms. Wilder stated that the Town could accept Chapter 138 in its entirety at a Town Meeting, or petition the Legislature for a special license for Alfalfa Farm. There was a discussion regarding the options presented; Selectman Vogel suggested the Alcohol Licensing Advisory Committee (ALAC) be asked to develop Rules and Regulations for such a license. Selectman Goodhue requested that the Board move forward by requesting the ALAC to begin drafting such document and that a petition to the legislature be drafted by Town Counsel.

### **New Business**

Water Department Contract: Selectman Morrison made a motion to award a contract for the Perkins Row Test Well Drilling and Pumping Tests to Denis L. Maher Company of Ayer, MA in an amount not to exceed \$18,040, seconded by Selectman Vogel; so voted: 5-0.

Chapter 90 Project Request: Selectman Morrison made a motion to approve the Chapter 90 Project Request in the amount of \$365,000 which would provide funding for the resurfacing of

Ipswich Road, Campmeeting Road and Perkins Row in conjunction with the Highway Department FY 12 Road Program, seconded by Selectman Vogel; so voted: 5-0.

Bituminous Concrete: Selectman Morrison made a motion to approve Contract Amendment #3 with Aggregate Industries Inc., of Saugus, MA in the amount of \$320,000 to purchase material for the Highway Department Road program for FY12, seconded by Selectman Gandt; so voted: 5-0.

Milling/Cold Planing: Selectman Morrison made a motion to approve a contract with Aggregate Industries Inc., of Saugus MA, in the amount of \$55,000 to mill road surfaces under the Highway Dept. Road program for FY12, seconded by Selectman Gandt; so voted: 5-0.

Replacement of Water flow Control device at Pye Brook Park: Selectman Gandt made a motion to approve a contract with Beaver Solutions of Southampton, MA for replacement of the existing Water Flow Control Device at the Hovey Road Culvert over Pye Brook at Pye Brook Park in the amount of \$1,135, seconded by Selectman Morrison; so voted: 5-0.

VNA Contract: Selectman Morrison made a motion to approve the contract with the VNA Care Network, Inc. of Worcester and Danvers MA for complete public health nursing services for FY12 in the amount of \$8,750, seconded by Selectman Gandt; so voted: 5-0.

Unemployment Compensation Management Services: Selectman Goodhue requested this item be tabled until the August 15<sup>th</sup> meeting as he has additional due diligence to perform. Request granted.

Executive Session Minutes: Selectman Gandt made a motion to assign responsibility for and authority to the Chairman, through June 30, 2012, to review and release minutes of Executive Sessions where all matters have been resolved, seconded by Selectman Vogel; so voted: 5-0.

Rail Trail Wetlands Consultant: Selectman Gandt made a motion to approve Amendment #1 to the contract with Wetlands & Land Management Inc., of Danvers, MA for wetland scientists' services in an amount not to exceed \$3,000 and to extend the contract expiration to June 30, 2012, seconded by Selectman Morrison; so voted: 5-0.

Rail Trail Grant: Selectman Morrison made a motion to apply and accept a grant from the Mass Department of Conservation and Recreation in the amount of \$50,000 for the continued development of the Topsfield Linear Common as previously approved by the Board which would also require a \$12,500 of matching funds and for the Chairman to sign, seconded by Selectman Gandt; so voted: 5-0.

### **Liaison Reports**

Selectman Morrison reported that the Renewable Energy/Green Communities Committee would be working with the Elementary Schools to apply for the grant funds that are now available to the Town, noting that the application deadline had been extended until August 22, 2011. In addition, the Boiler Replacement for Town Hall project bid package has been completed and released.

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

- Reported on Meeting of July 26, 2011 with James O'Brien, Topsfield Fair General Manager and Selectmen Vogel and Goodhue. There was a discussion regarding concerns of the Fair's intent of using a One-Day liquor license to facilitate events in which beer and wine would be served as a revenue stream. Selectman Morrison voiced her concern that there may be zoning issues as well. In conclusion the Board requested the Alcohol Licensing Advisory Committee be asked to review the rules and regulations for a One-Day License to ensure they address the town's original intent for such licenses.

- **Bicycle Rack Grant:** Selectman Gandt made a motion to approve the application for and a grant in the amount of \$8,226.75 from the Metropolitan Area Planning Council and authorize the Chairman to sign, seconded by Selectman Morrison; so voted: 5-0.
- **Cable TV/Town Website Committee:** Selectman Gandt made a motion to establish the membership of the Cable TV/Town Website Committee to range between three(3) and seven(7) members and a quorum be a majority of those that have been appointed, seconded by Selectman Morrison; so voted: 5-0.
- **Health Reform update:** MMMA will host a state wide forum which will explain the details of the reform on August 25<sup>th</sup>.

**Selectmen Minutes:**

Selectman Morrison made a motion to accept the Minutes of July 5, 2011 as presented; seconded by Selectman Vogel; so voted 5-0.

Selectman Gandt made a motion to accept the Minutes of July 18, 2011 as amended; seconded by Selectman Vogel; so voted 5-0.

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

**Correspondence & Reports**

Correspondence

Thank You notes: Joshua Matfess and Lydia Erickson sent notes of appreciation for being awarded 2011 Topsfield Scholarship money.

Howlett Street Bridge: MassDOT sent a letter explaining the condition of the Route One Bridge over Howlett Street.

Unified Planning Work Program (UPWP): MPO sent a letter inviting comments on the FY12 UPWP. Open House to be held on August 3<sup>rd</sup>, comments to be review on August 18<sup>th</sup>.

Changes to Municipal Health Insurance: Kopelman & Paige sent a memorandum regarding the Governor’s signing of Chapter 69 of the Acts of 2011 which makes changes to MGL c.32B.

Comcast News: Comcast submitted the introduction of a new program: Internet Essentials.

Reports

North Shore Regional Vocational School District submitted minutes of May 12, 2011 and agenda for July 21, 2011.

Board of Assessors submitted minutes of June 24<sup>th</sup>.

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$ 169,996.86**. The breakdown is as follows:

Warrant FY12:	
09T	\$ 85,723.33
010	\$ 84,273.53

At 8:33 PM, Selectmen Goodue made a motion to go into Executive Session to discuss strategy with respect to Dispatcher’s, Firefighters and ASFCME collective bargaining and to discuss the physical condition of an employee; seconded by Selectman Gandt. In a roll call vote, a yes vote was recorded for Chairman Powers, Selectman Morrison, Selectman Gandt, Selectman Goodhue and Selectman Vogel. The Board would not return to open session.

Minutes – 8/1/11

Page 4

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as amended at the August 29, 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.