

BOARD OF SELECTMEN

Minutes of September 13, 2010

Chairman Dick Gandt called the meeting to order at 7:30PM. Board members present, in addition to Chairman Gandt, were Martha Morrison, Nancy Luther, Eldon Goodhue 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 Topsfield Cable Evelyn Hammond and Walter Harmer, Tri-Town Transcript Brendan Lewis, Verizon Representative Cathy Frazer Troia, Topsfield Beach Association president Kim Sherwood, Topsfield Athletic Association president Tim Swarts, and residents Christian Clemson, Jeanine Cunniff and Jay Dooley

ANNOUNCEMENTS: Chairman Gandt announced that the Board would go into Executive Session at the end of regular session to discuss the Police Union Contract and the Fire Chief Contract and would not return to Open Session.

Chairman Gandt reminded citizens that the State Primary would be held on September 14th at St. Rose Church Hall on Park Street from 7AM – 8PM.

Chairman Gandt explained that the Board held a third goal setting meeting on Wednesday, September 8th that continued the discussion of previous meetings.

Chairman Gandt announced that the Police Department would be sponsoring a movie on the Common scheduled for September 18 and would feature "Alvin and the Chipmunks: the Squeakquel". The movie will begin when darkness falls, however there would be activities during the late afternoon.

Selectmen Morrison announced that the General Israel Putnam Chapter, Daughters of the American Revolution would like the Chairman to issue a Proclamation. Chairman Gandt read the proclamation proclaiming the week of September 17, 2010 as Constitution Week.

APPOINTMENTS:

7:30 – Town's Liability portion of the Insurance Policy-Representatives from MIIA were Account Executive, Property & Casualty Tricia Doyle Sullivan and Marketing Manager Joe Callahan. Mr. Callahan gave a brief historical overview of Massachusetts Interlocal Insurance Association. Mr. Callahan distributed a chart (see attached) which depicts the Town's insurance coverage and explained the different "buckets" of insurance. Mr. Callahan explained that personnel working for the Town and citizens appointed by the Board of Selectmen are covered under the Town's policy. Further explanation was provided in depth regarding groups that are 3rd party vendors, operating in the Town and additionally insured by the Town, as a named insured. Mr. Callahan stated that when this arrangement is agreed upon the 3rd party non-profit organization should have a reciprocal arrangement through their vendor's insurance to ensure appropriate coverage for both parties.

Next Mr. Callahan went to answering questions presented by the Selectmen:

- 1) What types of "events" are covered under the Town's general liability and umbrella policies, respectively? Mr. Callahan stated that if a Town employee caused physical injury to the property of a 3rd party the claim would be covered. Additionally those appointed by the Selectmen would also be covered.
- 2) What types of "events" are covered under general liability for the above mentioned additional insured organizations under the town's policy? 11 different items were listed. Mr. Callahan stated for most coverage doesn't exist and the Town would need to have previous knowledge of an act prior to a suit being filed.
- 3) What effect does covering all those organizations have on the Town's premium? Mr. Callahan stated not much due to the limited coverage the Town actually provides.

- 4) With respect to the Friend of the Topsfield Library, where we include them as an additional insured for fundraising activities, how should we deal with fundraising activities in which alcohol is consumed? Mr. Callahan explained that no alcohol can be consumed on Town property and incidental host coverage should be obtained to cover employees, but does not cover spouses or significant others in attendance.
- 5) Please explain what is the Town's loss exposure considering all the above mentioned organizations having their own insurance vs. being on the Town's policy. Mr. Callahan stated that the Town would need to be mentioned in any claim against a named insured for the named insured to be covered..
- 6) What are other Towns/Cities you work with doing about covering these non-profit/volunteer staffed organizations? Mr. Callahan stated that MIIA recommends that non-profits obtain their own insurance with a reciprocal back to the Town.

There was discussion relative to third party groups under the Town's insurance. Selectmen Luther asked if there was a "swim at your risk" sign put up at Hood Pond what would happen to the Town's exposure, Mr. Callahan explained that the exposure would go down with no increase to premiums. Chairman Gandt asked if there were questions from audience, Beach Association President Kim Sherwood asked for clarification regarding the 4 entities, Topsfield Beach, Topsfield Athletic Association, Friends of the Topsfield Library and Playground Committee, and where is the distinction made? Mr. Callahan stated that third party groups should know their exposure; they are relying on the Town for coverage, and they are not totally covered. They should have insurance on their own. Mr. Callahan clarified that these groups are not fully protected under the Town's insurance policy. In addition Mr. Callahan noted that the Beach Association is operating on Town owned land, with a contract, and, therefore holds the Town at an arms length. Resident Jeanine Cunniff commented that for the third party groups to obtain the appropriate insurance policy to initiate the reciprocal the premiums it is too expensive for these groups. Chairman Gandt thanked Mr. Callahan and Mrs. Doyle-Sullivan for coming and reviewing the insurance issues with the Board.

8:35 - Poles PUBLIC HEARING – Clerk Laura Powers read the legal notice that opened the Public Hearing. Chairman Gandt introduced Verizon Representative Cathy Frazier Troia. Ms. Troia explained the poles indicated are part of National Grid's upgrade of service project. There was a discussion on the pole placement for each of the three (3) locations. The Hearings were closed at 8:45 PM.

- Selectman Morrison made a motion to approve the placement of four (4) stub poles as indicated on Plan #29 dated July 22, 2010 on Hill Street, seconded by Selectman Powers; so voted: 5-0.
- Selectman Morrison made a motion to approve the placement of one (1) pole and to remove one (1) pole on Candlewood and also place one (1) pole on Perkins Row all as indicated on Plan #33 dated July 30, 2010, seconded by Selectman Powers; so voted 5-0.
- Selectman Morrison made a motion to approve the placement of two (2) poles as indicated on Plan #30 dated July 22, 2010 on Salem Street, subject to condition that pole #2/12S be placed in consultation with the Town of Topsfield to avoid an adverse effect on the canoe launch, seconded by Selectman Powers; so voted 5-0.

Ms. Troia then explained that the information about new poles on Boston Street was provided to the Town but did not require a hearing in Topsfield because, being on a state highway, the permit request was handled through the State. These poles are being placed by the Fair Grounds to upgrade service.

- Selectman Morrison made a motion to approve the placement of two (2) poles as indicated on Plan #31 dated July 28, 2010 on Boston Street (Route 1), seconded by Selectman Powers; so voted 5-0.

GENERAL BUSINESS

Old Business

Fire Chief Contract: Selectman Goodhue made a motion to extend the Fire Chief Ron Giovannacci's contract until September 30, 2010, seconded by Selectman Morrison; so voted: 5-0.

New Business

Conservation Restriction at English Commons: Selectman Morrison made a motion to execute in perpetuity and exclusively for conservation purposes the Conservation Restriction on approximately 35.76 acres at English Commons, 12 Boston Street, seconded by Selectman Luther; so voted: 5-0.

Chapter 90 Project Request: Selectman Morrison made a motion to approve Chapter 90 Project Request in the amount of \$130,000 to provide funding for the reconstruction of two sections of Howlett Street, and for the resurfacing of a section of Wenham Road and a section of River Road, seconded by Selectman Luther; so voted: 5-0.

WB Mason Office Supplies: Selectman Morrison made a motion to award the contract for standard office supplies to W.B. Mason for fiscal years 2011, 2012, 2013, effective July 1, 2010 through June 30, 2013 per the unit discount pricing of the Metropolitan Area Planning Council (MAPC) North Shore Co-Operative Purchasing Group bid award and authorize the Chairman to sign, seconded by Selectman Luther; so voted: 5-0.

Liaison Reports

Selectman Morrison reminded committee/boards and commissioners that the Open Space Plan submission is being held up due letters that have not yet been received.

Town Administrator's Report

- Attended a Regional Emergency Control Center meeting
- Reviewed information from FEMA regarding funds to be used for the damage that occurred to the bridge near Route 97.
- Distributed a revised Goal Setting chart
- Review of the Warrant schedule
- Emerson Field update
- Sale of Property update
- Personnel Advisory Board update
- Comcast Contract renewal update
- North Shore Coalition update

Selectmen Minutes:

Selectman Morrison made a motion to accept the Minutes of July 19, 2010 as presented; seconded by Selectman Powers; so voted 5-0.

Selectman Powers made a motion to accept the Minutes of August 2, 2010 as amended; seconded by Selectman Morrison; so voted 5-0.

Selectman Powers made a motion to accept the Executive Session Minutes of August 2, 2010 as written 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 August 3, 2010 as presented; seconded by Selectman Luther; so voted 5-0.

Selectman Morrison made a motion to accept the Minutes of August 16, 2010 as presented; seconded by Selectman Powers; so voted 5-0.

Selectman Morrison made a motion to accept the Executive Session Minutes of August 16, 2010 as written and to hold until all issues have been resolved; seconded by Selectman Powers; so voted 5-0.

Selectman Morrison made a motion to accept the Minutes of August 19, 2010 as presented; seconded by Selectman Powers; so voted 5-0.

Selectman Morrison made a motion to accept the Executive Session Minutes of August 19, 2010 as written and to hold until all issues have been resolved; seconded by Selectman Powers; so voted 5-0.

Correspondence & Reports

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Open Space & Recreation Plan 2010 Metropolitan Area Planning Council (MAPC) has sent a letter to Joe Geller thanking him for the submission of the Open Space Plan for their review. MAPC has sent some suggestions for amendments to the plan.

Excellence in Adult Immunization Award -- On May 11, 2010 the Massachusetts Department of Public Health (MDPH) recognized the Tri-Town Board of Health officials and Tri-Town Planners for the outstanding response they performed for the H1N1 Influenza pandemic. They have also been chosen by the MDPH as a sentinel site for further Emergency Preparedness activity for the local coalition.

Reports

Conservation Commission submitted a monthly report for August.

Board of Assessors submitted minutes of June 25th, July 9th and 23rd.

Warrants: The Selectmen signed and approved warrants in the amount of **\$ 169,851.06**. The breakdown is as follows:

Warrant FY11:

023T	\$ 83,138.80
024	\$ 86,712.26

At 9:10 PM Selectmen Powers made a motion to go into Executive Session to discuss the Fire Chief's contract and Police Union contract; seconded by Selectman Morrison. In a roll call vote, a yes vote was recorded for Chairman Gandt, Selectman Morrison, Selectman Luther, Selectman Goodhue and Selectman Powers. The Board would not return to open session.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the October 12, 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.