

**BOARD OF SELECTMEN
Proctor School Library
Minutes of December 1, 2014**

Chairman Dick Gandt called the meeting to order at 7:30PM. Board members present in addition to Chairman Dick Gandt, were Martha Morrison, Laura Powers, Steve Lais and Eldon Goodhue. Of the Selectmen's staff, Town Administrator Kellie Hebert and Board Secretary Donna Rich were in attendance. Other persons present during all or part of the meeting were Topsfield Cable operators, Baxter & Ben Demers, Tri-Town Transcript reporter Edith Leavengood, Personnel Advisory Committee members Al Wallace, Bette Cullinan and Roberta Sapienza, Veterans Agent Richard Cullinan, Department Heads Dave Bond, Greg Krom, Steve Shepard, Laura Zalewski, Lana Spillman, John Coulon, Jodi Gibeley, Barbara Michalowski, Ron Giovannacci, Evan Haglund, Ann Gill, Roberta Knight, Nina Evans, employee Marylou Tingle and Travis Fontaine, members of the Fire Department including Jen Collins Brown, Tammy Harper, Bob Boeri, Brittany Taylor, Chick Denault, Conor Brown, Louie Costanza, along with other Call Firefighters, and residents Heidi Bond, Zillie Bhuju and several children and mothers.

Chairman Gandt began the meeting with the Pledge of Allegiance and a moment of silence.

ANNOUNCEMENTS: Chairman Gandt announced that the Board would go into Executive Session at the end of regular session to discuss negotiating strategy with respect to collective bargaining with the Police union and a police grievance and will not return to Open Session. Selectman Powers announced that Wreaths Across America pilgrimage to Arlington Cemetery would be stopping at the Coolidge Hall on December 8th from 4-6PM. It was agreed that Chairman Gandt would be there to accept the wreath on behalf of the Town. Chairman Gandt reported on a working session held on November 24th at the Proctor School Library where there was a discussion of the options for the implementation of the Pay & Classification Study.

Selectman Powers announced that on Saturday, December 6th, the Town would kick off the holiday season at Proctor School with Breakfast with Santa from 8-11AM and the Proctor Band concert at 3PM followed by the Holiday Walk which begins at 4 PM and concludes with the bonfire and then a Christmas Concert at the Congregational Church. Selectman Morrison directed citizens to the Town website for other holiday events occurring in the Town. Selectman Morrison announced that Memory Tree contributions are now being accepted through January 3rd. Boxes have been placed at the Library, Dawson's Hardware, Curves and the Gift Horse or can be sent to PO Box 68.

APPOINTMENTS:

7:30PM – GREEN Topsfield Committee member Zillie Bhuju reviewed the plans for a pilot program that will replace polystyrene trays with biodegradable trays at the elementary schools. The pilot plan will also include the collection of the organic materials in the cafeterias and professional removal to an industrial composting facility. The cost of the hauling would be funded through a grant provided by New England Biolabs. Ms. Bhuju stated that three quotes were obtained from haulers and that Black-Earth Compost of Gloucester, MA was chosen. Selectmen Lais commented that a CORI could possibly be required for the company as they are entering onto school property.

CITIZENS QUESTIONS & COMMENTS *None Heard*

GENERAL BUSINESS

Old Business

Pay & Classification Study Implementation: Selectman Powers made a motion to authorize the Personnel Director to implement the Pay and Classification Plan for non-union employees in Fiscal Year 2015 with the following provisions: all non-union employees will be placed on the new FY15 pay grid retroactively as of July 1, 2014, all eligible non-union employees will receive a Market Adjustment on January 1, 2015 as follow: for those being paid 5% to 9% under the market average the employee will be eligible to receive an adjustment of one (1) step, for those being paid 10% or more under the market average the employee will be eligible to receive an adjustment of two (2) steps and funding for implementation of this plan is from Article 16 approved at the Annual Town Meeting held on May 6, 2014, seconded by Selectman Goodhue. Discussion ensued with Selectman Lais commenting that he had met with Ms. Hebert earlier and distributed exhibit Option 2(B) with the addition of two columns entitled “New amt pd” from current budget and “Increase to payroll” (cost) to the Board. He explained that it displays the money expected to be distributed to employees in their paychecks for an additional \$52,137.54, which he felt the Board should be made aware of. Chairman Gandt expressed his finding of an increase of \$145,000 cost year-over-year, disputing Ms. Hebert’s claim of \$60,000. Chairman Gandt offered an amendment to the original motion to insert “maximum” before average so as to read “market maximum average”, seconded by Selectman Powers; so voted 5-0.

Chairman Gandt distributed to the Board a document with three comments: recommendation to use article 16 of ATM 2014 to fund adjustments; a question whether any employees expressed concern about their classification; and the observation that FY16 salaries and wages may be subject to an override. Non-Union Representative Dave Bond was recognized and expressed his appreciation of Ms. Hebert’s hard work on the implementation of the Pay & Classification Plan and also requesting positive action by the Board for Option 2. Chairman Gandt requested a vote on the original motion as amended: so voted 5-0.

Town Hall Building Committee: Selectman Morrison requested that the item be tabled until the December 15th meeting because the Charter had not been completed to date.

New Business

Water Department Request: Water Superintendent Greg Krom explained the bid process and the reason for the Owner’s Project Manager for this project. Selectman Morrison made a motion to award the contract for the Owner’s Project Manager (OPM) for the Water Treatment Plant Project to Woodard & Curran of Andover, MA for a total contract amount not to exceed \$386,400, seconded by Selectman Powers; so voted: 5-0.

Old Business (continued)

Contract Authorization: Chairman Gandt explained that because the Board could not come to a consensus on who has authority to sign contracts, he said we need to engage Town Counsel for a legal opinion on two questions: who in Topsfield has authority to sign contracts and if the Board has such authority can they delegate that authority. He said he has spoken informally with Lauren Goldberg of Kopelman & Paige for her thoughts on rendering an opinion on the matter. He suggested we engage K&P to render an opinion on the questions and that we appoint as Special Town Counsel Mirick O’Connell Attorneys at Law to provide consulting to K&P on the matter. Funding for that consulting would be provided by a private grant. The Board demurred on appointing a Special Town Counsel. Selectman Goodhue expressed his desire to hear from the appointed subcommittee of Selectmen Powers and Morrison on their findings to the Board first, and not to engage legal counsel at this time. Selectman Powers agreed with Selectman Goodhue that a subcommittee had been established to look into this and should have the opportunity to present their findings to the Board. Selectman Morrison stated that signing

authority of contracts is not unique to Topsfield, and offered that possibly Kopelman & Paige could be engaged to offer their opinion on several scenarios as it relates to the authority of signing contracts and that the subcommittee would develop those scenarios and questions in early January. Chairman Gandt said he would engage K&P to get started pending the additional information the subcommittee would add in January.

New Business (continued)

Natural Gas - Extension of CREST consortium agreement: After discussion, which included the timeliness of accepting a bid price as negotiated by Tradition Energy on behalf of the CREST, Selectman Morrison made a motion to extend our agreement with CREST from November 2015 to November 2016 and for the Town Administrator to sign. Before a second was made, further discussion concerning the potential duration of the extension ensued. As a result Selectman Morrison withdrew her motion and then motioned to authorize extension of our agreement with CREST to as far out as November 2017 and for the Chairman to sign, seconded by Selectman Goodhue; so voted: 5-0.

Common Victuallar License: Selectman Morrison made a motion to approve a Common Victuallar License to The Commons 1854 Inc, dba: Topsfield Commons effective December 1, 2014 and to expire December 31, 2015, seconded by Selectman Goodhue; so voted: 5-0.

MIIA Nominating Committee: Selectman Morrison made a motion to appoint Chairman Gandt as Topsfield's voting delegate at the MIIA Annual Business Meeting and Luncheon scheduled for January 24, 2015, seconded by Selectman Powers; so voted: 5-0.

Historical Commission Appointment: Selectman Morrison made a motion to appoint Jennifer Floyd to the Historical Commission for a term to expire June 30, 2015, seconded by Selectman Lais; so voted: 5-0.

Town Administrator's Report:

- Budget process update provided. Finance Committee had distributed FY16 Guidelines; Town Accountant had distributed FY16 Department Budgets. There was a discussion on the Board meeting with Department Heads regarding FY16 budgets and the timing of those Working Sessions. Selectman Morrison requested that the budgets be provided to the Board members prior to the Working Sessions.
- Certified Free Cash of 1.8 million was announced, which represents \$300,000 over last year. In addition the Tax Rate had been certified as well.

Correspondence & Reports

Correspondence

EnPro submitted a letter describing the clean-up of a diesel fuel spill at Bradley Palmer State Park.

Weston & Sampson submitted the Fall 2014 Semiannual Environmental Monitoring report.

At 9:10 PM, Selectmen Morrison made a motion to go into Executive Session to discuss negotiating strategies for collective bargaining for the Police Union Contract and a police grievance; seconded by Selectman Powers. In a roll call vote, a yes vote was recorded for Chairman Gandt, Selectman Morrison, Selectman Lais, Selectman Powers and Selectman Goodhue. The Board would not return to open session.

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Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the February 23, 2015 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. Pay & Classification Implementation Options
3. New Common Victualler License Request for the Commons
4. MIIA Delegate for the Annual Meeting Decided
5. Water Department Request for the Owner's Project Manager for the Water Treatment Plant Project
6. Historical Commission Appointment Request
7. Bradley Palmer State Park diesel fuel spill report
8. Weston & Sampson Fall 2014 Landfill Report
9. Letter from GREEN Topsfield Committee
10. Information regarding Wreaths Across America
11. Analysis of Option 2(B) provided by Selectman Lais
12. Pay & Classification document with three comments by Chairman Gandt

<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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