

BOARD OF SELECTMEN
Minutes of December 7, 2009

Chairman Martha Morrison called the meeting to order at 7:30PM. Board members present, in addition to Chairman Martha Morrison, were Richard Gandt, Karen Dow and Laura Powers. Nancy Luther was absent. 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 Evelyn Hammond of the Topsfield Cable, Brendan Lewis of the Tri-Town Transcript, Ken Vogel of the Masconomet School Committee, Ed Juralewicz of United Signs, and Judd Pratt of the Conservation Commission.

ANNOUNCEMENTS:

Chairman Morrison announced that the Board would go into Executive Session to discuss the Town Administrator's contract at the end the meeting and would not be returning to open session.

Chairman Morrison announced that the Tax Levy Public Hearing will be held at 5:30PM on December 14th at Town Hall.

Selectman Powers announced that the Recreation Committee was very pleased with how successful this year's Holiday Walk was. It was well attended. This year's recipient of the Maryellen McGee Pillar of the Community Award was Martha Morrison for her continuous dedication to the community. Chairman Morrison stated how honored she was to receive the award.

Selectman Gandt stated that the Town Clerk requested the following announcements be read:

- 1) State Primary for the US Senator's seat is December 8th. Polls are to be open from 7AM-8PM at St. Rose of Lima Church on Park Street.
- 2) The Town Census is to be back to the Town Clerk by Friday, December 11th.
- 3) Dog License Applications are due in the Town Clerk's Office by the end of December.

Old Business

Service Zone Plan: Selectman Gandt made a motion to approve the Service Zone Plan with amendments as presented tonight and for the document to be sent to the State, and furthermore to authorize the Chairman to sign; seconded by Selectman Powers; so voted: 4-0.

New Business

Common Victualler License Renewals: Selectman Gandt made a motion to approve Common Victualler Licenses for Topsfield House of Pizza, Daybreak Café, New Meadows Golf Club, Inc., The Topsfield Bakery dba: Corner Café & Bakery, Willowdale Estate and Dunkin Donuts effective January 1, 2010 and to expire December 31, 2010; seconded by Selectman Powers; so voted: 4-0. Board of Health, Building Inspector and Fire Department inspected these locations and all passed the inspection.

Selectman Gandt made a motion to approve a Common Victualler License for Alex's Roast Beef, Pizza & Seafood effective January 1, 2010 and to expire December 31, 2010 with the stipulation that, if seating at any time exceeds the 12 seats allowed by special permit, the license will be suspended until a hearing can be scheduled to consider revocation of the license and that reference of "27w" written by "Approved Seating Capacity" on the application dated 10/13/09 is not considered with this application. Board of Health, Building Inspector and Fire Department has inspected this location and it passed except there was excess seating.

APPOINTMENTS:

7:45 – Willowdale Medical Sign Hearing - Ed Juralewicz of United Sign presented proposed signage for Willowdale Medical Center at 9-11 South Main Street. Selectman Dow read the public hearing notice. As presented, the proposed signage consisted of a V-shaped 24-inch high by 48-inch wide sign at the front of the building and a smaller sign to go on the bottom of an existing bracket on the side of the building by the entrance. The Board made several suggestions as to the design of the proposed signs and requested that the applicant consider certain changes and come back to the next meeting, December 21st. Selectman Powers made a motion to continue the Public Hearing for the signage at Willowdale Medical Center until December 21st, seconded by Selectman Dow; so voted: 4-0.

8:15 - Conservation Commission ByLaw Submission: Judd Pratt, member of the Conservation Commission, presented a change to the existing Conservation ByLaw that the Commission will be putting forward for consideration at the 2010 Annual Town Meeting. This change would simplify approval of activity that is proposed in the buffer zone. The Board commended the Conservation Commission for their efforts and reminded Mr. Pratt that the final version would need legal counsel review prior to Town Meeting.

GENERAL BUSINESS

Alcohol License Renewals: Selectman Gandt made a motion to approve the Alcohol License renewal application effective January 1, 2010 to expire December 31, 2010 for James H. Gilford at 36 Main Street, seconded by Selectman Powers; so voted: 4-0.

Animal Inspector: Selectman Gandt made a motion to submit to the state, Sandra Larson as the Animal Inspector in Topsfield, effective December 7, 2009 thru April 30, 2010, seconded by Selectman Powers; so voted: 4-0. This is due to Joel Larson tendering his resignation as Animal Inspector effective November 30th

Warrant for May 2010 Town Meeting: Selectman Dow made a motion to open the 2010 Annual Warrant effective December 7th and to close said Warrant at the close of business on February 4, 2010, seconded by Selectman Powers; so voted: 4-0. Chairman Morrison announced that Warrant Article Request Forms will be emailed to all Town Boards and Departments and are available to all others upon request at the Board of Selectmen's Office.

One Day Liquor License: Selectman Gandt made a motion to waive the 30 day advance filing requirement, seconded by Selectman Dow; so voted: 4-0.

Selectman Powers made a motion to waive the \$50.00 application fee, seconded by Selectman Dow; so voted: 4-0.

Selectman Gandt made a motion to approve a One Day Liquor License for the Topsfield Firefighters Relief Association fundraiser event to be held on Dec 11, 2009 at The Commons from 6PM-11PM, seconded by Selectman Powers; so voted: 4-0.

Union Agreements between Highway/Water and Park & Cemetery: Selectman Powers made a motion to ratify an agreement between Town of Topsfield and the American Federation of State, County and Municipal employees Council 93, Local 2905 Highway and Water with all provisions agreed upon and effective July 1, 2010 and to expire June 30, 2011, seconded by Selectman Dow; so voted: 4-0.

Selectman Powers made a motion to ratify an agreement between Town of Topsfield and the American Federation of State, County and Municipal employees Council 93, Local 2905 Park & Cemetery with all provisions agreed upon and effective July 1, 2010 and to expire June 30, 2011, seconded by Selectman Dow; so voted: 4-0. It was noted that both contracts included a 0% cost of living adjustment.

Liaison Reports

Selectman Dow reported that the Finance Committee has set the budget guidelines for FY11 at level funding for the elementary schools and all town departments except the Library which will be allowed to meet the states Municipal Appropriation Requirements (MAR). Masconomet Selectman Dow reported that the Regional Readiness Study Subcommittee met and is reviewing the recommendations as to the restructuring of Tri-Town Union. There is concern on the future of the Union as it stands today with Dr. Bernie Creeden retiring in two years.

Chairman Morrison reported that the Renewable Energy/Green Communities Committee is researching data to prepare for future grants. Selectman Gandt summarized that one grant has already been submitted for \$8,000 and another one was submitted today for \$110,000.

Town Administrator's Report:

- Attended the Regional Readiness Study Subcommittee
- Attended Regional Ambulance/EMS Meeting
- Service Zone Plan coordination
- Met with Kim Sherwood, President of the Topsfield Beach Association
- Budget process review
- Warrant documents will be distributed tomorrow, December 8th
- Issue with viewing live meetings on Verizon cable has been resolved

Selectmen Minutes: Selectman Gandt made a motion to accept the amended Minutes of October 26, 2009; seconded by Selectman Powers; so voted 4-0.

Selectman Gandt made a motion to accept the amended Minutes of Working Session of November 9, 2009; seconded by Selectman Powers; so voted 4-0.

Selectman Powers made a motion to accept the amended Minutes of November 9, 2009; seconded by Selectman Dow; so voted 4-0.

Correspondence & Reports

Letters:

MA Technology Collaborative Final Clean Energy Choice Community Matching Grant Agreement was submitted by the Renewable Energy/Green Communities Committee.

Reports

Conservation Commission submitted the monthly report for November.

Town Accountant submitted the monthly report for November.

Invitations:

Essex District Attorney Jonathan Blodgett will host an Open Meeting Law Conference for public officials on Wednesday, December 16th from 7-8:30PM at North Shore Community College, 1 Ferncroft Rd, Danvers.

Warrants: The Selectmen signed and approved warrants in the amount of \$ **354,217.37**. The breakdown is as follows:

Warrant FY10:
047T \$ 79,959.48
048 \$ 274,257.89

At 9:09PM, Selectman Dow made a motion to go into Executive Session to discuss the Town Administrator's contract; seconded by Selectman Powers. In a roll call vote, a yes vote was recorded for Chairman Morrison, Selectman Dow, Selectman Gandt and Selectman Powers. The Board would not return to open session.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the December 21, 2009 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.
