



**BOARD OF SELECTMEN  
Proctor School Library  
60 Main Street, Topsfield**

**Minutes of July 24, 2017  
7:30 PM**

Board Members present were Chairman Boyd Jackson, Clerk Mark Lyons, Selectman Richard Gandt and Selectman John K. Spencer. Selectman Laura Powers was not in attendance. Of the Selectman's Staff, Town Administrator Kellie Hebert, and Administrative Assistant/Recording Secretary Susan Winslow were in attendance.

Also in attendance were:

Conservation Agent Heidi Gaffney, Water Superintendent Greg Krom. Essex County Greenbelt Director of Land Conservation, Chris LaPointe. President of McGinley Kalsow Associates Architects and Preservation Planners, Wendall Kalsow.

Members of the Town Hall Building Committee Gregor Smith and Ben Nutter. Representing Peppi's Used Auto Sales, Gerard Giugliano and Joseph Giugliano. Residents Debra DiBenedetto, James DiBenedetto, Allan Wallace. Maddie Demers and Brad Sweet from Boxford Cable Television.

**CALL TO ORDER**

Chairman Boyd Jackson called the meeting to order at 7:32 PM.

The Board stood for the Pledge of Allegiance and then observed a moment of silence.

**ANNOUNCEMENTS**

Chairman Jackson made the following announcements:

- Please be informed that the meeting is being recorded live by Boxford Cable Television and that the Board's Recording Clerk has a recording device for her record-keeping. Is there anyone else present who wishes to record the meeting? There was no response to this question.
- Following the Open Session, the Board will enter into closed Executive Session in accordance with M.G.L. c. 30A, § 21 (A) under Exemption #2 to conduct strategy sessions in preparation for contract negotiations with nonunion personnel, specifically, to discuss the Fire Chief's Contract.
- The Board will also meet in Executive Session under Exemption #3 to discuss strategy with respect to collective bargaining or litigation, specifically for the Full Time Police Unit since an open meeting may have a detrimental effect on the

bargaining or litigating position of the public body and the chair so declares. The Board will NOT return to public session.

### **CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments or questions.

**DEPARTMENT UPDATE** – No department update was given.

### **NEW BUSINESS**

#### Police Chief Contract

Selectman Spencer made a motion to approve and sign an Employment Contract between the Town and Police Chief Evan Haglund. Seconded by Selectman Gandt. Town Administrator Kellie Hebert informed the Board that the contract is in draft form and will be finalized shortly. Clerk Lyons made a motion to amend the initial motion to vote to confirm in principal an agreement between the Town and the Police Chief, subject to a mutually agreeable employment contract. Seconded by Selectman Spencer, the amendment so voted 4-0. The Chairman called for a vote on the Amended Motion, so voted 4-0.

Selectman Gandt asked Town Administrator Hebert for the negotiated salary of the Police Chief. Town Administrator Hebert responded that it is \$125,000 in the first year with a 2% increase in the following two years. Selectman Gandt commented that the increase in the Police Chief salary is a market adjustment, based on a review of the Chief's experience and salaries of Police Chiefs in neighboring towns.

#### Donibristle Farm Purchase and Sale Agreement

Selectman Spencer made a motion to vote to approve and sign the Donibristle Farm Purchase and Sale Agreement, conservation restriction and grant of conservation restriction to Town of Topsfield. Seconded by Selectman Gandt. Chris LaPointe, Land Conservation Director for Essex County Greenbelt, appeared before the Board to explain that the Board would be signing the Purchase and Sale agreement at this meeting, with the closing scheduled for late August or early September. He explained that the aggregate amount of the purchase price of the conservation restrictions is \$725,000. Of that, \$225,000 has already been raised by Essex County Greenbelt, with the Town responsible for \$500,000 which was appropriated at the 2017 Annual Town Meeting. Should the L.A.N.D. Grant be approved, the Town may receive up to \$400,000 toward this purchase, reducing the Town's responsibility to as low as \$100,000. Chairman Jackson called for a vote, so voted 4-0.

#### Contract #2 Award for Transmission Mains

Selectman Spencer made a motion to award Contract #2 for the construction of transmission mains as part of the Water Treatment Plant Project to R+D Site Development of Groveland, MA, for the price not to exceed \$1,524,629.85 contingent upon the Attorney General's Office rejecting a Motion to Reconsider

its written decision to deny the bid protest filed by RFS Corp. Seconded by Selectman Gandt. Water Superintendent Greg Krom addressed the Board to explain the status of the bid contest. Clerk Lyons informed the Board that this approach has been deemed appropriate by KP Law. Chairman Jackson called for a vote, so voted 4-0.

Award Bid for New Brush Tractor

Selectman Spencer made a motion to vote to award the bid for a new Brush Tractor to J.C. Madigan, Inc., 450 Old Union Turnpike, Lancaster, MA for \$109,000. Seconded by Selectman Gandt, so voted 4-0.

Contract Amendment #2 with Aggregate Industries

Selectman Spencer made a motion to vote to approve and sign Contract Amendment #2 with Aggregate Industries Inc. (1715 Broadway, Saugus, MA) in the amount of \$75,000 to extend the contract for milling/cold planing until June 30, 2018. Seconded by Selectman Gandt, so voted 4-0

Contract Amendment #3 with Brox Industries

Selectman Spencer made a motion to approve and sign Contract Amendment #3 with Brox Industries, Inc. (1471 Methuen Street, Dracut, MA 01826) in the amount of \$275,000 to fund the Highway Department Road program for FY18. Seconded by Selectman Gandt, so voted 4-0.

Acceptance of Donation

Selectman Spencer made a motion to vote to accept a donation of \$1,000 from the Topsfield Garden Club to be used for landscaping at Town Hall. Seconded by Selectman Gandt, so voted 4-0. Clerk Lyons added thanks to the Topsfield Garden Club for this generous donation.

Construction Services Change Order #4 with Consigli Construction Co.

Selectman Spencer made a motion to vote to approve Construction Services Change Order #4 for the Town Hall Preservation, Renovation and Expansion project to Consigli Construction Co., Inc. of Milford, MA for a not to exceed amount of \$6,999,724 representing the Guaranteed Maximum Price (GMP) and the Chair to sign. Seconded by Selectman Gandt. Gregor Smith, Chairman of the Town Hall Building Committee, Ben Nutter, Member of the Town Hall Building Committee and Wendall Kalsow, President of McGinley Kalsow Associates Architects and Preservation Planners addressed the Board. Mr. Smith distributed an updated Budget for the Town Hall Project dated 7/21/17 and informed the Board that the Guaranteed Maximum Price has been adjusted to \$6,963,710. Selectman Spencer then made a motion to amend, changing the Guaranteed Maximum Price from \$6,999,724 to \$6,963,710. Seconded by Selectman Gandt, the amendment so voted 4-0. The Chair called for a vote on the amended motion, so voted 4-0.

Request to Amend Used Auto Dealer License Class II

Selectman Spencer made a motion to vote to amend the Used Auto Dealer License Class II issued to Peppi's Auto Sales of 414B Boston Street to allow for the showing of vehicles during business hours. Seconded by Selectman Gandt. Gerard and Joseph Giugliano appeared before the Board to explain this request. The Board was informed that, as a courtesy to abutters, a letter informing them about this meeting was sent on the morning of Wednesday, July 19, 2017. Selectman Gandt suggested this request should be put on hold to give abutters more time to respond to the letter. Upon questioning, Mr. Giugliano informed the Board that there will be a maximum of two vehicles shown each day during business hours 11 AM to 7 PM and no sales vehicles will be stored at 414B Boston Street. They asked that 'Internet Sales' not be placed on the License. The cover letter will include the following conditions:

- vehicles to be shown during business hours: between 11 AM to 7 PM
- maximum number of vehicles shown each day: 2
- no overnight storage of sales vehicles
- no 'for sale' signs
- internet sales only

Chairman Jackson said conditions should be included on the license rather than in a cover letter. The original Motion was withdrawn by the Chairman and this issue will be revisited at the August 7, 2017 meeting.

Topsfield Fair Road Race

Selectman Spencer made a motion to vote to approve the route for the Annual Topsfield Fair 5KRun/Walk on September 24, 2017 from 10 AM to 2 PM as shown on the map distributed to Board Members. Seconded by Selectman Gandt, so voted 4-0.

Topsfield Fair Parade Request

Selectman Spencer made a motion to vote to approve a parade for Saturday, September 30, 2017 starting at the Topsfield Common and ending at the Fairgrounds, the parade to commence at 9:00 AM. Seconded by Selectman Gandt, so voted 4-0.

Regional Emergency Communication Center (RECC) Agreement

Selectman Gandt made a motion to approve the settlement agreement between the Town of Topsfield and related parties and the City of Beverly for a mutual release of all claims relative to Beverly's departure from the RECC and for the Chair to sign.

Selectman Lyons made a motion to amend the original motion to include the language 'ratify and confirm the signature of the Chairman' because the Chairman has already signed the document. Seconded by Selectman Spencer, so voted 4-0. Chairman Jackson called for a vote on the original motion as amended, so voted 4-0.

## **TOWN ADMINISTRATOR REPORT**

### Complete Streets Program

World Tech Engineering has undertaken an inventory of streets and sidewalks in need of repair to complete a prioritization list. September 1, 2017 is the cut-off date for the report. There is up to \$400,000 available in a grant for the Town relative to this program. Once the report is complete, a copy will be placed on the Town Website.

### Website Conversion

Data migration is underway, and the Town Administrator will have a sample of web pages for the August 7, 2017 Meeting. The new website is scheduled to go live in October, and Ms. Hebert is setting up training dates for Department Heads and Administrative Assistants. Ms. Hebert will have a version of the website to be shown to the Selectmen before it is finalized and goes live.

### Curatorship Program

The Town is pursuing unpaid back real estate taxes from Mark Finn, who is living at 24 Asbury Street in a house that is part of the Commonwealth's Curatorship Program. Despite a court finding against Mr. Finn in 2016, he has not paid real estate taxes on this property, and the amount due is approximately \$70,000 from Fiscal Year 2012 to Fiscal Year 2017. The Town has sent a letter outlining this enforcement effort to the Historic Curatorship Program in Boston.

## **MEETING MINUTES**

Selectman Gandt offered and the Board reviewed several changes to the draft minutes of the Board's July 10, 2017 meeting. Selectman Selectman Gandt made a motion to accept the Meeting Minutes from July 10, 2017 as amended. Seconded by Clerk Lyons, so voted 3-1 with Selectman Spencer abstaining.

## **CORRESPONDENCE**

Memo from Interim Fire Chief Richard Harris

Town Administrator Kellie Hebert pointed out the Memo from Interim Chief Harris regarding the hiring of three new Call Firefighters, Jonathan Hallinan of Ipswich, Steve DeBay of Danvers and Robert McGlaufflin of Topsfield. The Town Administrator assured the Board that all three live within the required distance from the Fire Station.

## **EXECUTIVE SESSION**

At 9:29 PM, Clerk Lyons made the motion to enter into closed Executive Session with the meeting to adjourn at the conclusion of Executive Session without returning to Open Session. Seconded by Selectman Gandt. Roll Call Vote to enter into Executive Session: Gandt – yes, Jackson – yes, Lyons – yes, Spencer – yes, so voted 4-0.

## **COMMUNICATIONS**

Letter from John L. O'Brien, Register of Deeds, Southern Essex District Registry of Deeds dated July 14, 2017

Copy of Property Fraud Watch Notification Insert from the Registry of Deeds

KP Law Letter from Attorney Jeffrey T. Blake to Historic Curatorship Program dated July 17, 2017

Finding of the Attorney General's Office from Assistant Attorney General Deborah A. Anderson related to the Town of Topsfield Water Main Project dated July 18, 2017

Memo to Kellie Hebert from Interim Fire Chief Richard Harris

## **DOCUMENTS**

Agenda

Detailed Agenda

Email correspondence from Attorney Lee Smith of KP Law to Town Administrator Kellie Hebert re: Donibristle Farm Purchase and Sale Agreement

BOS Recommendation Request from Heidi Gaffney, Conservation Administrator re: Donibristle Farm Purchase and Sale Agreement

BOS Recommendation Request from Greg Krom, Water Superintendent re: contract for construction of transmission mains

BOS Recommendation Request from Board of Road Commissioners re: notice to award Brush Tractor bid

Topsfield Highway Department Written Description of Goods and Services Acquired under the Provisions of Chapter 30B, Chapter 30, §39M and Chapter 149

Email correspondence from David Bond to Donna Rich regarding bids on Brush Tractor dated June 27, 2017

Town of Topsfield Invitation for Bids dated June 20, 2017

Town of Topsfield Bid Solicitation dated June 20, 2017

BOS Recommendation Request from Board of Road Commissioners regarding Contract Amendment #2 with Aggregate Industries

Town of Topsfield Contract for Bituminous Concrete Excavation by Cold Planer

BOS Recommendation Request from Board of Road Commissioners regarding Contract Amendment #3 with Brox Industries, Inc.

BOS Recommendation Request from Donna Rich on behalf of the Town Hall Building Committee to accept a \$1,000 donation from the Topsfield Garden Club

Copy of note from Topsfield Garden Club and redacted check from Topsfield Garden Club

BOS Recommendation request from Donna Rich on behalf of the Town Hall Building Committee for Change Order #4 for the Town Hall Preservation, Renovation and Expansion Project to Consigli Construction Co., Inc. of Milford, MA

Town Hall Building Committee Budget dated 7/19/17 submitted by Donna Rich

Town Hall Building Committee Budget updated on 7/21/17 submitted by Gregor Smith  
AIA Document A133 – 2009 Exhibit A Guaranteed Maximum Price Amendment for  
Topsfield Town Hall Renovation and Addition

Letter to abutters of 414B Boston Street regarding Peppi's Auto Sales request to amend Used Auto Dealers License Class II dated July 19, 2017

List of 414 B Boston Street abutter addresses with names redacted

BOS Recommendation Request for Topsfield Fair Race Route on September 24, 2017

Letter request permission for Road Race on September 24, 2017 from James O'Brien, General Manager of the Topsfield Fair dated May 4, 2017

Map of Topsfield Fair Race Route

BOS Regular Meeting Minutes – 7/24/2017

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BOS Recommendation Request for Approval of Topsfield Fair Opening Day Parade on September 30, 2017

Letter from James O'Brien, General Manager of the Topsfield Fair dated June 14, 2017 requesting permission for Parade on September 30, 2017

RECC Settlement Agreement and Mutual Release of All Claims

BOS Regular Business Meeting Draft Minutes dated July 10, 2017

Letter from John L. O'Brien, Register of Deeds, Southern Essex District Registry of Deeds dated July 14, 2017

Copy of Property Fraud Watch Notification Insert from the Registry of Deeds

KP Law Letter from Attorney Jeffrey T. Blake to Historic Curatorship Program dated July 17, 2017

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Memo to Kellie Hebert from Interim Fire Chief Richard Harris

*These Minutes were accepted as written at the August 7, 2017 Board of Selectmen Meeting.*

<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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