



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

**Minutes of August 7, 2017  
7:30 PM**

Board Members present were Chairman Boyd Jackson, Clerk Mark Lyons, Selectman Richard Gandt, Selectman Laura Powers and Selectman John K. Spencer. Of the Selectman's Staff, Town Administrator Kellie Hebert, and Administrative Assistant/Recording Secretary Susan Winslow were in attendance. Also in attendance were: Appointed Fire Chief Jenifer Collins-Brown, Police Chief Evan Haglund and new Call Firefighters Steven DeBay and Jonathan Hallinan.

Representing Peppi's Used Auto Sales, Gerard and Joseph Giugliano were in attendance. Residents Gerald Buckley, Darcy Fulton, Linda Gilligan, Matt Gilligan, Sebastian Gilligan, Dolly McIlvane, Claudia Rabines, Roberto Rabines, Wendy Renda and Allan Wallace were in attendance as were Sam Pickell and Brad Sweet from Boxford Cable Television.

**CALL TO ORDER**

Chairman Boyd Jackson called the meeting to order at 7:34 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 and AFSCME units 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.

Selectman Powers made the following announcement:

- There will be a Groundbreaking Event for the Town Hall Historic Preservation, Renovation and Addition Project at 10:00 am on Wednesday, August 23<sup>rd</sup> at 8 West Common Street.

### **CITIZEN COMMENTS AND QUESTIONS**

Resident Gerald Buckley addressed the Board to ask a question about the Schools Project and the Town Hall Building Project. He was informed that they are two separate projects.

### **DEPARTMENT UPDATE**

Chief Evan Haglund gave the Board an update on the Topsfield Police Department.

- Two Officers are out on injury; one is scheduled to return in August and the other in October.
- The radio repeater on Coppermine Road was repaired at a cost of \$1200.
- Damaged slate roof shingles on the Police Station were replaced at no cost by the company that had previously repaired the roof.
- The leaking generator exhaust pipe at the Police Station has been replaced.
- The Police Department has been proactive in monitoring the Town's Ford cruisers for carbon monoxide leaks following reports of faulty seals in other Police Departments. Topsfield cruisers have been examined and as a precaution, carbon monoxide detectors have been installed in the vehicles. The Chief expects a recall on the Town's older cruisers. The newest Ford cruiser has upgraded seals.
- The Regional Emergency Communications Center (RECC) Director and Assistant Director are willing to attend a Board of Selectmen Meeting to answer questions and update the public on activities at the RECC.
- RMS software has been approved for replacement, the cost to be covered by the 911 fund.
- Swiftreach is partially up and running and will be fully operational soon.
- The software scheduling program, Intellitime, will be up and running in September.

The Board thanked Chief Haglund for his report.

### **OLD BUSINESS**

#### Request to Amend Peppi's Used Auto Dealers License – Class II

Selectman Powers made a motion to amend the Used Auto Dealer License – Class II for Peppi's Auto Sales located at 414B Boston Street, Topsfield, with the following conditions noted on the License: hours of operation are between 11 AM and 7 PM, Monday – Sunday, no 'For Sale' signs, no vehicles are to be stored overnight at 414B Boston Street, vehicles may be shown one (1) at a time with a maximum of two (2) vehicles shown each day at 414B Boston Street. Seconded by Selectman Spencer. Selectman Lyons asked Town Administrator Hebert if any residents had contacted the Selectmen's office after notification

letters were sent out to abutters. Town Administrator Hebert and Susan Winslow informed the Board that they had not received any complaints since issuing notification letters. Selectman Gandt suggested the following changes to the conditions listed on the License:

- Hours of Operation are between 11 AM and 7 PM, Monday – Sunday
- All sales will be internet based only
- Any dealer vehicle on parcel 19-4 (hereafter “the premises”) will only be one brought there after a customer has requested to see that specific vehicle
- No more than one dealer vehicle will be on the premises at any one time
- No ‘For Sale’ signs will be displayed on dealer vehicles on the premises
- No vehicles are to be stored overnight on the premises
- A maximum of two (2) vehicles may be shown each day on the premises

Selectman Spencer made a motion to amend the License to include the language he provided. Seconded by Selectman Powers, so voted 5-0. The Board voted on the original motion as amended, so voted 5-0.

#### Introduction of New Call Firefighters

Appointed Fire Chief Jenifer Collins-Brown introduced three new Call Firefighters: Jonathan Hallinan of Ipswich, Steve DeBay of Danvers and Robert McGlaulin of Topsfield. Firefighters Robert McGlaulin of Topsfield and Steven DeBay of Danvers were in attendance. Firefighter Hallinan was in British Columbia fighting a fire, so he could not attend. Appointed Chief Collins-Brown informed the Board that Firefighter DeBay lives 4.4 miles from the Station and Firefighter Hallinan lives 2.9 miles away from the station, so even though they live out of town, they are within the required 15 mile radius from the Station. The Board thanked the new Firefighters for their service to the Town of Topsfield.

#### Police Chief Contract

Selectman Powers made a motion to approve and sign an Employment Agreement between the Town of Topsfield and Evan Haglund, Chief of Police, commencing on May 1, 2017 and terminating on April 29, 2020 unless earlier terminated as provided in the Agreement. Selectman Gandt seconded, so voted 5-0. The Board thanked Chief Haglund for his continuing service to the Town.

#### Rowley Road Crossing

The Board reviewed the Technical Memorandum from the Boston Region Metropolitan Planning Organization titled “DRAFT Safe Route 97 Crossing at Rowley Road in Topsfield, MA”. This was in response to a 2015 Citizen Petition outlining resident concerns about crossing Haverhill Road (Rt. 97) at Rowley Road. The Memorandum outlined three sequential options that would provide increasing levels of safety for the crossing. The Memorandum also outlined sequential options to improve the safety of the bike path’s existing crossing of Haverhill Road near Hood’s Pond.

- First option (least expensive): add painted crosswalk across Haverhill Road near Rowley Road, paint improved crosswalk near Hood's Pond and add pedestrian crossing signs at both locations.
- Second option (moderately expensive (approximately \$20,000.00 per light)): add flashing lights at both crossings.
- Third option (most expensive): re-route the roadways at the intersection of Rowley Road and Haverhill Road.

Most expensive: re-route the roadways at the intersection of Rowley Road and Haverhill Road.

This item has been under review by the Traffic Safety Committee and will be considered by the Complete Streets Program. Resident Dolly McIlvane of 6 Pheasant Lane appealed to the Selectmen to include the flashing light option at the crossing.

### Contract Amendment

Selectman Powers made a motion to vote to approve Contract Change Order #1 with Triton Leasing & Rental, Inc. in the amount of \$3,111 for Asbestos Abatement Services for the Town Hall Building Project. Seconded by Selectman Gandt. This amount represents an after the fact approval of additional work that was required after the asbestos abatement at Town Hall was underway, necessitating a change order to cover the additional cost. The Town Hall Building Committee recommended approval. So voted 5-0.

### Change of Scope #3

Selectman Powers made a motion to approve the collecting and analyzing of soil samples at Town Hall, 8 West Common Street, Change of Scope #3, to Environmental Health & Engineering, Inc. (EH&E), of Needham, MA for a not to exceed amount of \$7,900 and for the Chairman to sign. Seconded by Selectman Spencer. Chairman Jackson explained that excess fill from the project at 8 West Common Street will be exchanged with topsoil from the Rolling Green development at 470 Boston Street. Before the fill from 8 West Common Street can be moved, it must be tested as required by the Environmental Protection Agency (EPA). This amount of \$7,900 will be paid from the Town Hall Building Project contingency fund. So voted 5-0.

### **TOWN ADMINISTRATOR REPORT**

- Draft Financial Policies: the Collins Center is working on this as part of the Community Compact Project. The Town Administrator would like to set up a joint meeting of the Board of Selectmen and the Finance Committee in October to meet with representatives from the Collins Center.
- Public Records Update: the Town Administrator has been working with Town Clerk Beth Willis and KP Law to respond appropriately to a multitude of Public Records Requests, predominantly from one individual. Attorney Michelle Randazzo from KP Law has offered to do a seminar on Open Meeting Law and Public Records requests for the Town.

- Complete Streets Program: the Town Administrator has been working with Community Development Director and Purchasing Agent Donna Rich, Sergeant Neal Hovey and Chief Evan Haglund from the Topsfield Police Department, Highway Superintendent David Bond and representatives from World Tech Engineering regarding the improvement and repair of streets and sidewalks in Town.
- Website: the Town Administrator distributed a paper copy of the front page of the new Town Website incorporating suggestions made by Selectmen at a prior meeting. There will be training offered in August and September for Town Hall Department Heads and Administrators who will be responsible for maintaining their Department's web pages. The Town Administrator described the features of the new website and informed the Board that it is scheduled to go live in late September.

### **MEETING MINUTES**

Selectman Gandt offered several changes to the July 24, 2017 Draft Minutes in a document he distributed to the Board. Selectman Gandt made a motion to accept the Meeting Minutes from July 24, 2017 as amended. Seconded by Selectman Spencer, so voted 3-0-2 with Selectman Powers and Selectman Lyons abstaining.

### **EXECUTIVE SESSION**

At 9:03 PM, Selectman Gandt made a 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 Powers. Roll Call Vote to enter into Executive Session:

- Gandt – Yes
- Jackson – Yes
- Lyons – Yes
- Powers – Yes
- Spencer – Yes

So voted 5-0. The Board entered Executive Session at 9:04 PM.

### **CORRESPONDENCE**

Letter from the Massachusetts State Lottery Commission informing the Board that Country Farms at 20 Main Street has been offered a KENO Monitor because they are an existing KENO To Go agent.

Email correspondence from Stephen E. Marsters, Esq. to Town Administrator Kellie Hebert informing the Town that the Attorney General's Office denied RFS's Motion for Reconsideration.

Document: Commonwealth of Massachusetts Office of the Attorney General Fair Labor Division Decision on RFS's Motion for Reconsideration dated August 3, 2017.

Letter from the Masconomet Regional School District dated July 20, 2017 informing the Board that the Masconomet Regional School Committee voted to appropriate \$76,000 from the Stabilization Fund to conduct HVAC repairs and replace a generator switch.

## BOS Regular Meeting Minutes – 8/7/2017

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Letter from Supervisor of Records Rebecca Murray, Commonwealth of Massachusetts Public Records Division to Donna C. Rich declining to opine on a petition from Kim Sherwood.

Letter from KP Law to Jonathan Sclarsic, Esq., Director, Division of Open Government, Office of Attorney General Maura Healey dated July 27, 2017 regarding an Open Meeting Law Complaint dated July 11, 2017 by Kim Sherwood related to Town Hall Building Committee Meeting Minutes.

Copy of the Open Meeting Law Complaint Form completed by Kim Sherwood.

Letter from Senior Care dated July 13, 2017 and annual Service Report.

Letter from COMCAST dated July 27, 2017 regarding updates to the Comcast Agreement for Residential Services.

Copy of letter from Xfinity to Comcast Customers.

Letter dated July 24, 2017 inviting Town Administrator Hebert to attend Essex District Attorney Jonathan W. Blodgett's Annual Policymakers' Forum.

Letter from Massachusetts Municipal Association announcing the MMA Statewide Essay Contest and Annual Poster Contest.

## DOCUMENTS

Agenda

Detailed Agenda

Invitation to Groundbreaking Event for Town Hall Renovation

Copy of Used Car Dealer's License – Class II for Peppi's Auto Sales Inc.

Draft Letter to Giuseppe Giugliano to accompany revised Used Car Dealer's License – Class II

Copy of Common Victualler's License for Terens Qosja, Alex's Roast Beef, Pizza and Seafood

Common Victualler's License Application and attachments for Terens Qosja, Alex's Roast Beef, Pizza and Seafood

Employment Agreement Between Town of Topsfield And Chief of Police

Letter dated September 9, 2015 to Selectmen from Darcy Fulton and Richard Gandt re: request for pedestrian crossing at Rowley Road and Haverhill Road

Letter to Traffic Safety Committee from Donna Rich dated September 22, 2015

Boston Region Metropolitan Planning Organization Technical Memorandum dated May 31, 2017 re: Safe Route 97 Crossing at Rowley Road in Topsfield

BOS Recommendation Request from Donna Rich re: Environmental Health & Engineering Change of Scope #3

Document: Environmental Health & Engineering, Inc., Asbestos Abatement Specification and Abatement Project Monitoring – Topsfield Town Hall

BOS Recommendation Request from Donna Rich re: Additional Unit Pricing for Additional Uncovered Conditions Change Order #1 to Triton Leasing & Rental

Document: Triton Leasing & Rental, Inc. Change Order #1 dated June 30, 2017

Letter from the Massachusetts State Lottery Commission

Email Correspondence from Stephen E. Marsters, Esq. to Town Administrator Kellie Hebert

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Attorney Jonathan W. Blodgett's Annual Policymakers' Forum

Letter from Massachusetts Municipal Association announcing the MMA Statewide Essay Contest and Annual Poster Contest

DRAFT Minutes of July 24, 2017 incorporating changes from Selectman Richard Gandt

DRAFT of Used Auto Dealer's License – Class II for Peppi's Auto Sales incorporating changes from Selectman Richard Gandt

*Minutes were accepted as written at the August 21, 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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