

BOARD OF SELECTMEN
Minutes of June 23, 2008

Chairman Jackson called the meeting to order at 7:30PM. Board members present in addition to Chairman Jackson were Richard Gandt, Martha Morrison and Nancy Luther. Of the Selectmen's staff, Town Administrator Virginia Wilder, and Board Secretary Donna Rich, were in attendance. Other persons present were Evelyn Hammond of the TV Cable, Brendan Lewis of the Tri-Town Transcript, Mike Stucka of the Salem News, Bob & Cathy Morgan, Linda Shepherd, Brian Cabral, Ralph Stump, Janet Kmetz, Chairman, Main Street Foundation, Steve Mscisz, Park & Cemetery Commissioner, Matt Boyle, Veterans Agent, Holger Luther, Judd Pratt, Joe Geller, Chairman Rail Trail, Greg Demers, Rail Trail member, Dave Bond, Superintendent Highway Department, Walter Harmer, Chairman Conservation Commission, Lana Spillman, Conservation Administrator, Jackie White, Director Town Library, Heidi Fox, Chairman Town Hall Building Committee along with members: Phil Knowles, Cindi Deal, Jim Ugone, and Ben Nutter.

Announcements: Chairman Jackson announced that the Board would not be going into executive session.

Chairman Jackson announced that the recycling calendar had been distributed to residents and was also being posted on Cable TV and the Town Website.

Selectman Luther announced that the Council on Aging will have a new Executive Director, Lydia Bertolino, beginning July 7, 2008.

Selectmen Minutes: Selectman Gandt made the motion to accept the amended minutes of June 9, 2008; seconded by Selectman Luther; so voted 4-0. Selectman Morrison made the motion to accept the amended minutes of the Executive Session of June 9, 2008 and to hold until all issues have been resolved; seconded by Selectman Gandt; so voted 4-0. Selectman Morrison made the motion to accept the amended minutes of the Working Session of June 17, 2008; seconded by Selectman Gandt; so voted 4-0.

APPOINTMENTS:

7:30 –Town Hall Building Committee Recommendation-Heidi Fox updated the Board on the progress the Committee had accomplished to date. See Report attached dated: 6/23/08. The Board will review the data, evaluate the options and would get back to the committee with their decision.

8:05-Main Street Foundation-Veterans Memorial Triangle Project-Janet Kmetz, Chairman of Main Street Foundation, Ben Nutter, Foundation member, Steve Mscisz, Chairman of Park & Cemetery Commission, and Matt Boyle, Veterans Agent, were present as Janet provided an overview of the project. This was intended as an informational meeting to explain what the project entailed and where it was to be located. The intent is to bring all the War Memorial Monuments together in one area. Professional services to determine lighting for the project, as well as landscaping design were donated. The installation of the memorial stones are expected to be before Veterans Day this November.

8:23-Interviews-Selectman Luther recused herself and left the room. Judd Pratt of 27 East Street and Holger Luther of 294 Perkins Row, approached the Board to express their interest in filling the vacancies on the Conservation Commission. Mr. Pratt and Mr. Luther detailed their tenure in volunteered position within the Town. Chairman Jackson said that a decision would be announced at the next BOS meeting.

Citizen Questions & Comments: Bob Morgan asked to address the Board in regards to emails that he had sent. It was noted that the regular deadline for input to a Selectmen's meeting is noon on the Thursday preceding the meeting. Since the subject emails were received after that time, they will be on the next BOS agenda. However, Mr. Morgan asked to remove Japanese Knotweed sooner than two weeks with Roundup. Selectman Gandt repeatedly said to Mr. Morgan that he was not to apply pesticides on Town property and that the Board would get back to him in regards to the Town's plans for control of the invasive plants on the Town property that is adjacent to his property.

GENERAL BUISINESS

Old Business

Internet Auto Sales: Selectman Gandt made a motion to approve a Class II Used Car License to Karl Nazzaro, and George Baptista dba Internet Auto Sales, at Topsfield Crossing, 18 South Main Street, Topsfield, MA for the purpose of selling used cars over the internet. The license is to stipulate that no inventory is to be located within the corporate boundaries of the Town of Topsfield, seconded by Selectman Jackson; so voted: 4-0. Mr. Nazzaro was present to answer questions regarding signage that will meet the requirements for a used car business with a Class II license.

Annual Appointments: Selectman Morrison made a motion to approve the annual appointments effective July 1, 2008-June 30, 2009, labeled Table 1, seconded by Selectman Gandt; so voted: 4-0.

Table 2: Selectman Gandt made a motion to approve Michael Waltermire and Sheryl Knutsen to the Board of Health for a term ending June 30, 2011, seconded by Selectman Morrison; so voted: 4-0.

Selectman Gandt made a motion to approve Walter Harmer to the Conservation Commission for a term to end June 30, 2011; seconded by Selectman Morrison; so voted: 4-0.

Selectman Gandt made a motion to approve Parsons Clark and Jeanne Pickering for a term ending June 30, 2011 and Joyce Bergsten as Alternate for a term ending June 30, 2009 to the Historical Commission, seconded by Selectman Morrison; so voted: 4-0.

Selectman Morrison made a motion to approve Kristen Palace for a term ending June 30, 2013 to the Zoning Board of Appeals, seconded by Selectman Luther; so voted: 4-0. Selectman Gandt expressed his concern about the ZBA's liberal stand, in his opinion, on their rendered decisions regarding the downtown area of Topsfield.

Selectman Gandt made a motion to approve the recommendations from the Town Administrator regarding annual appointment of individuals to their Town Official positions, list attached, seconded by Selectman Morrison; so voted: 4-0.

New Buisness

Library's FY09 Facility Cleaners Contract: Selectman Morrison made a motion to award a contract for the Library's FY09 Facility Cleaning services to Mathew's Cleaning & Painting Services of Ipswich, MA in the amount of \$17,000; seconded by Selectman Gandt; so voted: 4-0.

Library's FY09 Network Administrator Contract: Selectman Gandt made a motion to award the contract for the Library's FY09 Network Administrator services to Universal Data Stream, LLC of Haverhill, MA in the amount of \$11,000, seconded by Selectman Morrison; so voted: 4-0.

Amendment-FY08 Library Network Administrator Contract: Selectman Gandt made a motion to approve a change order to the FY08 Library Network Administrator Contract with Universal Data Stream of Haverhill, MA in an amount not to exceed \$2,550 for additional work necessary

to complete the technology project presently underway at the Library, seconded by Selectman Morrison; so voted: 4-0.

Traffic Control Agreement for Ipswich Road: Selectman Gandt made a motion to enter into an agreement with the Commonwealth of Massachusetts, acting by and through its Highway Department, certifying that Federal Highway Administration traffic control standards will be operated and maintained in an adequate manner upon completion of the Ipswich Road project. Execution of this agreement in accordance with Title 23 USC, Sections 109(d) and 116 is a prerequisite to participate in a Federal Aid Program which is financed in whole or in part by the Federal Government, seconded by Selectman Morrison; so voted: 4-0.

Highway Gasoline and Diesel Fuel Transfer of Appropriation: Selectman Gandt made a motion to approve a request for a transfer of appropriation in the amount of \$5,000 in accordance with the provisions of MGL c. 44 § 33B from account #42002 51310, Overtime Laborers, to account #42005 54100, Gasoline/Diesel, to offset a deficit in the gasoline and diesel fuel line item of the Highway Budget seconded by Selectman Morrison; so voted: 4-0.

Ipswich Road Reconstruction Design Contract Amendment #3: Selectman Gandt made a motion to approve an amendment in the amount of \$26,400.00 to the contract with Bayside Engineering Inc. of Woburn, MA for additional engineering and design work on the Ipswich Road Reconstruction Project, seconded by Selectman Morrison; so voted: 4-0.

Chapter 90 Project Request: Selectman Gandt made a motion to approve a Chapter 90 Project Request to Mass Highway in the amount of \$150,000 for funding to mill and resurface Washington Street, Boxford Road and High Street Extension, seconded by Selectman Morrison; so voted: 4-0.

Chapter 90 Reimbursement Request: Selectman Morrison made a motion to approve a request from the Highway Department to the Mass Highway for Reimbursement of the Bridge Engineering project MA # 0035600 in the amount of \$7,800, seconded by Selectman Gandt; so voted: 4-0.

Rail Removal from Topsfield Linear Common: Notification was provided regarding the Rail Trail Committee removal of two 60 foot long single track sections: one from south of Summer Street and one from north of Maple Street by the Fairgrounds. This activity is being performed for safety reasons.

Survey of Rail Trail: Selectman Morrison made a motion to approve a contract with Donahoe & Parkhurst of Topsfield, MA in the amount of \$3,800 to survey the Town owned property from Washington Street to the end of the house lots by the tennis courts and to fund such from grants , seconded by Selectman Gandt; so voted: 4-0. Discussion from the audience was requested; Chairman Jackson stated this was not a public hearing. It was agreed that a spokesperson could address a concern if kept to 5 minutes. Brian Cabral of 37 Grove Street, requested information on how the activity was being funded. Selectman Morrison stated that the contract will be funded by Grant monies that have previously been accepted for the Rail Trail project.

Site Plan for Phase 1A of the Topsfield Linear Common: Selectman Gandt made a motion to approve a contract with Beals Associates, Inc of Boston, MA in the amount of \$2,500 to prepare documents and provide other services for Phase 1A of the Topsfield Linear Common (TLC), seconded by Selectman Morrison; so voted: 4-0.

Public Sector Partners, Inc Contract: Selectman Morrison made a motion to approve a Contract for Services with Public Sector Partners, Inc of Worcester, MA in an amount not to exceed \$600.00 to process Medicare reimbursements for the Flu Clinics offered in Topsfield in 2006 and 2007 and for the Chairman to sign, seconded by Selectman Gandt; so voted: 4-0.

Fair Parade Permit: Selectman Luther made a motion to approve a parade permit for the Topsfield Fair to be held on October 4, 2008, seconded by Selectman Morrison; so voted: 4-0.

Pye Brook Post Monitoring Revision Study: Selectman Gandt made a motion to approve an engineering contract with Weston & Sampson Engineers of Peabody, MA in the amount of \$4,990 for Pye Brook Post Monitoring Revision Study, seconded by Selectman Morrison; so voted: 4-0.

FY2009 Post Closure Landfill Monitoring: Selectman Gandt made a motion to approve a contract with Weston & Sampson Engineers Inc of Peabody, MA in the amount of \$42,500 for FY2009 Post Closure Landfill Monitoring Services at Pye Brook Park, seconded by Selectman Morrison; so voted: 4-0.

Water Meter Contract Change Order: Selectman Gandt made a motion to approve a Change Order #1 in the amount of \$8,001.78 to Amendment #3 of the water meter contract with E.J. Prescott Co of Gardner, ME for the purchase of reading equipment and spare meter parts, seconded by Selectman Morrison; so voted: 4-0.

Town Administrator’s Report:

Please see attached report.

Correspondence & Reports

Correspondence

- Conservation Commission Agent sent a letter to ZBA regarding proposed redevelopment at 35 Main Street.
- Border to Boston FY09 Appropriation: Essex National Heritage Commission sent a letter to John Tierney, US House Representative, requesting funds to finalize the design and engineering of the Border to Boston Trail.
- Zoning Board of Appeals has sent a letter to Glenn Clohecy, Building Inspector, regarding compliance with the terms of the Permit issued to Amberwood Farms Condominiums.
- MASCO Senior’s Kristen T. Lavery, Jason A. Gryzbek and Christian A. Bandereck have been awarded the Town of Topsfield Scholarships in the amount of \$400 each.

Reports:

- Cable TV Advisory Committee submitted minutes of May 14, 2008.
- Conservation Commission submitted minutes of March 26 and April 9, 2008.
- Library Trustees submitted minutes of May 13, 2008.
- North Shore Vocational School has submitted minutes of April 3, 2008 and agenda of June 12, 2008.
- Open Space has submitted minutes of February 11, 2008.
- Rail Trail Committee has submitted notes from their May 19, 2008 meeting (no quorum).
- Surface & Ground Water Study Committee has submitted minutes of May 8, 2008.
- Web Site Committee has submitted minutes of April 23, 2008.
- Zoning Board of Appeals has submitted Legal Notices for June 24, 2008: 8 Ross Road and 35 Main Street.

Warrants: The Selectmen signed and approved warrants in the amount of **\$ 440,049.22**. The breakdown is as follows:

Warrant #FY08:	
103T	\$ 76,985.59
104	\$363,063.63

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At 10:15 PM, Chairman Jackson entertained a motion to adjourn, Selectman Luther seconded the motion, vote: 4-0.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the July 7, 2008 Board of Selectmen's meeting.