

BOARD OF SELECTMEN
Minutes of September 28, 2009

Chairman Martha Morrison called the meeting to order at 7:30PM. Board members present in addition to Chairman Martha Morrison were Richard Gandt, Nancy Luther, Karen Dow and Laura Powers. 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 Topsfield Cable; Brendan Lewis of the Tri-Town Transcript; Ken Vogel, Masco School Committee member; Joe Geller, Rail Trail Chairman; Evan Haglund, Police Chief; and Don Cragg, Candlewood Drive.

ANNOUNCEMENTS:

Chairman Morrison announced that the Board would go into executive session to discuss Fire fighters union and call fire fighter contract negotiations at the conclusion of the open session. Chairman Morrison announced that the Fair will be setting off a fireworks display on October 2nd at 9:15 PM, the rain date will be October 3rd.

Selectman Gandt reminded all citizens of the availability of the compost site for citizens to dispose of leaves as the Fall season approaches. Due to budget cuts, the site had been closed. However it is open to citizens with an Access Ticket on Saturdays from 9-1PM until November 28th. They will accept up to two cubic yards of waste per ticket. Access Tickets can be obtained for \$5 each at the Board of Selectmen's Office.

Chairman Morrison announced that the Flu Vaccine Clinic will be held on October 15 from 1:00 – 4:00 pm at the Emerson Center. Chairman Morrison also announced that the Massachusetts Municipal Association is holding its 7th Annual Municipal Calendar Photography Contest with the theme "Simply Massachusetts". This year's theme answers the question "What in your town is an inexpensive destination or activity?" Deadline is October 19th; more details can be obtained at the BOS office.

GENERAL BUSINESS

Old Business

Common Victualler Licenses Revisions: Selectman Gandt made a motion to approve the Common Victualler License rules & regulations as amended and application with reformatting; seconded by Selectman Powers; so voted: 5-0.

Department of Conservation & Recreation 2009 Grant Application: Selectman Gandt made a motion to approve the Recreational Trails Program 2009 Application and for the Chairman to sign the letter of support; seconded by Selectman Powers; so voted: 5-0. Joe Geller was present to provide an update on the progress of the Topsfield Linear Common. The ribbon cutting ceremony for Phase I will be held on October 17th at the Library. In addition there will be an informational forum for Phase II on October 22nd at the Library.

New Business

Trailer on Rail Trail: Don Cragg, owner of a drop-off container that was placed illegally on the Rail Trail property off of Route 97, explained that he is in the process of removing it. He had submitted a letter requesting 60 days, but stated that he would like to amend the letter to only a few days. There was a discussion regarding why the container was placed there and the need to remove it, as it interferes with public use of the Rail Trail. Selectman Gandt made a motion to allow Mr. Cragg until October 1st at 7PM to remove the container and its contents from Town-leased land; seconded by Selectman Luther; so voted: 5-0.

FY2010 Town Budget Update: Chairman Morrison gave an update on the current status of the state budget, including recent communications that indicate potential 9C cuts to this year's budget. She explained that currently the Town of Topsfield is responsible for funding the state's

portion of the Quinn Bill, in an amount of approximately \$35,000. Also, Chairman Morrison explained that Masco experienced cuts in state transportation aid and Chapter 70 funding. To make up this lost revenue, Masco has recertified its budget and is seeking an additional \$70,000 from Topsfield. Chairman Morrison noted that with a Reserve Fund of \$125,000 these two items alone total \$105,000, leaving only \$20,000 for any other unexpected expenditure that the reserve fund is generally used for.

Veterans Day: Selectman Gandt made a motion to approve the Veterans' Day Parade to be held on Saturday, Nov. 7, 2009 starting at 11AM at Park Street and proceeding to the library; seconded by Selectman Dow; so voted: 5-0.

Also, Selectman Gandt made a motion to approve a banner announcing the parade to be erected between Proctor School and Town Hall from Oct. 28 till Nov 7th; seconded by Selectman Luther; so voted: 5-0.

United Nations Day Proclamation: Selectman Luther made a motion to declare October 24th as United Nations Day and for the Chairman to sign the proclamation as read by Selectman Dow; seconded by Selectman Powers; so voted: 5-0.

Boy Scout Bottle & Can Drive: Selectman Gandt made a motion to approve a banner for the Boy Scout Bottle & Can Drive from Oct. 19th to Oct 24th to be placed between Proctor School and Town Hall; seconded by Selectman Dow; so voted: 5-0.

State Ethics Commission: Selectman Powers made a motion to appoint Virginia Wilder, Town Administrator, as the Town's designated senior level employee to serve as liaison to the State Ethics Commission; seconded by Selectman Gandt; so voted: 5-0.

Liaison Reports:

Construction of a merged Agricultural Institute and Vocational School: Selectman Dow announced that the deadline has been extended until mid-December for towns/cities to respond to the proposed construction of a merged school. Ms. Wilder said that Trudi Perry, Topsfield's liaison to the Vocational School, and Amy O'Malley, North Shore Vocational School superintendent, will come and speak to the board on October 26th regarding the proposed merger and construction.

Town Administrator's Report:

- Essex Regional Retirement Board update
- Cable contract renewal with Comcast update
- Regional Emergency Communication Center representatives will make a presentation to the Board on October 13th
- MBTA Survey distribution and explanation
- Surface & Ground Water Report update
- Commonwealth Capital project update

Selectmen Minutes: Selectman Luther made a motion to accept the amended minutes of August 31, 2009; seconded by Selectman Powers; so voted 5-0. Selectman Powers made a motion to accept the minutes of September 14, 2009 as presented; seconded by Selectman Luther; so voted 5-0. Selectman Gandt made a motion to accept the amended minutes of the Executive Session of September 14, 2009 and to hold until all issues are resolved; seconded by Selectman Powers; so voted 5-0.

Correspondence & Reports

Correspondence

Essex Regional Retirement Board has submitted a comprehensive memo of the changes made to the MA pension system.

The Executive Office of Energy & Environmental Affairs, State Reclamation & Mosquito Control Board has submitted the second update for the mosquito control program.

Geological Field Services, Inc has submitted a letter notifying the Board of actions taken at 56 Alderbrook Drive relative to a release of petroleum hydrocarbons to the soils and ground water. FEMA has sent a letter explaining that public notification of modifications to Base Flood Elevations for the Town will be posted in the Salem News on 9/18/09. The comment period begins 9/18 and ends 12/17/09.

Zoning Board of Appeals has submitted to the Town Clerk their decision for the use of the Livestock Arena as a sports arena for athletic games including sports office, snack bar and pro-shop.

Reports

Cable TV Advisory Committee has submitted minutes of August 5, 2009.

Warrants: The Selectmen signed and approved warrants in the amount of **\$149,052.34** for FY10 and **\$90.00** for **FY09**. The breakdown is as follows:

Warrant FY09:
110 \$ 90.00

Warrant FY10:
027T \$ 76,891.48
028 \$ 72,160.86

At 8:51 PM Selectman Dow moved to go into executive session to discuss Fire Fighters Union Contract Negotiations; seconded by Selectman Powers. In a roll call vote, a yes vote was recorded for Chairman Morrison, Selectman Dow, Selectman Luther, Selectman Powers and Selectman Gandt. The Board would not return to open session. Virginia Wilder and Donna Rich were also present.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the October 13, 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.