

BOARD OF SELECTMEN
Proctor School Library
Minutes of December 17, 2012

Chairman Eldon Goodhue called the meeting to order at 7:30PM. Board members present, in addition to Chairman Goodhue, were Martha Morrison, Dick Gandt, Laura Powers and Ken Vogel. 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 Topsfield Cable Walter Harmer, Tri-Town Transcript reporter Kate Evans, Sgt. Detective Gary Hayward, Auxiliary Police Officer Michael Bettencourt, Executive Director Tri-Town Council Lisa Tiechner, Director of Land Conservation Essex County Greenbelt Association David Santomenna, and Nutter Farm owners Ben Nutter and Christina MacDougall.

Chairman Goodhue opened the meeting and due to technical difficulties (not being recorded) announced that the Board would review the minutes pending receipt of video media to record the meeting.

Selectmen Minutes:

Selectman Morrison made a motion to accept the Minutes of October 9, 2012 as presented; seconded by Selectman Vogel; so voted 5-0.

Selectman Morrison made a motion to accept the Working Session Minutes of November 19, 2012 as presented; seconded by Selectman Vogel; so voted 5-0.

Selectman Morrison made a motion to accept the Minutes of November 29, 2012 as presented; seconded by Selectman Vogel; so voted 5-0.

Selectman Morrison made a motion to accept the Executive Session Minutes of November 29, 2012 as presented and to hold until all issues have been resolved; seconded by Selectman Vogel voted 5-0.

Correspondence & Reports

Correspondence

Historical Commission received a letter of resignation from member Daniel Philpot. Selectman Morrison announced members are needed for this Commission.

US Census Bureau is seeking for the Town to complete a Boundary & Annexation survey of the Town's boundaries. Selectman Morrison requested that the memo be forwarded to the Mapping Committee and noted that the Selectmen should perform a perambulatory of the Town's boundaries in the spring with Selectmen from adjacent communities.

MPO has sent information regarding the Transportation Improvement Program, including a development process and milestones for FY14-17.

Reports

Board of Assessors submitted the minutes of November 9, 2012.

Conservation Commission submitted the monthly report for November.

Invitations

Red Cross sent an invitation to the 11th Annual Community Heroes Breakfast to be held on Thursday, March 21 at the DoubleTree by Hilton NS in Danvers from 7:30-9AM.

At 7:40PM Chairman Goodhue opened the meeting to the viewing citizens with a moment of silent reflection and prayer for the victims of the tragedy at the Sandy Hook School in Newtown CT.

APPOINTMENTS:

7:41 – Tri-Town Council-Director Lisa Tiechner addressed the Board regarding the passing of the new marijuana law and its implications to the Town. A package of information was distributed, which included a letter request from MMA to be sent from the Board of Selectmen to Governor Patrick in favor of delaying the implementation of the new law until the Department of Public Health, as the governing authority, determines the regulations. Selectman Gandt made a motion to have the Chairman of the Board of Selectmen sign a letter endorsing the decision to delay the implementation of the new law until July 1, 2013, seconded by Selectman Vogel; so voted: 5-0.

7:45 - Police Appointment-Sgt. Detective Hayward introduced Michael Bettencourt to the Board. Auxiliary Police Officer Michael Bettencourt stated his interest in being appointed as a full time police officer for Topsfield. Selectman Gandt made a motion to appoint Auxiliary Police Officer Michael Bettencourt to the position of probationary full time police officer effective Thursday, January 17, 2013 until March 11, 2013, seconded by Selectman Morrison; so voted: 5-0. It was explained that Officer Bettencourt would be enrolled in the Police Academy as a student officer in March of 2013.

CITIZEN QUESTIONS & COMMENTS

GENERAL BUSINESS

Old Business

Police Grievance: Selectman Gandt made a motion to approve the settlement with Officer Neal Hovey of one hundred (100) hours of compensation time to be used in accordance with the collective bargaining agreement and Town practice, seconded by Selectman Vogel; so voted 5-0.

New Business

Nutter Farm: Selectman Morrison made a motion to approve the Amendment for the Nutter Farm Conservation Restriction recorded at Book 13905, Page 581 in the Essex South District Registry of Deeds to the Essex County Greenbelt Association, Inc. for the preservation of the natural and agricultural resources of said Town pursuant to MGL Chapter 184, section 32, seconded by Selectman Powers; so voted 5-0. Director of Land Conservation Essex County Greenbelt Association David Santomenna, and Nutter Farm owners Ben Nutter and Christina MacDougall were present to further explain the family's intent.

Police Appointment-Auxiliary/Special police officers: Selectman Gandt made a motion to re-appoint Stephen Shepard, Paul Polonsky, Melissa Alleruzzo and James Bonfanti as Auxiliary/Special Police officers, to be effective January 1, 2013 through June 30, 2013, seconded by Selectman Powers; so voted 5-0.

Selectman Gandt made a motion to re-appoint Robert Varney, Robert Smith, Kevin Boodoo, Derek Wood, Matthew Melto, Kerry Stokes, Michael Gelineau, and Michael Cassidy as Auxiliary Police officers to be effective January 1, 2013 through June 30, 2013, seconded by Selectman Powers; so voted 5-0.

Selectman Gandt made a motion to re-appoint Michael Bettencourt as an Auxiliary Police officer to be effective January 1, 2013 and to expire on January 17, 2013, seconded by Selectman Powers; so voted: 5-0.

2013 Class I & II Licenses: Selectman Morrison made a motion to approve renewal of a Class I License for the sale of new and used cars to Cape Ann Industries, Inc., dba Fixed Wing Sales effective January 1, 2013 and to expire December 31, 2013, and further to approve renewal of

Class II Licenses for the sale of used cars to: Country Motors, Inc., Essex Auto Group LLC, Signature Motors Cars, Inc., Eurasian Imports Inc. dba: New Meadows Auto, Lawton Welding Co. Inc. dba: Fend Auto Sales and Topsfield Motor Company LLC effective January 1, 2013 and to expire Dec 31, 2013, seconded by Selectman Powers; so voted 5-0. Selectman Morrison noted that Sgt. Harrison had inspected all dealers and approves renewals as presented.

2013 Common Victuallar Licenses: Selectman Morrison made a motion to approve the renewal of Common Victuallar Licenses for: Topsfield House of Pizza, Qirici Inc. dba: Daybreak Café, ICDT Inc. dba: Main Street Market, Alex Roast Beef, Pizza & Seafood, Willowdale Estate LLC, and Maia LLC dba: Dunkin Donuts effective January 1, 2013 and to expire December 31, 2013, seconded by Selectman Vogel; so voted 5-0. Selectman Gandt made a motion to approve renewal of Common Victuallar License for New Meadows Golf Club, Inc. contingent upon passing inspection of the Building Inspector, seconded by Selectman Powers; so voted: 5-0.

Park & Cemetery Surplus: Selectman Gandt made a motion to declare the non-useable damaged underground wire from the 2011 wire larceny at Pye Brook Park surplus in an amount not less than \$500, seconded by Selectman Vogel; so voted 5-0.

Planning Board Alternate: Selectman Morrison made a motion to appoint Glen Gollrad as an Alternate on the Planning Board for a term to expire June 30, 2013, seconded by Selectman Powers; so voted 5-0.

Fire Department Vehicle: Selectman Powers made a motion to award bid and approve a contract with Stoneham Ford, Stoneham, MA for a 2013 Ford F350 Crew Cab Pick-Up Truck for the sum of \$33,996, which includes the trade of a 2001 Chevrolet Tahoe, seconded by Selectman Vogel; so voted 5-0.

Town Administrator Search: After a brief discussion the consensus of the Board was to have Selectman Powers work with Ms. Wilder on the RFP for a consultant to assist in the hiring of the new Town Administrator.

Liaison Reports

Selectman Gandt reported that patches of the road where the water main work had been done will be paved in the spring.

Selectman Gandt reported that the Rowley Bridge Road bridge project is progressing.

Town Administrator's Report:

- Trash and Ambulance Contracts:
 - Trash: update provided, language will have to be developed for Town Meeting acceptance of a 10 year contract.
 - Ambulance: Fire Chief has reported that Northeast Regional Ambulance has met and exceeded the 13 minutes and 59 seconds to respond in Topsfield 90% of the time.
- Permitting Software update provided.
- Town Meeting items: Finance Team will have a CIP recommendation for the January 7th meeting.
- Review of Kopelman & Paige, PC letter dated December 13, 2012, regarding House Bill No 4437.
- Town Administrator Job Description Update: After two meetings a draft has been developed with consensus still not achieved with who makes certain appointments.
- Budget Reviews: Chairman Goodhue agreed to set up a meeting, with only three members available, on December 20th at 1:30PM, Town Hall Conference Room to begin to review FY14 Budgets.

Selectman Morrison wished all a Happy Holiday and Healthy New Year.

Warrants: The Selectmen signed and approved warrants in the amount of **\$607,481.49**. The breakdown is as follows:

Warrant FY13:	
049T	\$ 112,175.01
049 School	\$ 271,045.50
50	\$ 224,260.98

At 9:10 PM, Selectmen Morrison made a motion to adjourn and Selectman Vogel seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as written at the January 22, 2013 Board of Selectmen's meeting.

Per the Open Meeting Law, the documents that were either distributed to the BOS before the meeting in a packet, or at the meeting were:

1. Agenda
2. Preliminary BOS Minutes – October 9, November 19th and November 29th and Executive Session
3. Police Grievance Settlement
4. Police Appointments: Auxiliary/Special Police Officers
5. Nutter Farm Conservation Property
6. 2013 Class I & II License Renewals
7. 2013 Common Victuallar Licenses
8. Park & Cemetery Surplus Supplies
9. Planning Board Alternate Appointment
10. New Fire Department New Vehicle
11. Town Administrator Search
12. Correspondence: Historical Commissioner Resignation, Boundary & Annexation Survey Request, Transportation Improvement Program outline from MPO
13. Reports: Board of Assessors minutes and Conservation Commission monthly report
14. Invitation: Community Heroes Breakfast
15. Letter from Kopleman & Paige PC regarding Bill Number 4437
16. Draft of Town Administrator job description
17. Fractile Response Time report from Fire Department
18. Tri Town Council distributed a packet regarding the medical marijuana law

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.