



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

**Minutes of June 19, 2017
7:30 PM**

Board Members present were Chairman Boyd Jackson, Clerk Mark Lyons, Richard Gandt, John K. Spencer and Laura Powers. Of the Selectman's Staff, Kellie Hebert, Town Administrator, and Susan Winslow, Administrative Assistant, were in attendance. Police Chief Evan Haglund and Interim Fire Chief Richard Harris were in attendance. Fire Chief Candidates Captain Jenifer Collins-Brown of the Topsfield Fire Department and Chief Michael Feinberg of the Nahant Fire Department were in attendance. Veterans Service Agent Richard Cullinan was in attendance. Residents Melissa Ogden, Roberta Sapienza, Robert Sapienza, Kim Sherwood and Allan Wallace were in attendance. Doreen Burliss of the Tri-Town Transcript and Ben Demers from Boxford Cable Television were in attendance.

CALL TO ORDER

Chairman Boyd Jackson called the meeting to order at 7:33 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 Police 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, Full Time Fire 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.

- There will be a Special Town Meeting June 20, 2017 at 7:00 PM at the Proctor School Gymnasium regarding the Water Treatment Plan and Town Hall Project.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments or questions.

DEPARTMENT UPDATE

Interim Fire Chief Richard Harris gave the Board an update on activities at the Fire Department including 167 incidents in April and May. Events included:

April:

- 5 fires
- 11 investigations of outdoor unauthorized burning
- 39 inspections
- 48 medical calls
- 10 mutual aid

May:

- 4 sprinkler alarms
- 2 boat searches and retrieval of 3 people from the Ipswich River
- retrieval of the Hood Pond float
- 48 medical mutual aid
- 82 inspections
- 48 public services.

Other:

- The inaugural Citizens Fire Academy was well attended and successful.
- Garage doors on the Fire Station have been replaced with insulated doors.
- Ambulance air conditioning has been completed.
- 4 Call Firefighters will be stepping down in the coming year due to changes in their personal lives resulting in their unavailability.
- The Fire Department has generated \$57,000 in revenue in FY17.

NEW BUSINESS

Extension of Interim Fire Chief Employment Agreement

Selectman Powers made a motion to approve an extension of the Employment Agreement with Interim Chief Richard Harris to August 15, 2017 with the option to extend to a mutually agreed date or termination upon fourteen (14) calendar days written notice. Seconded by Clerk Lyons, so voted 5-0.

Introduction of Fire Chief Candidates

Town Administrator Kellie Hebert gave the Selectmen a review of the search process, explaining that, per the recommendation of the 24/7 Committee, she interviewed qualified search firms to conduct the Fire Chief Search and chose internationally acclaimed Municipal Resources Incorporated (MRI). MRI advertised for the position and reviewed 24 international candidates through written application processes, telephone interviews and a blind scoring system to arrive at 5 candidates. These candidates participated in the Assessment Center on April 28 at the Topsfield Fairgrounds. Three semi-finalists were

interviewed by a screening panel of residents with hiring experience: Cheryl Jolley, Melissa Ogden, Eric Menzer, Allan Wallace and Roberta Sapienza. Two finalists emerged from this process and were interviewed by MRI's Robert Craig, resident Nancy Luther and Town Administrator Hebert. Town Administrator Hebert will make the appointment, and announce it at the July 10, 2017 Board of Selectmen Meeting.

Town Administrator Hebert introduced Chief Michael Feinberg from the Nahant Fire Department. Chief Feinberg gave the Board a description of his background and experience and answered questions from Board Members.

Town Administrator Hebert introduced Captain Jenifer Collins-Brown from the Topsfield Fire Department. Captain Collins-Brown gave the Board a description of her background and experience and answered questions from Board Members.

The Board thanked both candidates for attending the meeting.

Selectmen Gandt informed the Board that he would like the candidates to return to another Board of Selectmen meeting to undergo one hour interviews on camera.

Selectman Powers responded that the Fire Chief Search process has been going on for over a year and the Selectmen confirmed Town Administrator Hebert's authority to appoint under the relevant By-Law. She said that an independent company was chosen to conduct the Fire Chief Search at the recommendation of the 24/7 Committee. This ensured a fully professional, unbiased, merit-based review of candidates.

Later in the meeting, Clerk Mark Lyons requested that the Board return to the discussion of the Fire Chief Candidates. Clerk Lyons referred to Selectmen Gandt's comments regarding bringing back the two Finalists for further interviews. Clerk Lyons stated that Town Administrator Hebert followed the direction of the then-sitting Board of Selectmen and the relevant Town By-Law regarding the Fire Chief Search process. The choice of MRI as an independent search firm was also consistent with the recommendation of the 24/7 Committee.

Selectman Powers added that the search process was fully independent. She supported Clerk Lyons' proposal to continue with the current process. She also recommended that the Board continue with the timeline based on a July 10 date for Town Administrator Hebert to announce the appointment.

Selectman Gandt stated that a change in the Board membership could result in a change in the authority given to the Town Administrator, and reiterated that the candidates should undergo an on camera interview with the Board. Clerk

Lyons pointed out that the Candidates had appeared before the cameras at this meeting and the Board was given the opportunity to ask them questions. He pointed out that further interviews by the Selectmen would not be advisable at this time because the Town Administrator has the Appointment Authority. The Selectmen confirmation process will follow.

Clerk Lyons made a motion to confirm and ratify prior actions of this Board that the relevant by-law would be followed in the hiring of the Fire Chief, that being that the Town Administrator would appoint, subject to the confirmation of this by the Board of Selectmen. Seconded by Laura Powers, so voted 4 in the affirmative and 1 in the negative (Selectman Gandt). Selectman Spencer added that the process being followed was done so to ensure that there were no politics involved.

Acceptance of Donation to Fund Motorcycle Lease

Selectman Powers made a motion to accept a donation of \$4,400 from the Essex Agricultural Society to fund a one-year lease agreement with Seacoast Harley Davidson of North Hampton, NH, for a Harley Davidson Motorcycle for the Police Department. Selectmen Spencer seconded, so voted 5-0.

Approve Lease Agreement for Police Motorcycle

Selectman Powers made a motion to approve a one year lease agreement between the Town and Seacoast Harley Davidson of North Hampton, NH and authorize the Chief to sign. Seconded by Selectman Spencer. Town Administrator Hebert explained that at the June 5, 2017 Board of Selectmen meeting, the Board voted to accept a donation of \$20,900 from the Essex Agricultural Society for a Lease-to-Own agreement of a Harley Davidson motorcycle for the Police Department. At that time, the Selectmen chose to hold off on a vote until Town Counsel could review the Lease Agreement. Following the advice of Town Counsel, the Selectmen authorized a one year Lease Agreement instead of a Lease-to-Own agreement. So voted 5-0.

COA Lease of Programming Space at Trinity Church

Selectman Powers made a motion to approve a 12 month Lease Agreement with Trinity Church to provide temporary programming space for use by the Town of Topsfield's Council on Aging in the amount of \$7,200 for Fiscal Year 2018, the Selectmen to sign. Seconded by Selectman Spencer, so voted 5-0.

HVAC Agreement for Library

Selectman Powers made a motion to approve a Services Agreement with Ambient Temperature Corporation, Newburyport, MA to perform HVAC services at the Topsfield Public Library in the amount of \$7,548 for Fiscal Year 2018, the Selectmen to sign. Seconded by Clerk Lyons, so voted 5-0.

Weston & Sampson Landfill Monitoring Agreement

Selectman Powers made a motion to approve a Professional Services Agreement with Weston & Sampson Engineers, Inc., Peabody, MA for Landfill Monitoring in the amount of \$38,700 for FY18, the Selectmen to sign. Landfill Monitoring of the site is required by the Commonwealth. Seconded by Selectman Spencer. Selectmen Spencer questioned when funding for the monitoring will be depleted. Town Administrator Hebert responded that it could be depleted by FY19. So voted 5-0.

ADA Day Proclamation

Selectman Powers made a motion to declare Wednesday, July 26, 2017 as “Americans with Disabilities (ADA) Day” to commemorate the twenty-seventh anniversary of the signing of the Americans with Disabilities Act. Seconded by Selectman Gandt, so voted 5-0.

Donibristle Farm LAND Grant

Selectman Powers made a motion to approve and designate Conservation Administrator Heidi Gaffney as Project Manager for the Town of Topsfield and to authorize the Chairman of the Board of Selectmen as Signatory Authority for the Donibristle Farm LAND (Local Acquisitions for Natural Diversity) Grant Application to the Commonwealth. Seconded by Selectman Gandt, so voted 5-0.

Reallocation of FY17 HOME Funds

Selectman Powers made a motion to re-allocate \$4,740 back to the North Shore HOME Consortium’s Competitive Pool. Seconded by Selectman Spencer, so voted 5-0.

Nomination of Kristin Palace as Special Municipal Employee

Selectman Powers made a motion to nominate Kristin Palace as a Special Municipal Employee. Seconded by Selectman Gandt. Town Administrator Hebert explained that Attorney Palace disclosed that she may represent Topsfield residents regarding matters of education or special education against the Town, and she also serves as an Alternate on the Zoning Board of Appeals. So voted 5-0.

Salem Road Speed Limit Signage

Selectman Gandt informed the Board that he received a call from a resident requesting the Board revisit instituting a speed limit sign on Salem Road. Selectman Gandt spoke to Representative Brad Hill about this matter. Selectman Gandt informed the Board that a study was done regarding speed limit signage on Salem Road approximately 20 years ago, but no action was taken at that time. He recommended that this issue be sent to the Traffic Advisory Committee. Chairman Boyd Jackson informed the Board that he has spoken to Highway Superintendent Dave Bond and Police Chief Evan Haglund and it is currently under review.

Annual Appointments for FY18

Selectman Powers made a motion to appoint the following individuals to Boards or Committees for periods of one to five years as stated below starting July 1, 2017. Seconded by Selectman Spencer. Selectman Powers thanked all of the Appointees for their service to the Town. Selectmen Gandt asked that the list be added to the Town Website. So voted with 4 in the affirmative and 1 abstention (Selectman Spencer).

Board/Committee/Position	Name	Term
Agricultural Commission	Marthinus J. Riekert	3 years
Agricultural Commission, Alternate	Peter Gibney	3 years
Alcohol Licensing Advisory Committee	Stanley V. Ragalevsky	1 year
	Robert E. Hardy	1 year
	Nancy J. Luther	1 year
Animal Control Officer	Carol Larocque	1 year
Animal Control Officer, Alternate	Reed Wilson	1 year
Board of Health	Sheryl L. Knutsen	3 years
Board of Health Agent	John Coulon	1 year
Board of Health Agent Death Certificates	Mary E. Willis	1 year
Board of Registrars (ex officio)	Mary E. Willis	3 years
Board of Registrars	Diane Bayliss	3 years
Board of Registrars, Assistant	Erin Merrill	1 year
Caretakers of Soldiers Graves	Stephen Mscisz	1 year
CDL Coordinator	David M. Bond	1 year
Chief Procurement Officer	Kellie Hebert	1 year
Conservation Administrator	Heidi Gaffney	1 year
Conservation Commission	James V. Carroll	3 years
Council On Aging	William T. Quinn Jr.	3 years
	Penny Rogers	3 years
	Martha D. Davis	3 years
Cultural Council	Kathleen Hunt	3 years
Fence Viewers	Charlene A. Stawicki	1 year
	Nancy J. Luther	1 year
	Jenifer Collins-Brown	1 year

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Forest Committee	Ronald P. Giovannacci	1 year
Historical Commission	Norman J. Isler	3 years
Inspector of Building	Glenn Clohecy	1 year
Inspector of Building, Alternate	David Harris	1 year
Inspector of Gas & Plumbing	Stanley Kulacz	1 year
Inspector of Gas & Plumbing, Alternate	Kevin Dash	1 year
Inspector of Wires	John Thompson	1 year
Inspector of Wires, Alternate	Thomas Tombarello, Jr.	1 year
Inspector of Wires, Alternate	Larry Fischer	1 year
Keeper of Clocks	Norman J. Isler	1 year
Keeper of Clocks	Robert L. Winship	1 year
Mapping Committee	Greg Krom	1 year
	Robert L. Winship	1 year
Mapping Committee - Planning Board	Joseph D. Geller	1 year
Memorial Day Committee (ex officio)	Richard Cullinan	1 year
Open Space Committee	David D. Merrill	1 year
	Joseph D. Geller	1 year
	Reginald Lockwood	1 year
Parking Clerk	Susan Winslow	1 year
Rail Trail Committee	Gregg A. Demers	1 year
	David Carmon Read	1 year
	Joseph D. Geller	1 year
	William J. Rossiter	1 year
	Roy J. Baessler	1 year
Renewable Energy/Green Communities	Robert L. Winship	1 year
	Joseph D. Geller	1 year
	Henry A. Goudreau	1 year
	Glen P. Gollard	1 year
Scholarship Committee	Audrey Iarocci	1 year

	Paula Burke	1 year
Scholarship Committee	Lydia J. Bugli	1 year
Sealer of Weights & Measures	Leonard Rose	1 year
Soil Removal Board - Planning Board	Jeanine Cunniff	1 year
Storm Water Management - Planning	Greg Krom	1 year
Storm Water Management - BOWC	Joseph K. Gibbons	1 year
Storm Water Management - BORC	Holger K. Luther	1 year
Storm Water Management	David M. Bond	1 year
Storm Water Management	Glenn Clohecy	1 year
Storm Water Management Planning Board	Steve Hall	1 year
Assistant Town Clerk	Erin Merrill	1 year
Town Counsel	KP Law	1 year
Town Hall Building Committee	Gregor Smith	1 year
	Ben Nutter	1 year
	Elizabeth Mulholland	1 year
	Charles Josh Rownd	1 year
	Peter A. Bryson	1 year
Town Hall Building Committee (ex officio)	Mark Lyons	1 year
Town Hall Building Committee (ex officio)	Kellie Hebert	1 year
Traffic Advisory Committee	David M. Bond	1 year
Traffic Advisory Committee	Evan Haglund	1 year
Treasurer/Collector	Barbara Michalowski	3 years
Treasurer/Collector Assistant	Julie McCarthy	3 years
Tree Warden	David M. Bond	1 year
Veterans Agent	Richard Cullinan	1 year
Veterans Graves Registration Officer	Richard Cullinan	1 year
Wallace Kneeland Committee	Robert L. Winship	1 year
	Phil G. Knowles	1 year
Zoning Board of Appeals	Jody Clineff	5 years

Zoning Board of Appeals, Alternate

Kristin M. Palace

1 year

Amend Personnel Regulations

Selectman Powers made a motion to amend Section 1.4 Definitions: “Overtime Pay” to remove the language ‘8 hour day’ related to overtime and Section 4.7 “Holidays and Holiday Pay” to clarify that if an employee does not normally work on a given day, that employee is not eligible for Holiday Pay if a holiday falls on that day of the week. Seconded by Selectman Gandt, so voted 5-0.

TOWN ADMINISTRATOR REPORT

Town Administrator Hebert handed out mock ups of the proposed front page of the redesigned website. This was met with a positive response and suggestions from the Board for additional revisions. Selectman Spencer will meet with Ms. Hebert in the coming week to review proposed changes.

MEETING MINUTES

Selectman Powers made a motion to accept the Meeting Minutes from the Joint Meeting of the Finance Committee and the Board of Selectmen from May 2, 2017 as written. Seconded by Clerk Lyons, so voted with 3 in favor and 2 abstentions (Selectmen Gandt and Spencer).

Selectman Powers made a motion to accept the Regular Business Meeting Minutes from May 8, 2017 as written. Seconded by Clerk Lyons, so voted 5-0.

Selectman Powers made a motion to approve the Regular Business Meeting Minutes of June 5, 2017 as written. Seconded by Clerk Lyons, so voted with 4 in favor and 1 abstention (Selectman Spencer).

Selectman Powers made a motion to accept and release the Meeting Minutes for the Executive Session on April 24, 2017 as written. Seconded by Clerk Lyons, so voted with 3 in the affirmative and 2 abstentions (Selectmen Gandt and Spencer).

EXECUTIVE SESSION

At 9:36 PM, Clerk Lyons read the motion to enter into closed Executive Session with the meeting to adjourn at the conclusion of Executive Session without returning to Open Session. Roll Call Vote to enter into Executive Session: Gandt – yes, Jackson – yes, Lyons – yes, Powers – yes, Spencer – yes, so voted 5-0.

COMMUNICATIONS

Letter from Verizon dated June 5, 2017

Letter from Massachusetts Department of Transportation, Highway Division dated May 30, 2017

Letter from Massachusetts Department of Agricultural Resources dated May 30, 2017 and accompanying pamphlet, “Programs & Services of Interest to Municipalities”

DOCUMENTS:

Agenda

BOS Recommendation – Interim Fire Chief Agreement Extension

Memorandum of Agreement – Contract Extension between the Town and Interim Fire Chief Richard Harris

Employment Agreement Between the Town and Interim Fire Chief Richard Harris dated March 8, 2017

BOS Recommendation – Finalist Candidates for Topsfield Fire Chief

MRI Professional Services Agreement dated 12/9/16

Cover Letter and Resume – Chief Michael Feinberg, Nahant Fire Department

Cover Letter and Resume – Captain Jenifer Collins-Brown, Topsfield Fire Department

BOS Recommendation Request – Police Motorcycle lease/donation

Letter from James P. O'Brien, General Manager, Essex Agricultural Society, dated 6/14/17

Lease Agreement between Seacoast Harley Davidson, North Hampton, NH and Topsfield Police Department

BOS Recommendation Request – Trinity Church Lease for FY18

COA – Trinity Church lease agreement for FY18

MIIA Property and Casualty Group Certificate of Insurance for Topsfield COA

Massachusetts Department of Revenue Letter from Navjeet K. Bal dated 12/1/08

BOS Recommendation Request – HVAC Contract with Ambient Temperature Corporation of Newburyport, MA

Agreement for Library Periodical Maintenance of HVAC Equipment and Controls

Contract with Ambient Temperature Corporation of Newburyport, MA

BOS Recommendation Request – Post Closure Landfill Monitoring Agreement with Weston & Sampson

Letter from Duane C. Himes, PE, PLS, TPI and Loren E. McGrath, Weston & Sampson dated March 22, 2017

Agreement for Engineering Services By and Between the Town of Topsfield, Massachusetts and Weston & Sampson Engineers, Inc.

Letter from Independent Living Center of the North Shore and Cape Ann dated May 26, 2017

Proclamation of July 26, 2017 as ADA Day in Topsfield

BOS Recommendation Request – Donibristle LAND Grant

Vote Certification of Article Thirty-Sixth from 2017 Annual Town Meeting

Election Certification – Question Two from May 4, 2017 Ballots Cast at St. Rose of Lima Church Hall, Topsfield, MA

BOS Recommendation Request – HOME Funds Appropriation

Letter from Kevin J. Hurley, North Shore HOME Consortium dated May 11, 2017

BOS Recommendation Request – Special Municipal Employee

“Meet Kristin” information from website of Kristin Palace

BOS Recommendation Request – Annual Appointments including list of appointees

BOS Recommendation Request – Amend Personnel Regulations

Page 8 from Town of Topsfield Personnel By-Laws including 'Definitions'

Page 21 from Town of Topsfield Personnel By-Laws including section 4.7 'Holidays and Holiday Pay'

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Regular Business Meeting Minutes from May 2, 2017

Regular Business Meeting Minutes from May 22, 2017

Regular Business Meeting Minutes from June 5, 2017

Executive Session Minutes from April 24, 2017

Mock Up of Page one of Proposed Website Redesign

Letter from Verizon dated June 5, 2017

Letter from Massachusetts Department of Transportation, Highway Division dated May 30, 2017

Letter from Massachusetts Department of Agricultural Resources dated May 30, 2017 and accompanying pamphlet, "Programs & Services of Interest to Municipalities"

These Minutes were accepted as written at the July 10, 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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