Town of Danvers
Board of Selectmen

Daniel C. Bennett, Chairman
William H. Clark, Jr.
Diane M. Langlais
David A. Mills
Gardner S. Trask III

POSTED
1:30P
MAR 26 2020
TOWN CLERK DANVERS

Agenda – March 30, 2020 – 4:00 P.M.

Location: Conducted by Remote Participation

1. Executive Order on Remote Participation & Remote Conduct for Open Meetings

2. The Board will consider a recommendation to delay the Annual Town Elections from May 5, 2020 to June 2, 2020 & Annual Town Meeting from May 18, 2020 to June 15, 2020.

3. The Board will consider one of the following actions with respect to the FY21 budget:

   A. Recommend the preliminary FY21 budget to the Finance Committee, subject to further revision as the fiscal impacts of COVID-19 are more fully understood.

   B. Subject to pending legislation, the Board will consider delaying submission of the FY21 budget to the Finance Committee from April 1, 2020 to May 1, 2020, or to some other date as authorized by legislation.

   C. Subject to pending legislation, no action.

4. Subject to pending legislation, the Board will consider extending the deadline for property tax exemptions and deferrals from April 1, 2020 to June 1, 2020, or to some other date as authorized by legislation.

5. Subject to pending legislation, the Board will consider waiving the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for payments made after its respective due date but before June 30, 2020, or to some other date as authorized by legislation.

6. The Town Manager will report to the Board on various items of interest.

7. The Board will consider Consent Calendar items as they appear below.

8. Correspondence, Selectmen "*New Business*," previous "*New Public Business*" updates, and Selectmen closing comments.

Consent Calendar

Common Victualler

- Residence Inn by Marriott, d/b/a Boston North Shore, 51 Newbury Street
- Boston Bread, LLC d/b/a Panera Bread, Liberty Tree Mall

Options for viewing the meeting:
Comcast: Ch. 22
Verizon: Ch. 41
Online: https://www.danversma.gov/remotemeetings/

Options for public comment (on agenda items that include public hearings):
By email: publiccomments@danversma.gov
By phone: N/A

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER SUSPENDING CERTAIN PROVISIONS OF THE OPEN MEETING LAW, G. L. c. 30A, § 20

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

PRINTED ON RECYCLED PAPER

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 5:49 PM this 12th day of March, two thousand and twenty.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts