

The regular meeting of the Danvers Select Board was held on Thursday, May 20, 2021, at 6 P.M. in the Multi-Purpose Room at the Holten-Richmond Middle School, 55 Conant Street, Danvers.

Present were Daniel C. Bennett, Chairman; Maureen A. Bernard; Matthew E. Duggan; David A. Mills; and Gardner S. Trask III, and the **Pledge of Allegiance** was recited by all in attendance.

Select Board Chair Bennett proposed to move Agenda Item No. 10 (**Board reorganization**) to the meeting's first order of business, and Board members had no objections. Town Clerk Cathy Ellsworth asked for nominations to fill the role of Chair for the coming year. Select Board member Mills nominated Gardner Trask, and the nomination was seconded by Select Board member Duggan. Select Board member Bernard nominated Daniel Bennett, and the nomination was seconded by Select Board member Duggan. There being no further nominations, Select Board Chair Bennett motioned to name Select Board Trask as Chair for the coming year, Select Board member Mills seconded the motion, and it was approved 5-0. The Board was unanimous in its praise of Select Board member Bennett for having done a wonderful job over two years and, in particular, during the course of a pandemic when communications with management were necessary on a daily basis.

On a motion by Select Board Member Bennett, seconded by Select Board Member Bernard, the Board voted 5-0 to approve the **minutes of May 6, 2021**.

New Public Business: Two specific questions by Bill Bradstreet: (1) Has the town made any progress on locating and identifying town-owned property adjacent to waterways? Town Manager reported that a grant has allowed staff to work with a survey team to identify paper streets, rights of way, and town-owned properties. (2) Is it possible to have the Municipal Light Board (MLB) explain how the \$7.50 charge came about, the necessity for it, whether it will increase yearly, and whether it's similar to the "service charge) on Water & Sewer bills to maintain the system itself? Town Manager reported that the MLB is having a deeper conversation about this system-maintenance charge and working on a way to communicate this information more clearly to ratepayers.

A public hearing was held under Chapter 138 of the General Laws the application of **Simandar Corp, d/b/a The Wine Cellar of Danvers**, 55 Needham Road, Hiren Patel (Manager), for a Transfer of an All Alcoholic Beverage Retail License previously held by RWJ Beverage (MA) LLC, including a Pledge of License at that location. Principals Hiren (Mgr.) and Haresh (Asst. Mgr.) Patel, both TIPS-certified, were accompanied by their attorney. The establishment, located with the BJ's Wholesale Club at the above location, will operate with little to no changes in terms of hours and staff. In addition, all employees are TIPS-certified, and Hiren Patel has prior experience operating a local retail liquor store. Select Board member Bennett motioned to close the public hearing, seconded by Select Board member Duggan, and approved 5-0. Select Board member Bennett motioned to approve the transfer request as presented, seconded by Select Board member Mills, and approved 5-0.

A public hearing was held under Chapter 138 of the General Laws on the application of MB Spirits, LLC, **d/b/a MB Spirits**, 139 Endicott Street, Bruce Charles Casassa, Manager, for a Transfer of an All Alcoholic Beverage Retail License, previously held by Endicott Liquors, Inc., at that location. Atty. Stephen Miller appeared on behalf of the applicant and was accompanied by Mr. Casassa (Mgr.). The Board had questions of the applicant and were satisfied to learn that the manager has prior experience in retail liquor sales, that he himself is TIPS-certified, as are all employees. Select Board member Bennett motioned to close the public hearing, seconded by Select Board member Mills, and approved 5-0. Select Board member Bennett motioned the Board to approve the transfer as requested, seconded by Select Board member Mills, and approved 5-0.

Ken Reardon appeared before the Board to request **gift acceptance** of a bronze plaque honoring veterans of all Armed Service branches. With the agreement of Rotary Club to move their memorial stone back toward the Vietnam War memorial, Board members expressed their support for the donation, suggesting, however, that it is best practice to come before the Board for approval before requesting to donate a gift of any kind. Select Board member Bernard motioned to accept the gift of both plaques on behalf of the Town, seconded by Select Board member Duggan, and approved 4-1 (Select Board Member Mills opposed).

Town Engineer Stephen King appeared before the Board regarding **sewer betterment assessments** on Dyer Court. In 2019, at the request of residents, the Engineering Division prepared an estimate for installation of a sewer main on their street. It was determined that a viable, Holten Street connection existed. The project has been completed, assessments levied (50% of main line expense and 100% of service line expense), payable when connection is made (i.e., the homes are for sale or they fail Title 5 inspections). Requiring no Board vote, members thanked the Town Engineer for the update.

Aaron Henry, Land Use & Community Services Director, provided an update on **Temporary Use Regulations** (approved by the Board in June 2020 and amended in November), allowing Town Manager and staff to address “*en masse*” what the Board would have been asked to act on individually. Staff was given the latitude to take action on behalf of the Board and permit use of outdoor, public space for use by restaurants, and there was public support for this in order to help struggling businesses. When the Governor’s emergency order is lifted on June 15, there was consensus that authority granted by the Board is rescinded as of June 16, and authority for all licensing of any type reverts to the Select Board. Existing approvals (at present c. 15) are in place for the remainder of this season, and no new applications are in the pipeline, according to Mr. Henry. In addition, with the Governor’s approval, concert venues may return to indoors, beginning June 1, which will include Breakaway and Endicott Grill.

Select Board Chair Trask requested an update on the downtown **pop-up park**. Mr. Henry reported that as of today (May 20) the Town has met its grant matching goal with “lots of small donations and a couple of large ones.” Materials have been ordered (although some are hard to find) and a “soft” opening is anticipated over Memorial Day weekend.

Opening remarks included thanks to Town Treasurer Jill Summit and Hilltop for keeping the Town apprised of opportunities such as this, Finance Director Rodney Conley reported to the Select Board on the **sale of \$19.61 million in General Obligation Refunding Bonds** related to existing school, water, drainage, and electric debt. On a motion by Select Board member Duggan and seconded by Select Board member Bennett, the Board voted 5-0 on the following:

VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Danvers, Massachusetts (the “Town”), certify that at a meeting of the board held May 20, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Further Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the outstanding amount of the Town’s (i) \$23,975,000 General Obligation Municipal Purpose Loan of 2011 Bonds, Series A dated July 7, 2011 maturing on July 1 in the years 2022 through 2036, inclusive, in the aggregate principal

amount of \$16,865,000 and (ii) \$9,349,000 General Obligation Municipal Purpose Loan of 2011 Bonds, Series B dated July 7, 2011 maturing on July 1 in the years 2022 through 2036, inclusive, in the aggregate principal amount of \$5,270,000, and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$19,610,000 General Obligation Refunding Bonds of the Town dated May 27, 2021 (the “Bonds”) to BofA Securities, Inc. at the price of \$22,760,474.04 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on July 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$1,025,000	5.00%	2030	\$1,405,000	5.00%
2023	1,065,000	5.00	2031	1,445,000	5.00
2024	1,105,000	5.00	2032	1,405,000	2.00
2025	1,160,000	5.00	2033	1,435,000	2.00
2026	1,190,000	5.00	2034	1,460,000	2.00
2027	1,240,000	5.00	2035	1,495,000	2.00
2028	1,300,000	5.00	2036	1,520,000	2.00
2029	1,360,000	5.00			

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 27, 2021 and a final Official Statement dated May 6, 2021 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated May 27, 2021, between the Town and U.S. Bank National Association as Refunding Escrow Agent.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Doc-

ument; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Dated: May 20, 2021

Catherine S. Ellsworth
Clerk of the Select Board

Individual Select Board members spoke of their priorities drawn from the **Welcoming Committee Working Group’s (WWCWG) Final Report**, with agreement that those priorities should be reasonable, attainable, and have a consensus from stakeholders. Select Board member Mills praised the work of the group but had no specific items which he found to have more importance than others. There was robust discussion which followed with particular mention made of item Nos. 10, 12, 13 and 16. Select Board members noted that it could prove helpful to categorize priorities such as (1) personnel; (2) policy; and (3) assess, review and communicate. It is also anticipated that the Human Rights & Inclusion Committee will have thoughts/comments to add to the discussion. The community will also be encouraged to be involved in the discussion.

WWCWG member Powers expressed his concern that a priority should be to have a person in place to whom community members may reach out, not necessarily a “new hire” but someone to coordinate the input from community and to coordinate activities. He closed with the comment that “Although No. 1 wasn’t a big hit, it was my favorite.” His comment was supported by several audience members.

Town Manager Report included the following:

- Thanks to Georgia Pendergast and Nick Campion for outreach to community regarding the pop-up park funding. More attention to the aesthetics in June.
- Participated in Ch. 5 “Chronicle” interview w/Erika Moretti at Endicott Park, to air in a couple weeks.
- Peabody gas plant proposal paused while under review. Comments may be made at MMWEC.org.
- Smith School tour on Wednesday, May 26.

- Staffing update: Current Deputy Building Dir. in Gloucester, Jim Butler on board in Danvers as Inspectional Services Mgr., beginning June 1. Appreciation for Pete Swindell’s work to keep things moving forward during transition.
- Civil Services results (Police Chief and Captain) expected in June perhaps by 6/29 DSB meeting

Correspondence, **Select Board “New Business,”** previous “New Public Business” updates, and **Select Board closing comments.**

- **Select Board member Bernard** reported that DHA vaccination rate 90%. Thanks to Cindy Dunn for her hard work, as DHA contemplates a pet policy, and handicap accessible project at Hawkes Manor funded from grant money moves ahead. Rail Trail seeking donations (contact Larry Perrault). Thanks to DPW for culvert repair.
- **Select Board member Mills** reported that Senior Center excited to plan reopening; staff has done excellent work. Cable Advisory negotiating with Comcast for 3-yr. interim contract so that contract negotiations with Verizon will be synchronized. Pride flag raising on June 3 at Town Hall. Juneteenth program on-line.
- **Select Board member Bennett:** Friends of COA presented citation to Pam Parkinson & staff from State Legislature for their work to help seniors throughout the pandemic. Best wishes to DFD secretary Nancy Libby who is retiring effective May 28. Remember all veterans all the time, especially on Memorial Day.
- **Select Board member Trask:** Maple Court at corner of Hobart and Maple (former Hotwatt) planning 120 units of housing with 24 affordable, bringing the Town over the 10% threshold. Zoning by-law changes to provide consistency across the town, rather than inclusionary zoning within pockets across Danvers. Condolences on death of former DPD Sgt. Richard Stoney, 38-yr. member of the DPD who retired in 2021
- Board members expressed appreciation for the 57-minute Annual Town Meeting on May 17, 2021 acknowledging the hard work of the Town Moderator, Finance Committee, 144 citizens (Town Meeting members), management and staff who left no questions unanswered and contributed to the meeting’s success. Second June meeting of DSB to move from 6/24 to 6/29, 6 P.M., Daniel J. Toomey Hearing Room.

On a motion by Select Board member Bennett, seconded by Select Board member Bernard, the Board voted 5-0 to approve the **2021 Consent Calendar** as presented:

Banner: Walk for Hospice, over High Street, September 6-12, 2021 (virtual event)

Livery: JND Transportation, Inc., d/b/a JND Transportation, 5 Dyer Court, Apt. A1

Gas Storage: Hutchinson III Realty, d/b/a BJ’s Gas, 51 Needham Road

Select Board Notes & Reminders

- Next Select Board Meetings at **6 P.M.** in the **Daniel J. Toomey Hearing Room, Tuesday, June 29** [please note new date], and **Tuesday, August 17**
- Town offices closed on **Monday, July 5**, in observance of the July 4 (Sunday) holiday

The meeting was adjourned at 8:20 P.M.

Attest: Catherine S. Ellsworth
Town Clerk