

BOARD OF SELECTMEN
Proctor School Library
Minutes of January 30, 2012

Chairman Laura Powers called the meeting to order at 7:30PM. Board members present, in addition to Chairman Powers, were Martha Morrison, Dick Gandt, and Ken Vogel. Eldon Goodhue was absent. 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 Evelyn Hammond and Walter Harmer, Tri-Town Transcript reporter Suzanne Snell, Treasurer/Collector Barbara Michalowski, Town Clerk Paula Burke, Renewable Energy/Green Communities Committee members Chip Goudreau and Joe Geller, ET Johnson owner Beth Johnson and resident Kim Sherwood.

ANNOUNCEMENTS:

Chairman Laura Powers announced that Topsfield's 2011 Annual Report was awarded FIRST place in Category II of the Massachusetts Municipal Associations (MMA) annual contest. Chairman Powers and Selectman Gandt were present at the MMA annual meeting to receive the plaque. Kudos were offered to Beth Johnson of ET Johnson, vendor used to publish the report. Ms. Johnson commented that it is a joint effort of the Town Administrator, Virginia Wilder, Community Development Coordinator, Roberta Knight and Board Secretary Donna Rich.

Chairman Laura Powers announced a reminder from the Treasurer Collector's office: 3rd quarter taxes for the Fiscal 2012 are due Wednesday, February 1st and payments can be made by mailing your tax payments to our Town's lockbox at Century Bank in Medford Massachusetts, or by paying online at the Town's website. If Taxpayers have questions they can call the Treasurer Collector's office at 978-887-1511.

APPOINTMENTS:

7:30 – Town Bonds- Treasurer/Collector Barbara Michalowski was present to report that the refunding of 2002 municipal bonds of \$5,740,000 would yield a grand savings of \$1,946,000. Chairman Powers noted that in the absence of the Board's clerk, Eldon Goodhue, she would like to appoint Selectman Gandt as clerk for the day. Selectman Morrison made a motion to appoint Selectman Gandt as Board of Selectmen Clerk of the evening of January 30, 2012, seconded by Selectman Vogel; so voted: 4-0. As Clerk, Selectman Gandt made a motion:

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 or a portion of the Town's \$9,374,000 General Obligation Municipal Purpose Loan of 2002 Bonds dated March 15, 2002 maturing on March 15 in the years 2013 through 2022, inclusive (the "Refunded Bonds"), 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: that the sale of the \$1,946,000 General Obligation Refunding Bonds of the Town dated February 14, 2012 (the "Bonds"), to Janney Montgomery Scott Limited Liability Corporation at the price of \$2,068,786.67 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on February 15 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>
2013	\$176,000	2.00%	2018	\$200,000	3.00%
2014	180,000	3.00	2019	210,000	4.00
2015	185,000	3.00	2020	210,000	2.00
2016	190,000	3.00	2021	200,000	2.00
2017	195,000	3.00	2022	200,000	2.00

Further: 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 January 18, 2012, and a final Official Statement dated January 25, 2012 (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: that the Town Treasurer and the Board of Selectmen 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: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the 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.

Further: that each member of the Board of Selectmen, 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.

Seconded by Selectman Morrison; so voted: 4-0.

Selectman Gandt reported that the bonds would yield a savings of roughly \$100,000 a year and was good for the Town. The Board signed the appropriate paperwork and the Town Clerk was present to certify the signatures and place the Town seal on the documents. The Board thanked the Finance Team for their efforts in this process.

GENERAL BUSINESS

New Business

Investment Grade Energy Efficiency Audits: Selectman Morrison made a motion to approve a contract to participate in the Massachusetts Area Planning Council (MAPC) coordinated Energy Efficiency Performance Contract of Investment Grade Energy Efficiency Audits of the Town buildings with Ameresco, Framingham MA in an amount of 4.5 cents per sq.ft. per building, and for the Chairman to sign, seconded by Selectman Vogel; so voted: 4-0. Renewable Energy/Green Communities Committee member Chip Goudreau was present to emphasize the program’s cost savings potential for the Town.

Town Hall Thermostats: Selectman Morrison made a motion to approve the purchase and installation of 14 Bay Web computer controlled thermostats from Bay Web LLC of Maumee, Ohio for the Town Hall offices in the not to exceed amount of \$4,500, seconded by Selectman Vogel; so vote: 4-0. Renewable Energy/Green Communities Committee member Joe Geller was present to explain the estimated Town Hall energy saving potential of the new thermostats.

Holocaust Remembrance Day: Selectman Vogel made a motion to participate in the Holocaust Awareness Week, April 15-21 and for the Chairman to sign the proclamation, seconded by Selectman Morrison; so voted: 4-0. Chairman Powers read the proclamation.

Dog Hearing: Selectman Morrison made a motion to uphold the restraining order issued by the Animal Control Officer on November 2, 2011 and that the dog Winston is to be restrained to his owner's property except when walked on leash, seconded by Selectman Gandt; so voted: 4-0. Selectman Gandt requested the inclusion of a letter from Hydrant Regency regarding Winston, that had been submitted during the hearing, as Exhibit 18. Selectman Morrison noted that the Town has no leash law; however, the Canine Bylaw states that homeowners have the right to not allow dogs on their property.

Liaison Reports

Selectman Morrison appeals to residents to visit town government meetings so as to spark an interest in joining a committee/board or commission. Also mentioned was the Historical Commission reports that the Massachusetts Preservation Projects Fund Grant applications are available and due March 30, 2012.

Town Administrator's Report:

- Regional Emergency Communication Center update: The Executive Board had chosen a Director, Thomas Dubis, from Pennsylvania.
- Annual Report: announced work had begun on the new edition
- Union Negotiations: of seven unions, six (6) remain un-settled
- Meetings occurred with the Finance Team, Public Safety, and General Services
- 2012 Warrant: a very rough draft was presented. The Board had some initial comments,

New Business (continued)

Massachusetts Municipal Association (MMA) Annual Meeting: Chairman Powers reported that she and Selectman Gandt attended the annual MMA meeting last weekend. A few highlights were sessions on: performance based compensation and storm water management.

Selectmen Minutes:

Selectman Morrison made a motion to accept the Working Session Minutes of December 12, 2011 as presented; seconded by Selectman Vogel; so voted 4-0.

Selectman Morrison made a motion to accept the Working Session Minutes of December 13, 2011 as presented; seconded by Selectman Vogel; so voted 4-0.

Selectman Morrison made a motion to accept the Working Session Minutes of December 20, 2011 as presented; seconded by Selectman Vogel; so voted 4-0.

Selectman Morrison made a motion to accept the Minutes of January 3, 2012 as presented; seconded by Selectman Vogel; so voted 4-0. Then, Selectman Gandt requested a reconsideration of a vote on Non-Represented Employees FY13 pay grid to change statement: "were on the payroll in FY2009" to "were on the payroll in FY2010", Selectman Morrison seconded; so voted: 4-0.

Selectman Morrison made a motion to accept the Minutes of January 17, 2012 as presented; seconded by Selectman Gandt; so voted 3-0-1. Selectman Vogel abstained.

Correspondence & Reports

Correspondence

Board of Health: Thank you letter received for the flu clinic held at the Holiday Walk.

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Meeting Minutes: Attorney General sent an answer to the Open Meeting Law question regarding the listing of documents in minutes.

Zoning Issue: Kopelman & Paige PC has sent a memorandum regarding an Appeals Court rejecting the need for a variance when altering or expanding nonconforming single and two-family dwellings.

Reports

MBTA Advisory Board sent a report detailing the increase in rates and decrease in services. Board of Assessors submitted Minutes of December 9th.

Warrants: The Selectmen signed and approved warrants in the amount of **\$ 151,344.67**. The breakdown is as follows:

Warrant FY12:	
061T	\$ 86,654.81
062	\$ 64,689.86

At 8:50 PM, Selectmen Gandt made a motion to adjourn and Selectman Morrison seconded the motion; so voted: 4-0.

Respectfully submitted,

Donna Rich, Secretary
Selectmen's Office

Approved as amended at the February 13, 2012 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. Refunding Bond 2002 information
3. Recommendation for Ameresco Investment Grade Energy Efficiency Audit
4. Recommendation for programmable thermostats for Town Hall
5. Proclamation for Holocaust Remembrance Day
6. Findings of dog hearing of January 18th
7. Preliminary BOS Minutes – 12/12/11, 12/13/11, 12/20/11, 1/3/12, 1/17/12
8. Letters from Board of Health, Attorney General, and Kopelman & Paige PC.
9. Minutes from Board of Assessors

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.