



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

**Minutes of Monday, October 16, 2017
7:30 PM**

Board Members present were Chairman Boyd Jackson, Clerk Mark Lyons and Selectmen Richard Gandt and John K. Spencer. Selectman Laura Powers was not in attendance. Of the Selectman's Staff, Town Administrator Kellie Hebert and Administrative Assistant and Recording Secretary Susan Winslow were in attendance.

Also in attendance were Fire Chief Jenifer Collins-Brown, Finance Committee Member Jon Guido and Town Moderator Steve Whelan. Members of Girl Scout Troop 66091 in attendance included Leaders Christine Connelly and Sian Wingerup and Scouts Jenny Conant, Melissa Driver, Olivia Inman, Sarah Martin and Linnea Wingerup. Residents in attendance included Jerry Buckley, Richard Cullinan, Jeanine Cunniff, David Larson, Curtis Niehaus, William Nyland, Toni Pizzinato, Linda Ross, Bob Sapienza, Roberta Sapienza, Kim Sherwood, Jessica Steffens, and Elizabeth Wilson. Ben and Maddie Demers from Boxford Cable Television and Doreen Burliss from the Tri-Town Transcript were in attendance.

CALL TO ORDER

Chairman Boyd Jackson called the meeting to order at 7:31 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.
- E-Alerts: It is now possible to sign up for E-alerts on the Town Website. The Website also has Calendars for Meetings, Community Events, Services and Seniors.

Selectman Spencer announced:

- White Goods and Metal Pick Up will be this week on your regular trash pick-up day October 18, 19 and 20th. No items containing Freon or other coolants (such as refrigerators or air conditioners) will be accepted. For safety, powered appliances must have gasoline and oil removed or they will not be accepted. Please make sure items are curbside by 7 AM.

Selectman Jackson announced:

- Household Hazardous Materials Drop Off Day is Saturday, October 28 at the Masconomet Regional High School Parking Lot from 9 AM – 1 PM. Please see the Town website for more information.

Selectman Spencer announced:

- The Topsfield Board of Health and the VNA are hosting a no-cost Flu Vaccine Clinic on Wednesday, October 25 from 1 – 4 PM at the Emerson Center. While the vaccine clinic is being offered at no charge, please bring your health insurance card.

Selectman Gandt announced:

- The Topsfield Historical Society is hosting 'Witches' Roost' a Halloween Party for children up to mid-elementary school age at the Gould Barn on Sunday, October 29th at 2 pm. Admission is free.

Selectman Jackson announced:

- The Open Space Committee sent a letter to residents about the online Survey and it is also available at Town Hall or the Library. Residents are asked to complete the Survey before October 31, 2017. For more information, please see the Town Website. There will be a Public Forum on November 6, 2017 at the Library at 7:30 pm to discuss the results of the Open Space and Recreation Study.

Selectman Gandt announced:

- American Legion Post 255 will be hosting a Veterans Day Ceremony on Saturday, November 11 at 11:00 AM on the Veterans Green in front of the Town Library.

Selectman Spencer announced:

- The October 30 Board of Selectmen Meeting will be held in the Proctor School Cafeteria because the Proctor School Book Fair will be held in the Library that night. Please note that the meeting will be recorded for re-broadcast, but it will not be broadcast live.

Selectman Jackson announced:

Executive Session:

- The Board will meet in Executive Session under Exemption #3 to discuss strategy with respect to collective bargaining or litigation, specifically for the Topsfield Police Benevolent Association, Full Time Firefighters 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 Open Session.

CITIZEN COMMENTS AND QUESTIONS

Girl Scouts Gold Award: Chairman Jackson introduced members of Girl Scout Troop 66091 including Troop Leaders Christine Connelly and Sian Wingerup and Gold Award recipients Jenny Conant, Melissa Driver, Olivia Inman, Sarah Martin and Linnea Wingerup.

The Gold Award is the highest level of achievement in Girl Scouting. Selectman Spencer presented each of the Scouts with a Certificate of Achievement signed by the Selectmen and the Selectmen congratulated the Scouts.

Residents Jeanine Cunniff and Eldon Goodhue appeared as spokespeople for Taxwise Topsfield, a group of residents who are concerned about the Town's taxes and finances.

Resident Kim Sherwood appeared before the Selectmen to ask if they had made a decision on listening sessions, following a discussion by the Selectmen at the August 2, 2017 Board of Selectmen Working Session. Chairman Jackson responded that the Board has not taken action on listening sessions at this time.

Resident Jerry Buckley appeared before the Board of Selectmen to inform them that he was a Selectman forty years ago. He listed his accomplishments during his three-year term and expressed concerns.

NEW BUSINESS

7:45 Public Hearing: Request from Ripal Patel for permission for a non-conforming sign for Country Farms store, 20-24 Main Street, Topsfield. Clerk Mark Lyons read the following Legal Notice that was duly posted in the Salem Evening News on September 29, 2017:

"Town of Topsfield Board of Selectmen

Notice is hereby given that on Monday, October 16, 2017 at 7:45 PM, a public hearing will be held in the Proctor School Library on the application for Country Farm seeking a special permit under Article XIII, Section 13.3 of the Sign Regulation Zoning By-law to change a sign at 20-24 Main Street, Topsfield, MA. Boyd R. Jackson, Chairman, Board of Selectmen"

Town Administrator Hebert informed the Board that due to a death in the family, the applicant requested that this hearing be continued to the October 30, 2017 meeting. Clerk Mark Lyons made a motion to continue this hearing to the October 30, 2017 Board of Selectmen Meeting. Seconded by Selectman Gandt, so voted 4-0.

Appointment to Council on Aging: Selectman Spencer made a motion to appoint Lynne Bermudez to the Council On Aging Board of Directors for a three year term. Seconded by Selectman Gandt, so voted 4-0. The Board thanked Ms. Bermudez for her willingness to volunteer for this position.

Funding Agreement: Selectman Spencer made a motion to accept and enter into a Title III-B Funding Agreement with SeniorCare Inc., the Town's service agency out of Gloucester, MA, for the amount of \$2,438 for both FY18 and FY19 for transportation expenses, and for the Chair to sign. Seconded by Selectman Gandt who explained that this agreement runs on a federal fiscal year which starts on October 1, so voted 4-0.

Clean Harbors Agreement: Selectman Spencer made a motion to award a service agreement for Household Hazardous Waste Collection to Clean Harbors Environmental Services of Braintree MA for \$4,000 and for the Chair to sign. (Event to be held at Masconomet High School on October 28, 2017). Seconded by Selectman Gandt, so voted 4-0.

Bond(s) Approval and BAN(s) Approval

Town Administrator Kellie Hebert gave a summary of BAN(s) and the Bond(s) being brought before the Selectmen at this time.

Ms. Hebert explained that the Town was recently awarded AA+ Bond Rating from S&P Global, which will allow the Town to obtain low interest rates on borrowing. Ms. Hebert praised the contributions of the Finance Team including Town Accountant Catherine Gabriel, Treasurer/Collector Barbara Michalowski, Primary Assessor Toulia Guarino and Community Development Director and Purchasing Agent Donna Rich as well as the efforts of the Town Finance Committee.

Clerk Mark Lyons made a motion to approve the BAN(s) and Bond(s) as outlined in the attached document. Seconded by Selectman Spencer.

Discussion ensued regarding the debt. Town Administrator Hebert explained that all borrowing has been approved by Town Meeting and the Town has followed the direction of the Department of Revenue through the technical and statutory advice of the Treasurer and Bond Counsel. Ms. Hebert emphasized that the Town has a strong and stable financial basis. Chairman Jackson read from the letter from S&P Global in which the Town is described as, "strong in our opinion," and "liquidity is very strong." Selectman Spencer explained that by structuring some of the debt out to a longer payback, the Town will be able to more easily manage this debt as one bond is retired and repayment on the new one begins.

Selectman Gandt expressed concern that the principle amounts for some projects are loaded to the latter years for repayment. He asked that for future bond issuance the Board be engaged earlier in the decision process.

Chairman Jackson then called for a vote, so voted 4-0.

Weston and Sampson Contract Approval for Valve Replacement: Selectman Spencer made a motion to approve a contract for a valve box replacement repair at the Topsfield Sanitary Landfill for \$6,000 with Weston & Sampson Engineers Inc. of Peabody, MA as requested and recommended by the Park and Cemetery Commissioners. Seconded by Selectman Gandt, so voted 4-0.

Weston and Sampson Contract Approval for Certification Report and As-Built Plan: Selectman Spencer made a motion to approve a contract for Topsfield Landfill Certification Report and As-built Plan Services at Pye Brook Park for \$4,500 with Weston & Sampson Engineers Inc. of Peabody MA as requested and recommended by the Park and Cemetery Commissioners. Seconded by Selectman Gandt, so voted 4-0.

Public Disclosure of Exemption: Chairman Jackson moved to accept the Public Disclosure of Exemption under M.G.L. 19(b)(1), exempting the Fire Chief from the prohibition against participating in a matter in which the Chief has a financial interest. Seconded by Selectman Spencer. Town Administrator Kellie Hebert informed the Board that she conferred with Town Counsel and this item did not require a vote, as it is a simple public disclosure to maintain full transparency relative to the Fire Department payroll in accordance with state law. Ms. Hebert informed the Board that while the Fire Chief will be signing payroll warrants that may include her son, Conor Brown and her husband, Charles Brown, all remuneration for both Firefighters is covered by collective bargaining. As an added measure of transparency, the Town Administrator will also be reviewing and signing the weekly Fire Department payroll warrants.

TOWN ADMINISTRATOR'S REPORT

(Administrative Note: the Town Administrator's Report is intended to provide Board Members and Citizens with a brief update and reports of progress regarding the many various tasks and major projects that have been assigned to the Tow Administrator or Town Department Heads. The TA Report is not intended to engage the Board with any lengthy discussion or questions requiring detailed background information. While limited questions and comments may be easily addressed at the end of the Report – it is recommended that certain questions or requests be referred to the Town Administrator for further research. Also, Board Members may also request that a specific matter be added to the next meeting agenda for a formal discussion and official deliberation.)

(Legal Note: Per Open Meeting Law, Board Members' personal opinions or member deliberations should NOT be offered during the Town Administrator's Report on matters that have not been publicly posted on the agenda; alternatively, for matters or items regarding issues of public decision making and further research and deliberation, the Board may consent, or take a vote, to add any specific topic to the next regular meeting agenda in order to allow the entire Board to engage in a full discussion, deliberation and formal vote following a duly posted meeting and agenda notice to all citizens with 48 hours advance notice.)

The Town Administrator informed the Board that due to the preparation for the BAN and Bond, there was no report for this meeting and she will update the Board at the October 30, 2017 meeting.

APPROVAL OF MEETING MINUTES

September 11, 2017 Regular Business Meeting: Selectman Gandt made a motion to approve the September 11, 2017 Meeting Minutes as amended. Seconded by Selectman Spencer, so voted 4-0.

September 14, 2017 Working Session: Selectman Gandt made a motion to accept the September 14, 2017 Meeting Minutes as written. Seconded by Selectman Spencer, so voted 4-0.

September 18, 2017 Joint Meeting with the Finance Committee: Selectman Gandt made a motion to accept the September 18, 2017 Minutes as written. Seconded by Selectman Lyons, so voted 3-1 with Selectman Spencer abstaining.

September 25, 2017 Regular Business Meeting: Selectman Gandt made a motion to accept the September 25, 2017 Minutes as written. Seconded by Selectman Lyons, so voted 3-1 with Selectman Spencer abstaining.

May 22, 2017 Regular Business Meeting: Selectman Gandt made a motion to revise the Minutes of May 22, 2017. Seconded by Selectman Jackson, so voted 4-0.

EXECUTIVE SESSION

At 9:30 PM, Chairman Jackson made a motion to enter into closed Executive Session, with the meeting to adjourn at the conclusion of Executive Session without returning to Open Session. Seconded by Selectman Gandt.

Roll Call Vote to enter into Executive Session:

Jackson – Yes

Lyons – Yes

Gandt – Yes

Spencer - Yes

So voted 4-0. The Board entered Executive Session at 9:30 PM.

DOCUMENTS

1. Agenda
2. Detailed Agenda
3. Invitation to Troop 66091 Gold Award Ceremony
4. Achievement Awards to Jenny Conant, Melissa Driver, Olivia Inman, Sarah Martin and Linnea Wingerup
5. Letter to Board of Selectmen and Finance Committee from Tax Wise Topsfield
6. Application for permission for non-conforming sign for Country Farms
7. Assessor's card for Country Farms
8. photo of proposed sign for Country Farms
8. Drawing of location for proposed sign for Country Farms
9. Building permit application for non-conforming sign for Country Farms
10. Permit denial from Glenn Clohecy, Inspector of Buildings and Zoning Enforcement officer regarding application for non-conforming sign for Country Farms
11. Certificate of Liability Insurance for North Shore Signorama
12. Board of Assessors form for a certified abutters list
13. 300 foot abutters list report for Country Farms
14. Legal Notice re: Public Hearing for Request for non-conforming sign for Country Farms
15. Assessors Map for 24 Main Street
16. BOS Recommendation Request from the Council On Aging for Appointment of Lynne Bermudez to Board of Directors for the Council on Aging
17. Letter to the Board of Selectmen from Penny Rogers, Council On Aging Board Chair
18. Board of Selectmen Committee, Board or Commission Volunteer Form for Lynne A. Bermudez
19. BOS Recommendation Request from Paula Burke, Council on Aging Executive Director regarding SeniorCare Inc., Title III-B Funding Agreement
20. Letter from Linnea Hagberg, Director of Community Programs and Planner for SeniorCare
21. SeniorCare Inc. Title III-B Funding Agreement
22. 651 CMR 9.00 DEPARTMENT OF ELDER AFFAIRS ADJUDICATORY RULES OF PRACTICE AND PROCEDURES IN CLAIMS RELATING TO CONTRACTS AND GRANTS FUNDED BY TITLE III

23. BOS Recommendation Request from Donna Rich, Purchasing Agent for 2017 Household Waste Collection Agreement
24. BOS Recommendation Request from Barbara Michalowski, Treasurer/Collector, Vote for Borrowing Projects re the Bond
25. Document dated October 11, 2017, 'Sources and Uses of Funds' Town of Topsfield, Massachusetts, Financing 2017
26. Vote of the Board of Selectmen regarding the Bond
27. Document, Town of Topsfield October 20, 2017 Bonds
19. S&P Global Ratings Direct® Summary: Topsfield, Massachusetts; General Obligation
20. S&P Global Ratings Direct® Summary: Financial Management Assessment
21. BOS Recommendation Request from Barbara Michalowski Vote for Borrowing Projects re the BAN
22. BOS Recommendation Request from Donna Rich on behalf of the Park & Cemetery Department re: Landfill Gas Management System Valve Box Work
23. Agreement for Engineering Services By and Between the Town of Topsfield, Massachusetts and Weston & Sampson Engineers, Inc. for landfill gas management system repair activities at the former Topsfield Sanitary Landfill
24. BOS Recommendation Request from Donna Rich on behalf of the Park & Cemetery Department re: Landfill Certification Report and As Built Plan services at Pye Brook Park
25. Agreement for Engineering Services By and Between the Town of Topsfield, Massachusetts, and Weston & Sampson Engineers, Inc., re: preparation of Landfill Certification Report and As-Built Plan Services.
26. Disclosure by Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority as Required by G.L. c. 268A, §19
27. Meeting Minutes for September 11, 2017
28. Meeting Minutes for September 14, 2017
29. Meeting Minutes for September 18, 2017
30. Meeting Minutes for September 25, 2017
31. Letter from Topsfield American Legion Post 255
32. Email to Fire Chief Collins-Brown from Paul and Susan Lima thanking the Topsfield Fire Department for assistance
33. Letter from Ipswich Acting Fire Chief Andy Theriault thanking the Topsfield Fire Department for assistance
34. Letter from the Department of Environmental Protection re: awarding of \$6,600 grant to Town of Topsfield
35. Flyer from Sovereign Grace Church announcing Parenting in the 21st Century group discussion event
36. Household Hazardous Waste Collection Day Flyer
37. Letter from Assistant Majority Whip Joan B. Lovely and Assistant Minority Leader Bradford R. Hill supporting the Town's Tier 3 Project Application Funding Request for the Complete Streets Program

Minutes were accepted as written at the November 13, 2017 Board of Selectmen Meeting.

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.

VOTE OF THE BOARD OF SELECTMEN

Voted: that the sale of the \$4,633,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated October 20, 2017 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$4,821,472.72 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on October 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>
2018	\$208,000	3.000%	2027	\$205,000	3.000%
2019	235,000	3.000	2028	205,000	3.000
2020	240,000	3.000	2029	200,000	3.000
2021	250,000	3.000	2031	410,000	3.000
2022	240,000	4.000	2033	425,000	3.000
2023	245,000	4.000	2035	415,000	3.000
2024	240,000	4.000	2037	305,000	3.125
2025	205,000	4.000	2042	395,000	3.250
2026	210,000	3.000			

Further Voted: that the Bonds maturing on October 15, 2031, October 15, 2033, October 15, 2035, October 15, 2037, and October 15, 2042 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due October 15, 2031

<u>Year</u>	<u>Amount</u>
2030	\$205,000
2031*	205,000

*Final Maturity

Term Bond due October 15, 2033

<u>Year</u>	<u>Amount</u>
2032	\$210,000
2033*	215,000

*Final Maturity

Term Bond due October 15, 2035

<u>Year</u>	<u>Amount</u>
2034	\$220,000
2035*	195,000

*Final Maturity

Term Bond due October 15, 2037

<u>Year</u>	<u>Amount</u>
2036	\$155,000
2037*	150,000

*Final Maturity

Term Bond due October 15, 2042

<u>Year</u>	<u>Amount</u>
2038	\$75,000
2039	75,000
2040	80,000
2041	80,000
2042*	85,000

*Final Maturity

Further Voted: to approve the sale of \$3,500,000 General Obligation Bond Anticipation Notes of the Town dated October 20, 2017, payable October 19, 2018 (the "Notes"), at par and accrued interest plus the premiums indicated as follows:

<u>Number</u>	<u>Denomination</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Purchaser</u>
1	\$2,000,000	2.00%	\$16,606.00	Oppenheimer & Co., Inc. Jefferies LLC
2	1,500,000	2.25	15,495.86	

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 October 3, 2017, as amended on October 10, 2017 and a final Official Statement dated October 11, 2017 (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 in connection with the marketing and sale of the Note[s], the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 3, 2017, and a final Official Statement dated October 10, 2017, 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: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: 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 and Notes.

Further Voted: 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.